

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-18-00724-CV

J. J. T., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF TOM GREEN COUNTY, 340TH JUDICIAL DISTRICT
NO. C160093CPS, HONORABLE GARY L. BANKS, JUDGE PRESIDING**

MEMORANDUM OPINION

J.J.T. appeals from the district court’s order terminating her parental rights to her four-year-old son, B.E.M. *See* Tex. Fam. Code § 161.001. Following a bench trial, the district court found by clear and convincing evidence that statutory grounds for termination existed and that termination was in the child’s best interest. *See id.* § 161.001(b)(1)(D), (E), (P), (2).

J.J.T.’s court-appointed counsel 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); *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 to appeal from termination of parental rights). J.J.T.’s counsel has certified to this Court that she has provided J.J.T. with a copy of the *Anders* brief and informed her of her right to examine the appellate record and to file a pro se brief. In response, J.J.T. has filed a pro se brief in which she asserts that the termination trial was unfair for various reasons.

Upon receiving an *Anders* brief, we must conduct a full examination of all of the proceedings to determine whether the appeal is wholly frivolous. *See Penson v. Ohio*, 488 U.S. 75, 80 (1988); *Taylor*, 160 S.W.3d at 647. We have reviewed the entire record, including the *Anders* brief submitted on J.J.T.’s behalf, and we have also considered the arguments raised in J.J.T.’s pro se brief. We have found nothing in the record that might arguably support an appeal, and we agree with counsel that the appeal is frivolous. Accordingly, we affirm the district court’s order terminating J.J.T.’s parental rights. We deny counsel’s motion to withdraw.¹

Gisela D. Triana, Justice

Before Justices Goodwin, Baker, and Triana

Affirmed

Filed: March 13, 2019

¹ *See In re P.M.*, 520 S.W.3d 24, 27-28 (Tex. 2016) (per curiam). In *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.” *Id.* Accordingly, counsel’s obligation to J.J.T. has not yet been discharged. *See id.* If J.J.T., 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.*