

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of A.R., H.R., and D.R., Children

No. 04-12-00563-CV (Tex. App.—San Antonio Feb. 20, 2013) (mem. op.) · No. 04-12-00563-CV · Decided February 20, 2013

SUMMARY

The Fourth Court of Appeals of San Antonio, Texas, reviewed an appeal from an order terminating the parental rights of the appellants to three children. Applying the Anders procedure, the court concluded that the appeals were frivolous and without merit, affirmed the trial court's order, and granted appointed counsel's motions to withdraw.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Patricia O. Alvarez, Justice; Catherine Stone, Chief Justice; Sandee Bryan Marion, Justice
JURISDICTION	Texas
DECIDED	February 20, 2013
DOCKET	04-12-00563-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from an order terminating the parental rights of the appellants to their three children.
STANDARD OF REVIEW	The appellate court independently reviewed the record to determine whether the appeals presented any arguable grounds for reversal.
PRECEDENTIAL VALUE	published
PARTIES	Appellants, the parents

TOPICS

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

PRACTICE AREAS

- family law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Anders briefs satisfied the applicable requirements for an appeal from an order terminating parental rights.
2. Whether independent review of the record disclosed any arguable ground for reversal of the termination order.
3. Whether the court-appointed appellate attorneys should be permitted to withdraw.

HOLDINGS

1. The court-appointed attorneys' briefs met the requirements of *Anders v. California* and properly evaluated the record for arguable grounds.
2. After reviewing the record, the court concluded that each appellant's appeal was frivolous and without merit and affirmed the trial court's termination order.
3. The court granted each appellant's court-appointed appellate attorney's motion to withdraw.

KEY QUOTATIONS

“After reviewing the record, we agree that each Appellant’s appeal is frivolous and without merit.” (at 2)

FACTUAL BACKGROUND

The trial court entered an order terminating the appellants' parental rights to their three children. The record was reviewed by court-appointed appellate counsel for each appellant, who concluded that no arguable grounds existed and that the appeals were frivolous and without merit. Neither parent filed a pro se brief after being advised of that right.

PROCEDURAL HISTORY

The 224th Judicial District Court of Bexar County, Texas, terminated the appellants' parental rights. Each appellant's court-appointed appellate attorney filed an Anders brief stating that the appeal was frivolous and without merit and moved to withdraw. Neither parent filed a pro se brief. After independently reviewing the record, the court of appeals affirmed the termination order and granted each attorney's motion to withdraw.

DISPOSITION

affirmed

CASES CITED

- *Anders v. California*, 386 U.S. 738 (1967)
- *In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, at *4 (Tex. App.—San Antonio May 21, 2003, no pet.)
- *In re K.M.*, 98 S.W.3d 774, 775 (Tex. App.—Fort Worth 2003, order)

OPINION

PER CURIAM.

Fourth Court of Appeals San Antonio, Texas MEMORANDUM OPINION No. 04-12-00563-CV IN THE INTEREST OF A.R., H.R., and D.R., Children From the 224th Judicial District Court, Bexar County, Texas Trial Court No. 2010-PA-02447 Honorable Charles E. Montemayor, Judge Presiding Opinion by: Patricia O. Alvarez, Justice Sitting: Catherine Stone, Chief Justice Sandee Bryan Marion, Justice Patricia O. Alvarez, Justice Delivered and Filed: February 20, 2013 AFFIRMED This is an appeal from the trial court's order terminating Appellants' parental rights to their three children.

The court-appointed appellate attorney for each appellant filed a brief containing a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. Each attorney concludes that the appeal for his respective client is frivolous and without merit.

The briefs meet the requirements of *Anders v. California*, 386 U.S. 738 (1967). See *In re R.R.*, No. 04-03-00096-CV, 2003 WL 21157944, at * 4 (Tex. App.—San Antonio May 21, 2003, no pet.) (applying *Anders* procedure in an appeal from a termination of parental rights) (mem. op.); see also *In re K.M.*, 98 S.W.3d 774, 775 (Tex. App.—Fort Worth 2003, order) (same).

04-12-00563-CV The attorney for each appellant certified that a copy of his brief was delivered to his respective client who was advised of his or her right to examine the record and to file a pro se brief. Neither parent filed a pro se brief.

After reviewing the record, we agree that each Appellant's appeal is frivolous and without merit. We affirm the trial court's order and grant each Appellant's attorney's motion to withdraw. Patricia O. Alvarez, Justice -2-