

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-15-00453-CV

K. A., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 271,615-B, HONORABLE JACK WELDON JONES, JUDGE PRESIDING**

MEMORANDUM OPINION

K.A. appeals from the trial court's order terminating his parental rights to his minor children, K.R.A. and T.D.M.A.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 K.A.'s parental rights existed and that termination was in the children's best interest. *See id.* § 161.001(1)(E), (N), (O), (2).

On appeal, K.A.'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 children 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. Appellant’s counsel has certified to this Court that he provided K.A. 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. The Department of Family and Protective Services has filed a response to the *Anders* brief, indicating it will not file a brief unless it deems a brief necessary after review of any pro se brief or unless requested to do so by this Court. To date, K.A. 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 K.A.’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 K.A.’s parental rights and grant counsel’s motion to withdraw as counsel.

Melissa Goodwin, Justice

Before Justices Puryear, Goodwin, and Bourland

Affirmed

Filed: October 13, 2015