

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

---

---

**NO. 03-14-00177-CV**

---

---

**S. M., Appellant**

**v.**

**Texas Department of Family and Protective Services, Appellee**

---

---

**FROM THE DISTRICT COURT OF CALDWELL COUNTY, 421ST JUDICIAL DISTRICT  
NO. 12-FL-335, HONORABLE TODD A. BLOMERTH, JUDGE PRESIDING**

---

---

**MEMORANDUM OPINION**

S.M. appeals from a final district court order terminating her parental rights. During the termination hearing, the Texas Department of Family and Protective Services (the Department) presented undisputed evidence that S.M. had used marihuana while pregnant with her child and had failed to fully comply with the provisions of a court order that specifically established the actions necessary for her to obtain the return of her child. Additionally, the Department presented other evidence tending to show that the Department’s proposed placement for the child—a licensed vocational nurse who had previously cared for numerous other children—was more stable and beneficial to the child’s well-being than placement with S.M. At the conclusion of the hearing, the district court found by clear and convincing evidence that S.M. had committed at least one of several alleged statutory grounds for termination and that termination was in the best interest of the child.<sup>1</sup>

---

<sup>1</sup> See Tex. Fam. Code § 161.001(1)(D), (E), (I), (O), (2).

S.M.'s court-appointed counsel has filed a motion to withdraw and a brief concluding that the appeal is frivolous and without merit.<sup>2</sup> The brief meets the requirements of *Anders v. California* by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds to be advanced on appeal.<sup>3</sup> Counsel has provided S.M. with a copy of the brief and informed her of her right to review the record and file a pro se brief. No pro se brief has been filed.

We have reviewed the record and counsel's brief and agree that the appeal is frivolous. We find nothing in the record that might arguably support the appeal.<sup>4</sup> We affirm the district court's order and grant counsel's motion to withdraw.

---

Bob Pemberton, Justice

Before Chief Justice Jones, Justices Pemberton and Rose

Affirmed

Filed: June 19, 2014

---

<sup>2</sup> See *Anders v. California*, 386 U.S. 738, 744 (1967); *Taylor v. Texas Dep't of Protective & Regulatory Servs.*, 160 S.W.3d 641, 646-47 (Tex. App.—Austin 2005, pet. denied) (applying *Anders* procedure in appeal from termination of parental rights).

<sup>3</sup> See 386 U.S. at 744; *Taylor*, 160 S.W.3d at 646-47.

<sup>4</sup> See *Anders*, 386 U.S. at 741-44; *Taylor*, 160 S.W.3d at 646-47.