NO. 12-15-00275-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

IN THE INTEREST OF	***§***	***APPEAL FROM THE***
B.G., G.G. AND C.G.,	***§***	***COUNTY COURT AT LAW NO. 2***
CHILDREN	***§***	***ANGELINA COUNTY, TEXAS***

MEMORANDUM OPINION
PER CURIAM

B.G. appeals the termination of his parental rights. His 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

B.G.[1] and L.R. are the parents of B.G.1, born March 13, 1999, and G.G., born November 13, 2000. B.G. and P.G. are the parents of C.G., born June 7, 2012.[2] On April 24, 2014, the Department of Family and Protective Services (the Department) filed an original petition for protection of the children, for conservatorship, and for termination of B.G.'s, L.R.'s, and P.G.'s parental rights. The Department was appointed temporary managing conservator of the children, and the parents were appointed temporary possessory conservators with limited rights and duties.

At the conclusion of the trial on the merits, the trial court found, by clear and convincing evidence, that L.R. had engaged in one or more of the acts or omissions necessary to support termination of her parental rights to B.G.1 and G.G. under subsections (D), (E), and (O) of Texas Family Code Section 161.001(b)(1). Further, the trial court found that termination of the parent-

[1] The initials of the father and his oldest child are the same. Therefore, we will refer to the father as B.G. and to his oldest child as B.G.1.

[2] L.R. did not appeal, and P.G.'s parental rights to C.G. were not terminated.

child relationship between L.R., B.G.1, and G.G. was in the child's best interest. Based on these findings, the trial court ordered that the parent-child relationship between L.R., B.G.1, and G.G. be terminated. However, the trial court did not find that P.G.'s parental rights to C.G. should be terminated and, instead, appointed P.G. as C.G.'s permanent managing conservator.

Finally, the trial court found, by clear and convincing evidence, that B.G. had engaged in one or more of the acts or omissions necessary to support termination of his parental rights to G.G. and C.G. under subsections (D), (E), and (L)(viii) of Texas Family Code Section 161.001(b)(1). Further, the trial court found that termination of the parent-child relationship between B.G., G.G., and C.G. is in the child's best interest. However, the trial court did not terminate B.G.'s parental rights to B.G.1, but appointed the Department as B.G.1's permanent managing conservator. Based on these findings, the trial court ordered that the parent-child relationship between B.G., G.G., and C.G. be terminated. This appeal followed.

ANALYSIS PURSUANT TO *ANDERS V. CALIFORNIA*

B.G.'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 B.G.'s counsel's brief. We find nothing in the

record that might arguably support the appeal.[3] *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, B.G.'s counsel has moved for leave to withdraw. *See* ***Anders***, 386 U.S. at 744, 87 S. Ct. at 1400. We agree with B.G.'s counsel that the appeal is wholly frivolous. Accordingly, we ***grant*** his motion for leave to withdraw and ***affirm*** the trial court's judgment. *See* TEX. R. APP. P. 43.2.

Opinion delivered February 29, 2016.
Panel consisted of Worthen, C.J., Hoyle, J., and Neeley, J.

(PUBLISH)

[3] Counsel for B.G. certified that he provided B.G. with a copy of his brief and informed him that he had the right to file his own brief. B.G. was given time to file his 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

FEBRUARY 29, 2016

NO. 12-15-00275-CV

IN THE INTEREST OF B.G., G.G. AND C.G., CHILDREN

Appeal from the County Court at Law No. 2
of Angelina County, Texas (Tr.Ct.No. CV-03125-14-04)

THIS CAUSE came to be heard on the appellate record and brief 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.

By *per curiam* opinion.
Panel consisted of Worthen, C.J., Hoyle, J. and Neeley, J.