

**NO. 12-14-00173-CV**

**IN THE COURT OF APPEALS**

**TWELFTH COURT OF APPEALS DISTRICT**

**TYLER, TEXAS**

<i>IN THE INTEREST OF M. L. H.-M.,</i>	§	<i>APPEAL FROM THE</i>
<i>A CHILD</i>	§	<i>COUNTY COURT AT LAW</i>
	§	<i>CHEROKEE COUNTY, TEXAS</i>

---

***MEMORANDUM OPINION***

B.M. appeals the termination of his parental rights. B.M.'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). B.M. filed a pro se brief. We affirm.

**BACKGROUND**

B.M. is the father of M.L.H.-M., born May 31, 2013. V.H. is the mother of M.L.H.-M. and is not a party to this appeal. On June 3, 2013, the Department of Family and Protective Services (the Department) filed an original petition for protection of M.L.H.-M., for conservatorship, and for termination of B.M.'s parental rights. The Department was appointed temporary managing conservator of the child, and B.M. was appointed temporary possessory conservator with limited rights and duties.

At the conclusion of the trial on the merits, the trial court found, by clear and convincing evidence, that B.M. had engaged in one or more of the acts or omissions necessary to support termination of his parental rights. The trial court also found that termination of the parent-child relationship between B.M. and M.L.H.-M. was in the child's best interest. Based on these findings, the trial court ordered that the parent-child relationship between B.M. and M.L.H.-M. be terminated. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

B.M.'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 B.M.'s pro se brief, he argues that the Department's caseworker deceived him regarding his home study and his family's ability to care for the child. He contends that the caseworker assured him that he would get custody of the child after paternity tests proved that he was the child's father. He also seems to argue that his trial counsel rendered ineffective assistance because his trial counsel did not ask the caseworker certain questions or contact his mother to testify at trial regarding the caseworker's refusal to consider her as a placement for the child. Finally, B.M. argues that he never intentionally exposed his child to any influence that endangered her physical or emotional wellbeing.

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, B.M.'s counsel's brief, and B.M.'s pro se brief. We find nothing in the record that might arguably support the appeal.

DISPOSITION

As required, B.M.'s counsel has moved for leave to withdraw. See *Anders*, 386 U.S. at 744, 87 S. Ct. at 1400. We agree with B.M.'s counsel that the appeal is wholly frivolous. See *Taylor v. Tex. Dep't of Protective & Regulatory Servs.*, 160 S.W.3d 641, 646–47 (Tex. App.—Austin 2005, pet. denied). Accordingly, we grant his motion for leave to withdraw, and *affirm* the trial court's judgment. See TEX. R. APP. P. 43.2.

**BRIAN HOYLE**  
Justice

Opinion delivered November 12, 2014.  
*Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.*

(PUBLISH)



## COURT OF APPEALS

### TWELFTH COURT OF APPEALS DISTRICT OF TEXAS

#### JUDGMENT

NOVEMBER 12, 2014

NO. 12-14-00173-CV

**IN THE INTEREST OF M. L. H.-M., A CHILD**

---

Appeal from the County Court at Law  
of Cherokee County, Texas (Tr.Ct.No. 2013-06-0390)

---

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 the judgment of the court below **be in all things affirmed**, and that this decision be certified to the court below for observance.

Brian Hoyle, Justice.

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