

COURT OF APPEALS OF TEXAS, FOURTH DISTRICT, SAN ANTONIO

In the Interest of J.P., a Child

No. 04-11-00403-CV (Tex. App.—San Antonio Nov. 14, 2012) · No. 04-11-00403-CV · Decided November 14, 2012

SUMMARY

The Texas Court of Appeals affirmed the trial court's order terminating the parental rights of the child's mother and father. Applying the Anders procedure, the court concluded that the appeal was frivolous and without merit and granted both appointed attorneys' motions to withdraw.

CASE DETAILS

COURT	Court of Appeals of Texas, Fourth District, San Antonio
WRITING FOR THE COURT	Karen Angelini, Justice; Phylis J. Speedlin, Justice; Steven C. Hilbig, Justice
JURISDICTION	Texas
DECIDED	November 14, 2012
DOCKET	04-11-00403-CV
DISPOSITION	affirmed
PROCEDURAL POSTURE	M.P. and B.C. appealed the trial court's order terminating their parental rights to J.P. Their court-appointed attorneys filed Anders briefs stating that the appeals were frivolous and without merit.
STANDARD OF REVIEW	Independent review of the record and Anders briefs to determine whether the appeal presents any arguable grounds and whether it is frivolous and without merit.
PRECEDENTIAL VALUE	Published memorandum opinion; precedential status not otherwise addressed in the opinion
PARTIES	M.P., Mother, B.C., Father v. J.P., a Child

TOPICS

[termination of parental rights](#) [parental rights](#) [family law procedure](#) [appellate procedure](#)

PRACTICE AREAS

[family law](#) [parental rights](#) [termination of parental rights](#) [appellate procedure](#)

QUESTIONS PRESENTED

1. Whether the Anders briefs complied with the applicable requirements and whether the record presented any arguable grounds for reversal of the order terminating the parents' parental rights.
2. Whether appointed counsel should be permitted to withdraw after concluding that the appeal was frivolous and without merit.

HOLDINGS

1. The court held that both Anders briefs satisfied the applicable requirements and, after reviewing the record and briefs, that the appeals were frivolous and without merit.
2. The court granted both court-appointed attorneys' motions to withdraw.

KEY QUOTATIONS

"After reviewing the record and counsels' briefs, we agree that the appeal is frivolous and without merit." (-2)

FACTUAL BACKGROUND

The trial court entered an order terminating M.P.'s and B.C.'s parental rights to J.P. The opinion does not detail the underlying termination facts because the appeal was resolved through Anders review of the record. Both parents received copies of their attorneys' briefs and were informed of their rights to review the record and file pro se briefs, but neither filed one.

PROCEDURAL HISTORY

The 83rd Judicial District Court of Val Verde County, Texas, entered an order terminating both appellants' parental rights. On appeal, each court-appointed attorney filed an Anders brief and a motion to withdraw. Neither parent filed a pro se brief. After reviewing the record and the briefs, the court affirmed the termination order and granted counsel's motions 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 2003, order), disp. on merits, 2003 WL 22080522 (Tex. App.—San Antonio 2003, no pet.)
- Nichols v. State, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.)
- Bruns v. State, 924 S.W.2d 176, 177 n. 1 (Tex. App.—San Antonio 1996, no pet.)

OPINION

PER CURIAM.

MEMORANDUM OPINION No. 04-11-00403-CV IN THE INTEREST OF J.P., a Child From the 83rd Judicial District Court, Val Verde County, Texas Trial Court No. 28075 Honorable Bert Richardson, Judge Presiding Opinion by: Karen Angelini, Justice Sitting: Karen Angelini, Justice Phylis J. Speedlin, Justice Steven C. Hilbig, Justice Delivered and Filed: November 14, 2012 AFFIRMED Appellant Mother M.P. and Appellant Father B.C. appeal the trial court's order terminating their parental rights to J.P.

Both of Appellants' court-appointed attorneys have filed briefs containing a professional evaluation of the record and demonstrating that there are no arguable grounds to be advanced. Both of Appellants' court-appointed attorneys have, respectively, concluded that this appeal is without merit. Both 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 2003, order) (applying *Anders* procedure in appeal from termination of parental rights), *disp. on merits*, 2003 WL 22080522 (Tex. App.—San Antonio 2003, no pet.). Further, Appellant Mother M.P.'s counsel states that he provided 04-11-00403-CV Appellant Mother M.P. with a copy of the brief and informed her of her right to review the record and file a pro se brief.

Similarly, Appellant Father B.C.'s counsel states that he provided Appellant Father B.C. with a copy of the brief and informed him of his right to review the record and file a pro se brief. Neither Appellant Mother M.P. nor Appellant Father B.C. has filed a pro se brief.

After reviewing the record and counsels' briefs, we agree that the appeal is frivolous and without merit. Therefore, the Order of Termination signed by the trial court is affirmed. We grant counsels' motions to withdraw. *Nichols v. State*, 954 S.W.2d 83, 86 (Tex. App.—San Antonio 1997, no pet.); *Bruns v. State*, 924 S.W.2d 176, 177 n. 1 (Tex. App.—San Antonio 1996, no pet.).

Karen Angelini, Justice -2-