

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-19-00089-CV

M. M. L.-U., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE DISTRICT COURT OF BELL COUNTY, 146TH JUDICIAL DISTRICT
NO. 295,133-B, HONORABLE CHARLES H. VAN ORDEN, JUDGE PRESIDING**

MEMORANDUM OPINION

M.M.L.-U. appeals from the trial court's decree terminating her parental rights to her child.¹ *See* Tex. Fam. Code § 161.001. Following a bench trial, the trial court found by clear and convincing evidence that a statutory ground for terminating her parental rights existed and that termination was in the child's best interest. *See id.* § 161.001(b)(1)(O), (2).

On appeal, M.M.L.-U.'s court-appointed attorney 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); *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

¹ We refer to appellant, who is the mother of the child, by her initials only. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8.

professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. *See* 386 U.S. at 744; *Taylor*, 160 S.W.3d at 646–47. Appellant’s counsel has certified to this Court that she provided M.M.L.-U. with a copy of the *Anders* brief and motion to withdraw as counsel and informed her of her right to examine the appellate record and to file a pro se brief. To date, M.M.L.-U. has not filed a pro se brief. The Department of Family and Protective Services has filed a response to the *Anders* brief, stating that it will not file a response unless this Court requests one.

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 M.M.L.-U.’s behalf, and 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 decree terminating M.M.L.-U.’s parental rights. We deny counsel’s motion to withdraw.²

² *See In re P.M.*, 520 S.W.3d 24 (Tex. 2016) (per curiam). 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.” *Id.* at 27. Accordingly, counsel’s obligation to M.M.L.-U. has not yet been discharged. *See id.* If M.M.L.-U., 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.

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Triana

Affirmed

Filed: April 11, 2019