

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

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**NO. 03-17-00297-CV**

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**H. C. and D. S. C., Appellants**

**v.**

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

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**FROM COUNTY COURT AT LAW NO. 1 OF WILLIAMSON COUNTY,  
NO. 14-0153-CPSC1, HONORABLE SUZANNE BROOKS, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

H.C. and D.S.C. appeal from the trial court's order terminating their parental rights to their minor children, D.S.C. Jr. and L.C. *See* Tex. Fam. Code § 161.001. In support of its petition to terminate H.C.'s and D.S.C.'s parental rights, the Texas Department of Family and Protective Services (the Department) alleged that each parent: (1) knowingly placed or knowingly allowed the children to remain in conditions or surroundings that endangered the physical or emotional well-being of the children, *see id.* § 161.001(b)(1)(D); (2) engaged in conduct or knowingly placed the children with persons who engaged in conduct that endangered the physical or emotional well-being of the children, *see id.* § 161.001(b)(1)(E); (3) constructively abandoned his or her children, *see id.* § 161.001(b)(1)(N); and (4) failed to comply with the terms of a court order that established the specific actions each parent had to take to achieve reunification with his or her children after their removal for abuse or neglect, *see id.* § 161.001(b)(1)(O). The Department also alleged that H.C.'s

parental rights should be terminated because she used a controlled substance that endangered the health or safety of her children and failed to complete a court-ordered program to address this concern. *See id.* § 161.001(b)(1)(P). In addition, the Department alleged that termination of H.C.’s and D.S.C.’s parental rights was in the children’s best interest. *See id.* § 161.001(b)(2). Following a jury trial, the trial court found by clear and convincing evidence that each parent’s parental rights should be terminated under each of the grounds alleged by the Department and that termination was in the children’s best interest.

On appeal, H.C. and D.S.C.’s court-appointed attorney 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. H.C. and D.S.C.’s appellate attorney has certified to this Court that she has (1) provided a copy of the brief to H.C. and D.S.C. and informed them of their right to file a pro se brief, (2) advised H.C. and D.S.C. of their right to review the appellate record, (3) explained to H.C. and D.S.C. the process for obtaining the appellate record, (4) provided H.C. and D.S.C. with a Motion for Pro Se Access to the Appellate Record lacking only their signature and the date, and (5) provided H.C. and D.S.C. 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). No pro se brief has been filed.

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 H.C. and D.S.C.’s behalf, and we 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 H.C.’s and D.S.C.’s parental rights. We deny counsel’s motion to withdraw.<sup>1</sup>

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Scott K. Field, Justice

Before Justices Puryear, Field, and Bourland

Affirmed

Filed: August 30, 2017

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<sup>1</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.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam). Accordingly, counsel’s obligation to H.C. and D.S.C. has not yet been discharged. *See id.* If H.C. or D.S.C., 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.” *See id.* at 27-28.