

TENTH COURT OF APPEALS OF TEXAS

In the Interest of T.R.M., a Child

No. 10-20-00254-CV · No. No. 10-20-00254-CV · Decided December 16, 2020

OPINION

PER CURIAM.

IN THE TENTH COURT OF APPEALS No. 10-20-00254-CV IN THE INTEREST OF T.R.M., A CHILD From the 74th District Court McLennan County, Texas Trial Court No. 2019-4171-3 MEMORANDUM OPINION Courtney B. appeals from an order that terminated the parent-child relationship between her and her child, T.R.M. See TEX. FAM. CODE ANN. § 161.001. Courtney's appointed counsel has filed a brief pursuant to *Anders v. California* asserting that the appeal presents no issues of arguable merit.

See *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396, 18 L. Ed. 2d 493 (1967). The procedures set forth in *Anders* are applicable to appeals of orders terminating parental rights. In *re E.L.Y.*, 69 S.W.3d 838, 841 (Tex. App.—Waco 2002, order). Counsel advised Courtney that counsel had filed the brief pursuant to *Anders* and that Courtney had the right to review the record and file a pro se response on her own behalf.

Counsel also provided Courtney with a copy of the record. Courtney did not file a response with this Court. Counsel included a detailed recitation of the facts in the *Anders* brief and asserted that counsel reviewed the trial court's jurisdiction and the record for any potentially meritorious issues and determined there is no non-frivolous issue to raise in this appeal.

Counsel's brief discusses the sufficiency of the evidence relating to Section 161.001(b)(1)(E) which was one ground on which the termination was granted and the best interest of the child. Counsel's brief evidences a professional evaluation of the record, and we conclude that counsel performed the duties required of appointed counsel. See *Anders*, 386 U.S. at 744; see also *In re Schulman*, 252 S.W.3d 403, 406-408 (Tex.

Crim. App. 2008). Upon the filing of the *Anders* brief, as the reviewing appellate court, it is our duty to independently examine the record to decide whether counsel is correct in determining that an appeal is frivolous. See *In the Interest of G.P.*, 503 S.W.3d 531, 536 (Tex. App.—Waco 2016, pet. denied). Arguments are frivolous when they "cannot conceivably persuade the court."

McCoy v. Court of Appeals, 486 U.S. 429, 436, 108 S. Ct. 1895, 100 L. Ed. 2d 440 (1988). Having carefully reviewed the entire record and the *Anders* brief, we agree with counsel that the appeal is frivolous. See *In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet. denied).

Accordingly, we affirm the trial court's order of termination. In the Interest of T.R.M., a Child
Page 2 CONCLUSION Having found no meritorious issues presented in this appeal, we affirm the
judgment of the trial court. TOM GRAY Chief Justice Before Chief Justice Gray, Justice Davis,
and Justice Neill Affirmed Opinion delivered and filed December 16, 2020 CV06 In the Interest of
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