

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-21-00110-CV

A. M., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE 146TH DISTRICT COURT OF BELL COUNTY
NO. 308,935-B, THE HONORABLE JACK WELDON JONES, JUDGE PRESIDING**

MEMORANDUM OPINION

A.M. appeals from the trial court's final decree terminating his parental rights to his child. *See* Tex. Fam. Code § 161.001. After a bench trial, the trial court found by clear and convincing evidence that statutory grounds for terminating his parental rights existed and that termination of those rights was in the child's best interest. *See id.* § 161.001(b)(1)(L), (Q), (2).

On appeal, A.M.'s court-appointed attorney has filed a motion to withdraw supported by an *Anders* 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). 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). A.M.'s counsel has certified to this Court that she has

provided A.M. with a copy of the *Anders* brief and motion to withdraw and advised him of his right to examine the appellate record and to file a pro se brief. To date, A.M. 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 brief unless requested by this Court.

Upon receiving an *Anders* brief, we must conduct a full examination of the record to determine whether the appeal is wholly frivolous. *Penson v. Ohio*, 488 U.S. 75, 80 (1988); *Taylor*, 160 S.W.3d at 647. We have conducted an independent review of the entire record, including the *Anders* brief submitted on A.M.’s behalf. We have found nothing in the record that might arguably support an appeal, and we agree the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s decree terminating A.M.’s parental rights. Counsel’s motion to withdraw is denied.¹

Chari L. Kelly, Justice

Before Justices Goodwin, Triana, and Kelly

Affirmed

Filed: June 4, 2021

¹ The Texas Supreme Court has 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 A.M. has not yet been discharged. *See id.* If after consulting with counsel, A.M. desires to file a petition for review, his 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.