

FOURTH COURT OF APPEALS OF TEXAS, SAN ANTONIO

In the Interest of B.K.C., a Child

No. 04-21-00108-CV (Tex. App.—San Antonio June 7, 2021) · No. No. 04-21-00108-CV · Decided June 7, 2021

SUMMARY

The Fourth Court of Appeals of Texas addresses an Anders-type brief and motion to withdraw filed in an appeal from the termination of K.D.'s parental rights. The court ordered deadlines for reviewing the appellate record and filing a pro se brief, while holding counsel's motion to withdraw in abeyance.

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas June 7, 2021 No. 04-21-00108-CV IN THE INTEREST OF B.K.C., A CHILD From the 57th Judicial District Court, Bexar County, Texas Trial Court No. 2019PA00984 Honorable Mary Lou Alvarez, Judge Presiding ORDER Appellant K.D. appeals the trial court's termination of his parental rights. Appellant's court-appointed attorney has filed a brief and motion to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), in which she asserts there are no meritorious issues to raise on appeal.

We have held that in parental-termination appeals, a procedure akin to *Anders* is necessary to best protect the statutory right to counsel on appeal, to provide a procedural mechanism for counsel to fulfill her ethical obligations, to assist the court in deciding appeals, and to provide consistent procedures for all indigent litigants.

In *re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, at *4 (Tex. App.—San Antonio 2003, no pet.); see In *re P.M.*, 520 S.W.3d 24, 27 n.10 (Tex. 2016) (per curiam) (applying *Anders* procedures in appeal from order terminating parental rights).

In compliance with the procedure set out in *Anders*, appellant's attorney has shown that she sent a letter to appellant, which explained his right to review the record and file a pro se brief. See *Kelly v. State*, 436 S.W.3d 313 (Tex. Crim. App. 2014); In *re A.L.H.*, No. 04-18-00153-CV, 2018 WL 3861695, at *2 (Tex. App.—San Antonio Aug. 15, 2018, no pet.); In *re R.R.*, 2003 WL 21157944, at *4.

In the letter to appellant, counsel stated that she had enclosed copies of the brief and motion to withdraw. See *Kelly*, 436 S.W.3d at 313; In *re A.L.H.*, 2018 WL 3861695, at *2; In *re R.R.*, 2003 WL 21157944, at *4. Counsel's letter also advised appellant that if he wished to review the

appellate record, he must file a motion in this court. Counsel also enclosed a form motion for this purpose.

See Kelly, 436 S.W.3d at 313; In re A.L.H., 2018 WL 3861695, at *2; In re R.R., 2003 WL 21157944, at *4. If appellant desires to review the record, he must file a motion on or before June 17, 2021. Further, if appellant desires to file a pro se brief, we ORDER that he do so on or before June 28, 2021. If appellant files a pro se brief, appellee may file a responsive brief no later than twenty days after the date appellant's pro se brief is filed in this court.

We ORDER the motion to withdraw, filed by appellant's counsel, to be HELD IN ABEYANCE pending further order of the court. _____ Liza A. Rodriguez,
Justice IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said court on this 7th day of June, 2021. _____ Michael A. Cruz,
Clerk of Court