

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-14-00316-CV

J. B., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 98TH JUDICIAL DISTRICT
NO. D-1-FM-12-006145, HONORABLE STEPHEN YELENOSKY, JUDGE PRESIDING**

MEMORANDUM OPINION

J.B. appeals from the trial court's order terminating his parental rights to his minor child, A.B.¹ *See* Tex. Fam. Code § 161.001. Following a jury trial, the trial court entered judgment in accordance with the jury's findings by clear and convincing evidence that statutory grounds for terminating J.B.'s parental rights existed and that termination was in the child's best interest. *See id.* § 161.001(1)(E), (M), (O), (Q), (2).

On appeal, J.B.'s court-appointed attorney has filed a motion to withdraw and a brief concluding that the appeal is frivolous and without merit. *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

¹ We refer to the father and his child by their initials only. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8.

rights). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. *See* 386 U.S. at 744; *Taylor*, 160 S.W.3d at 646–47. Counsel certified to this Court that she provided J.B. with a copy of the *Anders* brief and motion to withdraw as counsel and informed him of his right to examine the appellate record and to file a pro se brief. By order dated July 9, 2014, this Court set August 11, 2014, as the deadline for J.B. to file a pro se brief. To date, J.B. has not filed a pro se brief.

Upon receiving an *Anders* brief, we must conduct a full examination of all of the proceedings to determine whether the appeal is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988). We have reviewed the entire record, including the *Anders* brief submitted on J.B.’s behalf and have found nothing that would arguably support an appeal. We agree that the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s order terminating J.B.’s parental rights and grant counsel’s motion to withdraw.

Melissa Goodwin, Justice

Before Chief Justice Jones, Justices Rose and Goodwin

Affirmed

Filed: August 14, 2014