

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00066-CV

R. K. S. and I. M., Appellants

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE 98TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-FM-20-001541, THE HONORABLE MADELEINE CONNOR, JUDGE PRESIDING**

MEMORANDUM OPINION

R.K.S. (Mother) and I.M. (Father) appeal from the trial court's decree of termination following a jury trial.¹ *See* Tex. Fam. Code § 161.001. The jury found by clear and convincing evidence that statutory grounds for terminating their parental rights existed and that termination was in their child's best interest. *See id.* § 161.001(b)(1)(E), (O), (2).

On appeal, the parents' court-appointed attorneys have filed briefs concluding that their appeals are 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 briefs meet the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on

¹ We refer to appellants by their initials or as Mother and Father. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8.

appeal. *See* 386 U.S. at 744; *Taylor*, 160 S.W.3d at 646–47. The parents’ attorneys have certified to this Court that they provided copies of the *Anders* briefs to Mother and Father and informed them of their right to examine the appellate record and to file a pro se brief. Mother has filed a pro se brief.

Upon receiving an *Anders* brief, we must conduct a full examination 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* briefs submitted on the parents’ behalf and Mother’s pro se brief, and have found nothing that would arguably support an appeal. Our review included the trial court’s endangerment findings, *see* Tex. Fam. Code § 161.001(b)(1)(E), and we have found no issues that could be raised on appeal with respect to those findings, *see In re N.G.*, 577 S.W.3d 230, 237 (Tex. 2019).² We agree that the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s decree of termination.³

Melissa Goodwin, Justice

Before Justices Goodwin, Baker, and Triana

Affirmed

Filed: July 15, 2022

² Counsel for Father only addressed the jury’s finding under subsection (O) and not its endangerment finding under subsection (E), but we have conducted a full examination of the entire record and agree that the appeal is frivolous.

³ We deny Father’s counsel’s motion to withdraw as attorney of record. *See In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam). We also deny Mother’s Motion for Appointment of New Appellate Counsel. If Mother or Father, after consulting with counsel, desires to file a petition for review, their 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.