

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

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**NO. 03-18-00542-CV**

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**S. P., Appellant**

**v.**

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

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**FROM THE DISTRICT COURT OF LAMPASAS COUNTY, 27TH JUDICIAL DISTRICT  
NO. 20698, HONORABLE CHERYLL MABRAY, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant S.P. appeals from the trial court’s order terminating her parental rights to her child. *See* Tex. Fam. Code § 161.001. Following a bench trial, the trial court entered judgment finding by clear and convincing evidence that statutory grounds existed for terminating S.P.’s parental rights and that termination was in the child’s best interest. *See id.* § 161.001(b)(1)(K), (b)(2).

Appellant’s court-appointed counsel has filed a brief concluding that the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744 (1967); *In re P.M.*, 520 S.W.3d 24, 27 & n.10 (Tex. 2016) (per curiam) (approving use of *Anders* procedure in appeals from termination of parental rights because it “strikes an important balance between the defendant’s constitutional right to counsel on appeal and counsel’s obligation not to prosecute frivolous appeals” (citations omitted)). The brief meets the requirements of *Anders* by presenting a professional

evaluation of the record and demonstrating why there are no arguable grounds to be advanced on appeal. *See* 386 U.S. at 744; *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 parental-termination case). Appellant’s counsel has certified to this Court that he has made diligent efforts to provide his client with a copy of the *Anders* brief and information regarding how she may obtain a copy of the record as well as her right to file a pro se brief. The Department of Family and Protective Services has filed a response to the *Anders* brief, waiving its right to file an appellee’s brief unless requested by this Court or as needed to respond to any pro se brief filed by appellant. To date, no pro se brief has been filed.

We have conducted a full examination of all of the proceedings to determine whether the appeal is wholly frivolous, as we must when presented with an *Anders* brief. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988). After reviewing the record and the *Anders* brief, we find nothing in the record that would arguably support S.P.’s appeal. We agree with appellant’s counsel that the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s order terminating the parental rights of S.P. We deny counsel’s motion to withdraw.<sup>1</sup>

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<sup>1</sup> 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.*, 520 S.W.3d 24, 27–28 (Tex. 2016) (per curiam). Accordingly, counsel’s obligations to S.P. have not yet been discharged. *See id.* If after consulting with counsel appellant desires to file a petition for review, her counsel should timely file with the Texas Supreme Court “a petition for review that satisfies the standards for an *Anders* brief.” *See id.*

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David Puryear, Justice

Before Justices Puryear, Goodwin, and Bourland

Affirmed

Filed: December 4, 2018