

COURT OF APPEALS OF TEXAS, NINTH DISTRICT AT BEAUMONT

In the Interest of J.Y.J. and J.C.J.

In re J.Y.J. and J.C.J. · No. 09-19-00443-CV · Decided March 12, 2020

SUMMARY

The Ninth District Court of Appeals of Texas affirmed an order terminating J.D.J.'s parental rights to J.Y.J. and J.C.J. In an Anders appeal, the court independently reviewed the record, found no arguable error, and concluded that any appeal would be frivolous.

CASE DETAILS

COURT	Court of Appeals of Texas, Ninth District at Beaumont
WRITING FOR THE COURT	Steve McKeithen, Chief Justice; Kreger, Justice; Johnson, Justice
JURISDICTION	Texas
DECIDED	March 12, 2020
DOCKET	09-19-00443-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	J.D.J. appealed an order terminating his parental rights. His court-appointed appellate counsel filed an Anders brief asserting that no arguable grounds existed for appeal.
STANDARD OF REVIEW	The court independently reviewed the appellate record and Anders brief to determine whether any arguable error required appointment of new counsel and rebriefing.
PRECEDENTIAL VALUE	Published memorandum opinion; no reporter citation appears in the provided text.
PARTIES	J.D.J.

TOPICS

- termination of parental rights
- parental rights
- appellate procedure
- family law procedure

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Anders brief and independent review of the record revealed any arguable error requiring appointment of new appellate counsel and rebriefing.
2. Whether the trial court's order terminating J.D.J.'s parental rights should be affirmed.

HOLDINGS

1. After independently reviewing the appellate record and counsel's Anders brief, the court found no arguable error requiring appointment of new counsel to rebrief the appeal.
2. The trial court's order terminating J.D.J.'s parental rights was affirmed.

KEY QUOTATIONS

“We have independently reviewed the appellate record and counsel’s brief, and we agree that any appeal would be frivolous.” (at 2)

“We find no arguable error requiring us to order appointment of new counsel to re-brief this appeal.” (at 2)

FACTUAL BACKGROUND

The trial court terminated J.D.J.'s parental rights to his minor children, J.Y.J. and J.C.J. The trial court found by clear and convincing evidence that statutory grounds for termination existed under Texas Family Code section 161.001(b)(1)(D), (E), (N), and (O), and that termination was in the children's best interest. On appeal, appointed counsel concluded that no arguable grounds existed.

PROCEDURAL HISTORY

The County Court at Law of Orange County, Texas, terminated J.D.J.'s parental rights to J.Y.J. and J.C.J. after finding by clear and convincing evidence that statutory grounds for termination existed and that termination was in the children's best interest. On appeal, counsel filed an Anders brief, J.D.J. was notified of his right to file a pro se response, and no response was received. The Court of Appeals independently reviewed the record and affirmed.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *In the Interest of L.D.T.*, 161 S.W.3d 728, 731 (Tex. App.—Beaumont 2005, no pet.)
- *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)

OPINION

PER CURIAM.

In The Court of Appeals Ninth District of Texas at Beaumont _____ NO. 09-19-00443-CV _____ IN THE INTEREST OF J.Y.J. AND J.C.J.

On Appeal
from the County Court at Law Orange County, Texas Trial Cause No. C181023-D

MEMORANDUM OPINION J.D.J. appeals from an order terminating his parental rights to his minor children, J.Y.J. and J.C.J.

The trial court found, by clear and convincing evidence, that statutory grounds exist for termination of J.D.J.'s parental rights and that termination of his parental rights would be in the best interest of the children. See Tex. Fam. Code Ann. § 161.001(b)(1)(D), (E), (N), (O), (2). J.D.J.'s court-appointed appellate counsel submitted a brief in which counsel contends there are no arguable grounds to be advanced on appeal.

See *Anders v. California*, 386 U.S. 738 (1967); *In the Interest of L.D.T.*, 161 S.W.3d 728, 731 (Tex. 1 App.—Beaumont 2005, no pet.). The brief provides counsel's professional evaluation of the record. Counsel served J.D.J. with a copy of the *Anders* brief filed on his behalf. This Court notified J.D.J. of his right to file a pro se response, as well as the deadline for doing so.

This Court did not receive a pro se response. We have independently reviewed the appellate record and counsel's brief, and we agree that any appeal would be frivolous. We find no arguable error requiring us to order appointment of new counsel to re-brief this appeal. Cf. *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991).

We affirm the trial court's order terminating J.D.J.'s parental rights. AFFIRMED.

STEVE McKEITHEN Chief Justice Submitted on February
27, 2020 Opinion Delivered March 12, 2020 Before McKeithen, C.J., Kreger and Johnson, JJ. 2