

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

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**NO. 03-16-00775-CV**

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**R. H., Appellant**

**v.**

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

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**FROM THE DISTRICT COURT OF CALDWELL COUNTY, 421ST JUDICIAL DISTRICT  
NO. 15-FL-221, HONORABLE TODD A. BLOMERTH, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

R.H. appeals from the trial court’s order terminating her parent-child relationship with her son, V.C.G.<sup>1</sup> During the trial, the Texas Department of Family and Protective Services presented evidence that R.H. had her parent-child relationship terminated with respect to another child based on a finding that her conduct was in violation of Paragraph (D) or (E) of Texas Family Code section 161.001(b)(1). *See* Tex. Fam. Code § 161.001(b)(1)(D), (E). Accordingly, the trial court found that the requirements of Paragraph (M) had been satisfied. *See id.* § 161.001(b)(1)(M) (providing that court may terminate parent-child relationship if it finds by clear and convincing evidence that parent has “had his or her parent-child relationship terminated with respect to another child based on a finding that the parent’s conduct was in violation of Paragraph (D) or (E)”). The court submitted to the jury the question of whether it was in V.C.G.’s best interest for R.H.’s

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<sup>1</sup> We use initials to protect the privacy of those involved in this case. *See* Tex. Fam. Code § 109.002(d).

parent-child relationship to be terminated, and the jury answered in the affirmative. The trial court then signed an order terminating R.H.'s parent-child relationship with V.C.G. R.H.'s trial counsel filed a notice of appeal.

R.H.'s appellate attorney has filed a brief concluding that the appeal is frivolous. *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). 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. R.H.'s appellate attorney has certified to this Court that he has (1) provided a copy of the brief to R.H. and informed her of her right to file a pro se brief, (2) advised R.H. of her right to review the appellate record, (3) explained to R.H. the process for obtaining the appellate record, (4) provided R.H. with a Motion for Pro Se Access to the Appellate Record lacking only R.H.'s signature and the date, and (5) provided R.H. with this Court's mailing address. *See Taylor*, 160 S.W.3d 641, 646–47 & n.4; *see also Kelly v. State*, 436 S.W.3d 313, 319–21 (Tex. Crim. App. 2014). R.H. has not filed a pro se brief.

We have conducted our own review of the record, and we agree that the appeal is frivolous. We therefore affirm the trial court's final termination order. We deny counsel's motion to withdraw.<sup>2</sup>

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<sup>2</sup> In *In re P.M.*, the Texas Supreme Court held that the right to counsel in suits seeking the termination of parental rights extends to "all proceedings in [the Texas Supreme Court], including the filing of a petition for review." *In re P.M.*, No. 15-0171, 2016 WL 1274748, at \*3 (Tex. Apr. 1, 2016) (per curiam). Accordingly, counsel's obligation to R.H. has not yet been discharged. *See id.* If R.H., after consulting with counsel, desires to file a petition for review, counsel should timely

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Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Affirmed

Filed: April 18, 2017

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file with the Texas Supreme Court “a petition for review that satisfies the standards for an *Anders* brief.” *See id.*