

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-01-00614-CV

Kregg Behrends and JoAnna Behrends, Appellants

v.

Texas Department of Protective and Regulatory Services, Appellee

**FROM THE DISTRICT COURT OF FAYETTE COUNTY, 155TH JUDICIAL DISTRICT
NO. 2000V-046, HONORABLE DAN R. BECK, JUDGE PRESIDING**

Appellants Kregg and JoAnna Behrends appeal from the trial court judgment terminating their parental rights in their three minor children. *See* Tex. Fam. Code Ann. § 161.001 (West Supp. 2002). Appellants' appointed counsel filed a brief concluding that the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744-45 (1967); *In re E.L.Y.*, 69 S.W.3d 838, 839 (Tex. App. C Waco 2002, order) (*Anders* procedure applies in termination cases, counsel ordered to amend inadequate *Anders* brief); *In re A.W.T.*, 61 S.W.3d 87, 88 (Tex. App. C Amarillo 2001, no pet.) (*Anders* rationale applies to appointed counsel in termination proceedings); *In re K.S.M.*, 61 S.W.3d 632, 633 (Tex. App. C Tyler 2001, no pet.) (same); *see also In re D.A.S.*, 973 S.W.2d 296, 297 (Tex. 1998) (applying *Anders* in civil case, a juvenile proceeding). The brief presents a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. *See Penson v. Ohio*, 488 U.S. 75, 77-78 (1988); *Gainous v. State*, 436 S.W.2d 137, 138 (Tex. Crim. App. 1969); *A.W.T.*, 61 S.W.3d at 88; *K.S.M.*, 61 S.W.3d at 632-33.

A copy of counsel's brief was delivered to appellants, who were notified of their right to seek other counsel or file a *pro se* brief, which they have not done. We have reviewed the record and agree that the appeal is frivolous and without merit. The trial court judgment is affirmed.¹

Jan P. Patterson, Justice

Before Justices Kidd, Patterson and Puryear

Affirmed

Filed: June 21, 2002

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¹ Counsel's motion to withdraw has previously been granted.