



**In The
Court of Appeals
Seventh District of Texas at Amarillo**

No. 07-16-00410-CV

IN THE INTEREST OF X.H., A CHILD

**On Appeal from the 140th District Court
Lubbock County, Texas
Trial Court No. 2015-515,369, Honorable Jim Bob Darnell, Presiding**

May 2, 2017

MEMORANDUM OPINION

Before QUINN, C.J., and CAMPBELL and PIRTLE, JJ.

In this appeal, the mother of X.H.¹ challenges the district court's order terminating her parental rights. Appellee is the Texas Department of Family and Protective Services.

On the mother's appeal, her appointed counsel filed a brief pursuant to *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). See *In re P.M.*, No. 15-0171, 2016 Tex. LEXIS 236, at *8, n.10 (Tex. Apr. 1, 2016) (per curiam) (application

¹ To protect the child's privacy, we will refer to the parent as "the mother" and the child by his initials. See TEX. FAM. CODE ANN. § 109.002(d) (West 2014); TEX. R. APP. P. 9.8(b).

of *Anders* procedures in parental-rights termination cases) (citing *In re D.A.S.*, 973 S.W.2d 296, 297 (Tex. 1998)). The brief stated counsel's opinion that a thorough review of the appellate record revealed no arguably meritorious point for reversal of the district court's order. As is required of an appellate court who receives an *Anders* brief, we conducted our own review of the appellate record. *In re L.J.*, No. 07-14-00319-CV, 2015 Tex. App. LEXIS 427, at *3-4 (Tex. App.—Amarillo Jan. 15, 2015, no pet.) (mem. op.) (citing *Penon v. Ohio*, 488 U.S. 75, 80, 109 S. Ct. 346, 102 L. Ed. 2d 300 (1988)). After doing so, we granted appointed counsel's request for permission to withdraw from the appeal, abated the appeal and remanded the case to the trial court for appointment of new counsel.² Our order pointed out an issue relating to the de novo hearing conducted by the district court on the mother's request after the bench trial held by the associate judge resulted in an order of termination.³ We requested briefing on that issue and on any other issues new counsel desired that we review.

After the appointment of new appellate counsel the appeal was reinstated and counsel submitted a brief on the merits. As we requested, counsel has addressed the issue we identified. The brief contends the mother was denied a proper de novo hearing by the district court. After consideration of the mother's brief and the response of the Department, and after further review of the record, we overrule the mother's appellate issue.

² *In re X.H.*, No. 07-16-00410-CV, 2017 Tex. App. LEXIS 1011 (Tex. App.—Amarillo Feb. 6, 2017, per curiam order).

³ A jury was not requested for the hearing de novo.

No issue on appeal has been raised challenging the sufficiency of the evidence to support the grounds for termination or the court's finding termination was in the child's best interest. See TEX. FAM. CODE ANN. § 161.001 (West Supp. 2016).

The trial court's judgment is affirmed.

Per Curiam