

TEXAS COURT OF APPEALS, ELEVENTH DISTRICT AT EASTLAND

In the Interest of G.L.M., a Child v. the State of Texas

No. 11-25-00316-CV (Tex. App.—Eastland Apr. 23, 2026) · No. 11-25-00316-CV · Decided April 23, 2026

SUMMARY

The Eleventh Court of Appeals of Texas reviewed an Anders appeal from an order terminating the mother's parental rights. The court held that the appeal was frivolous, modified the termination order to delete the void finding under repealed Texas Family Code subsection 161.001(b)(1)(O), and affirmed the order as modified. The court denied appointed counsel's motion to withdraw because counsel's obligations generally extend through exhaustion of appeals.

CASE DETAILS

COURT	Texas Court of Appeals, Eleventh District at Eastland
WRITING FOR THE COURT	John M. Bailey, Chief Justice; Trotter, Justice; Williams, Justice
JURISDICTION	Texas Court of Appeals, Eleventh District
DECIDED	April 23, 2026
DOCKET	11-25-00316-CV
DISPOSITION	other
PROCEDURAL POSTURE	Mother appealed from a final order terminating her parental rights. Appointed appellate counsel filed an Anders brief and a motion to withdraw. The court independently reviewed the record, modified the termination order to delete a finding under repealed Texas Family Code subsection 161.001(b)(1)(O), denied counsel's motion to withdraw, and affirmed as modified.
STANDARD OF REVIEW	In an Anders parental-termination appeal, the court of appeals independently reviews the record for arguable grounds. Termination findings must be supported by clear and convincing evidence, and the court may modify the judgment under Texas Rule of Appellate Procedure 43.2(b) to remove unsupported or legally impermissible findings.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status is not otherwise specified in the opinion text.
PARTIES	Mother of G.L.M. v. The State of Texas

TOPICS

termination of parental rights

family law procedure

appellate procedure

statutory interpretation

parental rights

PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the record contained any arguable, nonfrivolous ground for challenging the termination of the mother's parental rights.
2. Whether the trial court's finding under former Texas Family Code subsection 161.001(b)(1)(O) was void because the legislature repealed that subsection effective September 1, 2025, while the proceeding was pending.
3. Whether appointed appellate counsel's motion to withdraw was premature in a parental-termination appeal.

HOLDINGS

1. The appeal was frivolous and without merit after independent review of the record; the endangerment findings were supported by clear and convincing evidence.
2. The trial court's finding under former Texas Family Code section 161.001(b)(1)(O) was void because the proceeding was pending on or after the effective date of the statutory repeal.
3. The motion to withdraw was denied because appointed counsel's duty in a parental-termination case generally extends through exhaustion of appeals, and an Anders motion filed in the court of appeals may be premature absent additional grounds for withdrawal.

KEY QUOTATIONS

“Because the proceedings below were pending on or after the effective date of the amendments to Section 161.001(b), the trial court’s finding pursuant to the repealed version of subsection (O) is void.” (at 3)

“Accordingly, we deny counsel’s motion to withdraw, and we affirm the trial court’s order of termination as modified.” (at 4)

FACTUAL BACKGROUND

The trial court found that the mother knowingly placed or allowed G.L.M. to remain in endangering conditions, engaged in or knowingly exposed the child to endangering conduct, and failed to comply with a court order specifying the actions necessary to obtain the child's return. The evidence particularly showed a pattern of drug and alcohol abuse accompanied by related dangers to the child, creating a substantial risk of harm and rendering the mother incapable of parenting. The trial court also found that termination was in the child's best interest.

PROCEDURAL HISTORY

The 446th District Court of Ector County terminated the parental rights of G.L.M.'s parents after finding by clear and convincing evidence that the mother endangered the child under subsections (D) and (E), failed to comply with a court order under former subsection (O), and that termination was in the child's best interest. The mother alone appealed. The court of appeals conducted an Anders review, determined the appeal was frivolous and without merit, deleted the void subsection (O) finding because the statutory repeal applied to the pending proceeding, and affirmed the termination order as modified.

DISPOSITION

other

CASES CITED

- Kelly v. State, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014)
- In re Schulman, 252 S.W.3d 403, 406–09 (Tex. Crim. App. 2008)
- Anders v. California, 386 U.S. 738 (1967)
- In re R.R.A., 687 S.W.3d 269, 278 (Tex. 2024)
- In re J.O.A., 283 S.W.3d 336, 345 (Tex. 2009)
- In re N.G., 577 S.W.3d 230, 234–35 (Tex. 2019)
- In re J.S., 687 S.W.3d 541, 551 (Tex. App.—Eastland 2024, no pet.)
- In re E.M., No. 11-24-00310-CV, 2025 WL 1240792, at *8 (Tex. App.—Eastland Apr. 30, 2025, no pet.) (mem. op.)
- In re M.G., No. 02-23-00074-CV, 2023 WL 4008687, at *9–10 (Tex. App.—Fort Worth June 15, 2023, pet. denied) (mem. op.)
- In re A.O., No. 02-21-00376-CV, 2022 WL 1257384, at *13 (Tex. App.—Fort Worth Apr. 28, 2022, pet. denied) (mem. op.)
- R.J.O. v. Tex. Dep’t Fam. & Protective Servs., No. 03-13-00478-CV, 2013 WL 6060778, at *2 (Tex. App.—Austin Nov. 13, 2013, no pet.) (mem. op.)
- In re P.M., 520 S.W.3d 24, 27–28 (Tex. 2016)