

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-17-00057-CV

J. B. D., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 340TH JUDICIAL DISTRICT
NO. C150072CPS, HONORABLE GARY L. BANKS, JUDGE PRESIDING**

MEMORANDUM OPINION

After a non-jury trial, the district court terminated appellant J.B.D.'s parental rights to his child, S.S.D. The court found that appellant committed acts and omissions justifying termination of his parental rights. *See* Tex. Fam. Code § 161.001(b)(1)(D), (E), (N), (O). The court also found that termination of his parental rights was in the child's best interest. *Id.* § 161.001(2).

Appellant's court-appointed appellate counsel has filed a brief discussing the record, the elements of the cause of action, and the standard of review and concluding that appellant has no arguable grounds for appeal and that his appeal is wholly frivolous. *See Anders v. California*, 386 U.S. 738, 744 (1967); *High v. State*, 573 S.W.2d 807, 811 (Tex. Crim. App. 1978); *see also 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). Appellant's counsel has certified to this Court that she provided appellant with a copy of the brief,

along with a notice advising appellant of his right to examine the appellate record and to file a pro se brief. No pro se brief has been filed.

Having thoroughly reviewed the record and counsel's brief, we agree with counsel's assessment that the appeal is frivolous and without merit. We affirm the district court's final order of termination. Appellant's counsel's request to withdraw is denied. *See In re P.M.*, No. 15-0171, 2016 Tex. LEXIS 236, at *7-8 (Tex. Apr. 1, 2016).¹

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Field and Bourland

Affirmed

Filed: May 31, 2017

¹ The Texas Supreme Court has held that the right to counsel in suits seeking 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 Tex. LEXIS 236, at *7 (Tex. Apr. 1, 2016). Thus, counsel's obligation to J.B.D. has not yet been discharged, and her request to withdraw is premature. *See id.* If J.B.D., after consulting with counsel, desires to file a petition for review, counsel should timely file with the Texas Supreme Court "a petition for review that satisfies the standards for an *Anders* brief." *Id.* at *7-8.