

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-23-00330-CV

J. A., Appellant

v.

Texas Department of Family and Protective Services, Appellee

**FROM THE 146TH DISTRICT COURT OF BELL COUNTY
NO. 22DFAM331777, THE HONORABLE DALLAS SIMS, JUDGE PRESIDING**

MEMORANDUM OPINION

J.A. (Father) appeals from the trial court's decree of termination following a bench trial.¹ *See* Tex. Fam. Code § 161.001. The trial court found by clear and convincing evidence that statutory grounds for terminating his parental rights existed and that termination was in his child Ann's best interest. *See id.* § 161.001(b)(1)(E), (O), (2).

On appeal, Father's court-appointed attorney has filed a brief concluding that his 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 professional evaluation of

¹ We refer to appellant by his initials or as Father and his child by an alias or as Child. *See* Tex. Fam. Code § 109.002(d); Tex. R. App. P. 9.8. The parental rights of the child's mother also were terminated in the order of termination, but she has not appealed.

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. Father’s attorney has certified to this Court that he provided a copy of the *Anders* brief to Father and informed him of his right to examine the appellate record and to file a pro se brief. To date, Father has not 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* brief submitted on Father’s behalf, and have found nothing that would arguably support an appeal. Our review included the trial court’s endangerment finding, *see* Tex. Fam. Code § 161.001(b)(1)(E), and we have found no issues that could be raised on appeal with respect to this finding, *see In re N.G.*, 577 S.W.3d 230, 237 (Tex. 2019). We agree that the appeal is frivolous and without merit. Accordingly, we affirm the trial court’s decree of termination.²

Rosa Lopez Theofanis, Justice

Before Chief Justice Byrne, Justices Kelly and Theofanis

Affirmed

Filed: August 10, 2023

² 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). If Father, after consulting with counsel, 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.