

NO. 12-14-00002-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>IN THE INTEREST OF</i>	§	<i>APPEAL FROM THE 123RD</i>
<i>J. Y. AND C. R.,</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>CHILDREN</i>	§	<i>SHELBY COUNTY, TEXAS</i>

***MEMORANDUM OPINION
PER CURIAM***

K.W. appeals the termination of her parental rights. K.W.'s counsel filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L.Ed.2d 493 (1967), and *Gainous v. State*, 436 S.W.2d 137 (Tex. Crim. App. 1969). We affirm.

BACKGROUND

K.W. is the mother of J.Y., born November 17, 1999, and C.R., born May 14, 2008. Neither father is a party to this appeal. On February 15, 2013, the Department of Family and Protective Services (the Department) filed an original petition for protection of J.Y. and C.R., for conservatorship, and for termination of K.W.'s parental rights. The Department was appointed temporary managing conservator of the children, and K.W. was appointed temporary possessory conservator.

At the conclusion of the trial on the merits, the trial court found, by clear and convincing evidence, that K.W. had engaged in one or more of the acts or omissions necessary to support termination of her parental rights. The trial court also found that termination of K.W.'s parental rights to J.Y. and C.R. was in the children's best interest. Based on these findings, the trial court ordered that K.W.'s parental rights to J.Y. and C.R. be terminated. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

K.W.’s counsel filed a brief in compliance with *Anders*, stating that he has diligently reviewed the appellate record and is of the opinion that the record reflects no reversible error and that there is no error upon which an appeal can be predicated. This court has previously held that *Anders* procedures apply in parental rights termination cases when the Department has moved for termination. See *In re K.S.M.*, 61 S.W.3d 632, 634 (Tex. App.—Tyler 2001, no pet.). In compliance with *Anders*, counsel’s brief presents a professional evaluation of the record demonstrating why there are no reversible grounds on appeal, and referencing any grounds that might arguably support the appeal. See *Anders*, 386 U.S. at 744, 87 S. Ct. at 1400; *Mays v. State*, 904 S.W.2d 920, 922-23 (Tex. App.—Fort Worth 1995, no pet.).

In our duties as a reviewing court, we must conduct an independent evaluation of the record to determine whether counsel is correct in determining that the appeal is frivolous. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays*, 904 S.W.2d at 923. We have carefully reviewed the appellate record and K.W.’s counsel’s brief. We find nothing in the record that might arguably support the appeal,¹ and we agree that the appeal is wholly frivolous and without merit. See *Taylor v. Tex. Dep’t of Protective & Regulatory Servs.*, 160 S.W.3d 641, 646–47 (Tex. App.—Austin 2005, pet. denied).

DISPOSITION

As required, K.W.’s counsel has moved for leave to withdraw. See *Anders*, 386 U.S. at 744, 87 S. Ct. at 1400. We agree with K.W.’s counsel that the appeal is wholly frivolous. Accordingly, his motion for leave to withdraw is hereby **granted**, and the trial court’s judgment is **affirmed**. See TEX. R. APP. P. 43.2.

Opinion delivered April 9, 2014.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

(PUBLISH)

¹ Counsel for K.W. certified that he provided K.W. with a copy of his brief and informed her that she had the right to file her own brief. K.W. was given time to file her own brief, but the time for filing such a brief has expired and we have received no pro se brief.



COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

JUDGMENT

APRIL 9, 2014

NO. 12-14-00002-CV

IN THE INTEREST OF J. Y. AND C. R., CHILDREN

Appeal from the 123rd District Court
of Shelby County, Texas (Tr.Ct.No. 13CV32,306)

THIS CAUSE came to be heard on the appellate record and briefs filed herein, and the same being considered, it is the opinion of this court that there was no error in the judgment.

It is therefore ORDERED, ADJUDGED and DECREED that Appellant's counsel's motion to withdraw is **granted**, the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

By *per curiam* opinion.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.