



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

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No. 07-22-00018-CV

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IN THE INTEREST OF A.M. AND A.M., CHILDREN

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On Appeal from the County Court at Law No. 1  
Randall County, Texas  
Trial Court No. 79022-L1, Honorable James Anderson, Presiding

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April 21, 2022

**MEMORANDUM OPINION**

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

The trial court terminated Mother, D.M.’s parental rights to her two children, “A.M.1” and “A.M.2,” and she appealed from that judgment.<sup>1</sup> D.M.’s appointed counsel filed a motion to withdraw, together with an *Anders*<sup>2</sup> brief in support thereof. In the latter, counsel certified that he diligently searched the record and concluded that the appeal was without merit. In two letters to Mother, appellate counsel informed Mother of her right to file a pro se response and provided a copy of the appellate record. The Court also notified Mother

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<sup>1</sup> To protect the children’s privacy, we refer to the parents and children by their initials. See TEX. FAM. CODE ANN., § 109.002(d); TEX. R. APP. P. 9.8(a), (b). A.M.1 refers to the child of D.M. born in 2018. A.M.2 refers to the child of D.M. born in 2020. The parental rights of their father, J.M., were also terminated, but he did not appeal from that decision.

<sup>2</sup> *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967).

of her right to file her own brief or response if she wished to do so. To date, no response has been received.

In compliance with the principles enunciated in *Anders*, appellate counsel discussed potential areas for appeal concerning the four grounds on which the trial court relied to terminate Mother's parental rights under subsections 161.001(b)(1)(D), (E), (N), and (O) of the Texas Family Code. Counsel's discussion encompassed the sufficiency of the evidence to support (1) all four statutory grounds on which termination was based and (2) the finding that termination was in the children's best interest. Per our obligation specified in *In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet denied) (citing *Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005)), we too reviewed the appellate record in search of arguable issues for appeal. None were found.

Per the guidance of the Supreme Court of Texas in *In re N.G.*, 577 S.W.3d 230 (Tex. 2019) (per curiam), we also conducted an independent review of the evidence underlying the trial court's findings that termination was warranted under sections 161.001(b)(1)(D) and (E) of the Texas Family Code. *In re L.G.*, 596 S.W.3d 778, 781 (Tex. 2020) (per curiam) (court of appeals erred "by not detailing its analysis [on (D) and (E)] as required by [*In re N.G.*]." The evidence shows:

- (1) In 2018, A.M.1 tested positive for methamphetamine and marijuana at birth, as did Mother.
- (2) In 2020, Mother used methamphetamine one week before delivering A.M.2, and smoked marijuana hours before delivering A.M.2.
- (3) A.M. has been diagnosed as being developmentally delayed and meets the criteria for fetal alcohol spectrum disorder, requiring medical treatment.
- (4) A service plan was prepared and signed by Mother to establish the actions necessary for Mother to obtain return of the children. Mother failed to satisfy the following terms of the service plan:

- Locate and maintain stable housing that has working utilities, free from drugs and violence;
- Provide information to the Department within five days of any changes of residence, phone numbers, and employment
- Comply with each requirement of the family plan
- Maintain a drug-free lifestyle, abstain from using illegal drugs, attend drug screens, and test negative in drug screens.

(5) Mother claims she has participated in parenting classes but did not provide a certificate of completion to the Department.

(6) After completing an inpatient sobriety program, Mother was a no-show for scheduled drug screens.

(7) The children's physical conditions are improving under the care of their foster home, which provides for developmental and medical treatment.

Combined, this evidence is legally and factually sufficient to support warranting termination under (D) and (E) for both children. See *In re S.M.*, No. 07-21-00062-CV, 2021 Tex. App. LEXIS 6725, \*4-5 (Tex. App.—Amarillo Aug. 16, 2021, no pet.) (mem. op.); *In re A.J.F.*, No. 07-20-00242-CV, 2021 Tex. App. LEXIS 947, \*9-10, \*12-13 (Tex. App.—Amarillo Feb. 4, 2021, no pet.) (mem. op.). Moreover, the evidence is undisputed that Mother failed to comply with all the provisions of the court's order necessary to obtain the return of her children. TEX. FAM. CODE ANN. § 161.001(b)(1)(O).

Accordingly, the trial court's judgment is affirmed.<sup>3</sup>

Lawrence M. Doss  
Justice

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<sup>3</sup> We call counsel's attention to the continuing duty of representation through the exhaustion of proceedings, which may include the filing of a petition for review. Counsel has filed a motion to withdraw, on which we will take no action. See *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam).