

NO. 23-0961

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IN THE SUPREME COURT OF TEXAS

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IN RE  
X.E., A CHILD

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A.A., PETITIONER  
VS.  
DEPARTMENT OF FAMILY AND  
PROTECTIVE SERVICES, RESPONDENT

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ON PETITION FOR REVIEW FROM THE  
FOURTEENTH COURT OF APPEALS AT HOUSTON, TEXAS

IN THE INTEREST OF  
X.E., A CHILD  
NO. 14-23-00361-CV

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ON APPEAL FROM THE 314<sup>TH</sup> DISTRICT COURT  
HARRIS COUNTY, TEXAS  
TRIAL COURT CAUSE NO. 2022-00633J

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***ANDERS* PETITION FOR REVIEW ON  
BEHALF OF PETITIONER A.A.**

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ATTORNEY FOR PETITIONER,  
A.A.

TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF  
TEXAS:

Petitioner, A.A., (“Father”), requests that the Supreme Court of Texas review the Judgment and Memorandum Opinion (“Mem. Op.”) issued by the Fourteenth Court of Appeals to determine if there are any nonfrivolous grounds to assert in a petition for review.

His appointed appellate counsel, Donald M. Crane, concluded there are no such grounds and requests that the Court permit him to withdraw as his appellate counsel.

#### **IDENTITY OF PARTIES AND COUNSEL**

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**A.A.,**  
**Father**

**Trial Counsel:**  
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**Party:**  
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**Mother**

**Trial Counsel:**  
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## STATEMENT OF THE CASE

- Nature of the Case:* This is a parental rights termination case concerning Petitioner A.A. (Father's) child, X.E. (Zeke) two years (2) and ten (10) months of age at the time of trial.
- Trial Court Judge:* Honorable Eric Andell, Associate Judge, 314<sup>th</sup> District Court.
- Disposition in the Trial Court:* On April 14, 2022, the Department of Family & Protective Services filed its *Original Petition for Protection of a Child for Conservatorship and for Termination in Suit Affecting the Parent-Child Relationship*. (C.R. at 5-27). The one-day bench trial was held February 28, 2023. On May 1, 2023, District Court Judge Michelle Moore signed a *Final Decree for Termination* in which Petitioner's parental rights were terminated. (C.R. at 251)(C.R. at 248-57). The Court appointed the Department Sole Managing Conservator of X.E. (C.R. at 252). *Appendix "A"*.
- Disposition in the Court of Appeals:* On September 28, 2023, the Fourteenth Court of Appeals rendered its *Judgment*: "[w]e have inspected the record and find no error in the judgment. We order the judgment of the court below AFFIRMED." *Appendix "B"*. On September 28, 2023, Chief Justice Tracy Christopher delivered the *Memorandum Opinion*. Justice Frances Bourloit and Justice Megan Hassan joined. *Appendix "C"*.



## **STATEMENT OF JURISDICTION**

The Supreme Court of Texas has jurisdiction over this case pursuant to Tex. Gov. Code §22.001(a)(3). See also *In re P.M.*, 520 S.W.3d 24 (Tex. 2016) (per curiam) (holding that pursuant to Tex. Fam Code §107.016(2)(B) an indigent appellant’s right to appointed counsel in parental-right termination cases includes all appellate proceedings).

## **ISSUE PRESENTED FOR REVIEW**

ARE THERE ANY NONFRIVOLOUS GROUNDS TO  
ASSERT IN A PETITION FOR REVIEW?

## **STATEMENT OF FACTS**

X.E. came into care based on “allegations of neglectful supervision and physical neglect” as he was seen with a very severe diaper rash and had experienced domestic violence between the mother and father. There were also reports of drug abuse of both parents in front of the child “as well as unexplained marks and bruises on [Zeke] that neither [parent] could explain at the time he came into care.”<sup>1</sup>

Father was given a FSP but did not take advantage of the referrals set up by the Comal County courtesy supervisor.

The father visited X.E. once during the pendency of the case.

According to the caseworker, Ashley Edwards, A.A. “was at the mercy of his mother and/or his girlfriend for rides, and neither were reliable. His mother brought him one time, and after that he didn’t have any other arrangements that he could make.”<sup>2</sup>

At the time of trial, Zeke was residing in a licensed, foster-to-adopt placement which was meeting all of his emotional and physical needs. Zeke had been residing in this one foster placement since the start of the case (April 13, 2022).<sup>3</sup> According to the Child Advocate “[h]e’s thriving in that home.”<sup>4</sup>

Mother relinquished.

## **SUMMARY OF THE ARGUMENT**

The father missed visits because he did not have reliable transportation to Houston from Comal County. He did not participate in services but for making himself available for DNA testing.<sup>5</sup>

He did not appear at trial.

The undersigned filed an *Anders* brief in the Fourteenth Court of Appeals. The father failed to file a response.

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<sup>1</sup> 2-R.R. at 13, l. 12-21.

<sup>2</sup> 2-R.R. at 17-18, l. 20-5; 1-2.

<sup>3</sup> 2-R.R. at 19, l. 22-5

The Fourteenth concluded that “the appeal is wholly frivolous and without merit,” and further added “[a] discussion of the brief would add nothing to the jurisprudence of the state.”<sup>6</sup>

Therefore, based on the applicable law and the facts presented herein, there are no nonfrivolous arguments appointed appellate counsel can assert in a petition for review.

### **ARGUMENT AND ANALYSIS**

This Honorable Supreme Court has held that “the right to Counsel under Section 107.013(1) through the exhaustion of appeals under Section 107.016(2)(B) includes “all proceedings in this Court, including the filing of a petition for review.” If the parent wishes to pursue an appeal to the highest court, as Father does in this case, “appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.” *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam).

### ***Anders* Procedures & Requirements**

When court-appointed counsel determines, in his or her professional opinion, that an appeal is without merit and there are no arguable grounds for reversal, Counsel is required to file a brief that meets the requirements of

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<sup>4</sup> 2-R.R. at 22, l. 22.

<sup>5</sup> 2-R.R. at 11, l. 4-12.

<sup>6</sup> *Mem. Op.* at 2.

*Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967). The *Anders* procedures are applicable to appeals involving the termination of parental rights. .” *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (per curiam).

The reviewing court is required to conduct a full and independent examination of the record to determine whether there are any non-frivolous issues to assert on appeal. If it determines that an appeal is wholly frivolous, it may issue an opinion explaining that after scrutinizing the record, it finds no reversible error. Or, it may remand the cause to the trial court so that new counsel may be appointed to brief the issues that could be argued on appeal. *Bledsoe v. State*, 178 S.W.3d 824, 826-827 (Tex. Crim. App. 2005). A copy of counsel’s brief and a copy of the record must be provided to the client. In addition, the client must be advised of their right to review the record. *Stafford v. State*, 813 S.W.2d 503, 510 (Tex. Crim. App. 1991).

The *Anders* Court also observed “if counsel finds his case to be wholly frivolous, after a conscientious examination of it, he should so advise the court and request permission to withdraw.” *Anders*, 386 U.S. at 744, 87 S. Ct. at 1396. The entire reason for the *Anders* procedure “is counsel’s ethical obligation not to assert frivolous claims.” *Ex Parte Owens*, 206 S.W.3d 670, 677 (Tex. Crim. App. 2006) (J. Womack, concurring) citing Tex. Disciplinary R. Prof. Conduct 3.01 which states:

A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous.

A proceeding is “frivolous” when it lacks an “arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325, 109 S. Ct. 1827, 1831-32 (1989). *See also* Tex. Civ. & Rem. Code §9.001(3) “groundless” means: (A) no basis in fact; or (2) not warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

Appointed counsel must act in the role of an active advocate on behalf of the client. Counsel is required to refer to anything in the record that might arguably support the appeal. *Anders*, 386 U.S. at 744, 87 S. Ct. at 1400.

Finally, this Honorable Supreme Court has held that “the right to counsel under §107.013(a)(1) through the exhaustion of appeals under §107.016(2)(B) includes all proceedings in this Court, including the filing of a petition for review.” *In re P.M.*, 520 S.W.3d 24 (Tex. 2016). In contrast, once the appellate court confirms that there are no non-frivolous grounds for appeal a criminal defendant’s constitutional right to appeal is extinguished. *Meza v. State*, 206 S.W.3d 684, 689 (Tex. Crim. App. 2006).

## Application of Law to Facts

Petitioner A.A. may make no nonfrivolous challenge to the Fourteenth Court of Appeals' conclusion that the trial court's final order contained "no reversible error in the record."<sup>7</sup>

The Memorandum Opinion provides no discussion of the brief having concluded that no nonfrivolous argument could be made. Perhaps the father could have provided a *pro se* response seeing that he did visit one time and was motivated enough to submit himself to DNA testing.

But he did not take advantage of the services offered by the Comal County courtesy worker. He was interested enough to see if he was the father but not motivated enough to be a parent.

The child is said to be "thriving" in his foster-to-adopt placement.

Father' parental rights were terminated on N and O grounds as well as best interest. There appears to be legally sufficient evidence in the trial record to support both N and O termination grounds as well as best interest without the necessity of the Fourteenth discussing the appellant's brief.

And this Honorable Supreme Court does not have jurisdiction to perform a factual sufficiency review. *See* TEX. CONST. art. V, § 6.

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<sup>7</sup> *Mem. Op.* at 2.

## CONCLUSION AND PRAYER

The Fourteenth Court of Appeals properly concluded that the appeal is wholly frivolous and without merit, that there is no reversible error in the record, and that that trial court's decree should be affirmed.

Therefore, based on the applicable law and the facts presented herein, there are no nonfrivolous arguments appointed appellate counsel can assert in a petition for review.

Petitioner, A.A., prays that the Supreme Court of Texas independently review the appellate record to determine if there are any nonfrivolous grounds to assert in a petition for review.

Donald M. Crane, appointed appellate counsel, certifies that contemporaneously with filing this petition, he is filing his motion to withdraw and has complied with all the *Anders* requirements. Undersigned prays that he be permitted to withdraw.

Petitioner prays for general relief.

Respectfully submitted,

CRANE LANE LLP

**/s/ Donald M. Crane**

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ATTORNEY AD LITEM ON  
APPEAL FOR PETITIONER  
A.A.

### CERTIFICATE OF COMPLIANCE

1. This *Anders* petition for review complies with the type-volume limitation of Tex. R. App. 9.4 (i)(2) because it contains approximately 1,234 words.
2. The electronic copy of this *Anders* petition for review complies with Tex. R. App. 9.4 (i)(1) because it has been directly converted from Microsoft Word into a searchable document in Portable Document File (PDF) format.

/s/ Donald M. Crane  
Donald M. Crane

### CERTIFICATE OF SERVICE

I hereby certify that on this 19<sup>th</sup> day of December, 2023 a true and correct copy of the foregoing *Anders Petition for Review on Behalf of Petitioner A.A.*, was E-served on the following:

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**Petitioner via CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
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**/s/ Donald M. Crane**  
Donald M. Crane

**APPENDIX “A”**

*Decree for Termination* entered May 1, 2023  
Cause No. 2022-00633J

**APPENDIX “B”**

*Judgment* rendered September 28, 2023  
No. 14-23-00361-CV

**APPENDIX “C”**

*Memorandum Opinion* issued September 28, 2023  
No. 14-23-00361-CV

**NOTICE: THIS DOCUMENT  
CONTAINS SENSITIVE DATA**

SDD  
MPATX  
4A  
12T

**ASHLEY EDWARDS 170-2  
SHA'DAWNNA HANDY**

**CAUSE NO. 2022-00633J**

**IN THE INTEREST OF**

**IN THE DISTRICT COURT OF**

**X [REDACTED] E [REDACTED]**

**HARRIS COUNTY, TEXAS**

**CHILD**

**314TH JUDICIAL JUVENILE DISTRICT**

**DECREE FOR TERMINATION**

On **February 28, 2023**, came on to be heard before this Court Petitioner's *Suit To Terminate The Parent-Child Relationship*.

**1. Appearances**

- 1.1. The Department of Family and Protective Services ("the Department") appeared through **ASHLEY EDWARDS**, caseworker, and by attorney, **MARC A. RITTER**, and announced ready.
- 1.2. Respondent **MOTHER X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED]** appeared through attorney of record **DANIELLA R. GONZALEZ** and announced ready.
- 1.3. Respondent **FATHER A [REDACTED] A [REDACTED]** appeared through attorney of record **JERRY MICHAEL ACOSTA** and announced ready.
- 1.4. **JO ANN WEISS SCHAFFER**, appointed by the Court as Attorney Ad Litem of record for the child the subject of this suit, **APPEARED**.
- 1.5. **CHILD ADVOCATES**, appointed by the Court as Volunteer Advocate of record for the child the subject of this suit, **APPEARED**.

**2. Findings**

- 2.1. The Court, having examined the record and heard the evidence and argument of counsel, finds that this Court has jurisdiction of this case and of all the parties and that no other court has continuing, exclusive jurisdiction of this case.

- 2.2. The Court, having examined the record and heard the evidence and argument of counsel, finds that the State of Texas has jurisdiction of this case pursuant to Subchapter C, Chapter 152, Texas Family Code, by virtue of the fact that Texas is the home state of the child.
- 2.3. All persons entitled to citation were properly cited or filed a duly executed waiver of citation herein.
- 2.4. The Court finds that this order sufficiently defines the rights and duties of the parents of the child pursuant to §153.603, Texas Family Code, and no further parenting plan is appropriate or necessary.

3. **Jury**

A jury was waived, and all questions of fact and of law were submitted to the Court.

4. **Record**

The record of testimony was duly reported by the court reporter for the 314th Judicial District Court of Harris County.

5. **Master of the Court's Findings and Recommendations**

The Master of the Court made the following findings and recommendations:

6. **The Child**

The Court finds that the following child is the subject of this suit:

Name: X [REDACTED] E [REDACTED]  
Sex: [REDACTED]  
Birth Date: [REDACTED]  
Social Security Number: [REDACTED]  
Present Residence: [REDACTED]  
Driver's License Number: [REDACTED]

7. **Establishment of Paternity Nonsuit of Unknown Father K [REDACTED] D [REDACTED] AKA K [REDACTED] P [REDACTED] D [REDACTED]**

8. **IT IS ORDERED AND DECREED that K [REDACTED] D [REDACTED] AKA K [REDACTED] P [REDACTED] D [REDACTED]**

**Based on DNA evidence admitted K [REDACTED] D [REDACTED] AKA K [REDACTED] P [REDACTED] D [REDACTED] is, and he is hereby declared to be, the father of the child X [REDACTED] E [REDACTED], born to MOTHER X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED], and that the parent-child relationship between said father and**

said children is established for all purposes. Based on the DNA evidence the Court finds that any alleged Unknown Father is not the father of the child and is hereby dismissed.

9. **Termination of Respondent Mother X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED]'S Parental Rights**

9.1. The Court finds by clear and convincing evidence that termination of the parent-child relationship between X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] and the child, X [REDACTED] E [REDACTED], the subject of this suit is in the child's best interest.

9.2. Further, the Court finds by clear and convincing evidence that X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] has:

9.2.1. executed an unrevoked or irrevocable affidavit of relinquishment of parental rights as provided by Chapter 161, Texas Family Code;

9.1. **IT IS THEREFORE ORDERED AND DECREED** that the parent-child relationship between X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] and the child, X [REDACTED] E [REDACTED], the subject of this suit is finally and forever terminated.

9.2. In accordance with Texas Family Code §161.001(c), the court finds that the order of termination of the parent child relationship as to X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] is not based on evidence that X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED]:

9.2.1. Homeschooled the child;

9.2.2. is economically disadvantaged;

9.2.3. has been charged with a nonviolent misdemeanor other than:

9.2.3.1 an offense under Title 5, Penal Code;

9.2.3.2 an offense under Title 6, Penal Code; or

9.2.3.3 an offense that involves family violence, as defined by Section 71.004 of this code;

9.2.4. provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code; or

9.2.5. declined immunization for the child for reasons of conscience, including a religious belief.

10. **Termination of Respondent Father A [REDACTED] A [REDACTED]'S Parental Rights**

10.1. The Court finds by clear and convincing evidence that termination of the parent-child relationship between A [REDACTED] A [REDACTED] and the child, X [REDACTED] E [REDACTED], is in the child's best interest.

10.2. Further, the Court finds by clear and convincing evidence that A [REDACTED] A [REDACTED] has:

10.2.1. constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services or an authorized agency for not less than six months and: (1) the Department or authorized agency has made reasonable efforts to return the child to the father; (2) the father has not regularly visited or maintained significant contact with the child; and (3) the father has demonstrated an inability to provide the child with a safe environment, pursuant to §161.001(b)(1)(N), Texas Family Code;

10.2.2. failed to comply with the provisions of a court order that specifically established the actions necessary for the father to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than nine months as a result of the child's removal from the parent under Chapter 262 for the abuse or neglect of the child, pursuant to §161.001(1)(O), Texas Family Code;

10.2.2.1. The parent failed to raise a defense based on Texas Family Code §161.001(d) to the court's finding under §161.001(b)(1)(O) of the Family Code; and, even if presented, the court finds that there was no proof by a preponderance of evidence that the Parent: (1) was unable to comply with specific provisions of a court order; and (2) the Parent made a good faith effort to comply with the order and the failure to comply with the order is not attributable to any fault of the parent.

10.3. **IT IS THEREFORE ORDERED AND DECREED** that the parent-child relationship between A [REDACTED] A [REDACTED] and the child, X [REDACTED] R [REDACTED] E [REDACTED], is finally and forever terminated.

10.4. In accordance with Texas Family Code §161.001(c), the court finds that the order of termination of the parent child relationship as to A [REDACTED] A [REDACTED] is not based on evidence that A [REDACTED] A [REDACTED]:

10.4.1. Homeschooled the child;

10.4.2. is economically disadvantaged;

- 10.4.3. has been charged with a nonviolent misdemeanor other than:
  - 10.4.3.1. an offense under Title 5, Penal Code;
  - 10.4.3.2. an offense under Title 6, Penal Code; or
  - 10.4.3.3. an offense that involves family violence, as defined by Section 71.004 of this code;
- 10.4.4. provided or administered low-THC cannabis to a child for whom the low-THC cannabis was prescribed under Chapter 169, Occupations Code, or
- 10.4.5. declined immunization for the child for reasons of conscience, including a religious belief.

11. **Managing Conservatorship of the Child**

- 11.1. The Court finds that the appointment of a parent or both parents as managing conservator would not be in the best interest of the child, X [REDACTED] E [REDACTED], because the appointment would significantly impair the child's physical health or emotional development; and it would not be in the best interest of the child to appoint a relative of the child or another person as managing conservator.
- 11.2. **IT IS THEREFORE ORDERED AND DECREED** that the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** is appointed Sole Managing Conservator of the child, X [REDACTED] E [REDACTED], with the rights and duties specified in §153.371, Texas Family Code and the Court finds this appointment to be in the best interest of the child.
  - 11.2.1. In addition to these rights and duties listed in §153.371, Texas Family Code, **IT IS ORDERED** that the Department is authorized to consent to the medical care for **CHILD** under §266.004, Texas Family Code.
- 11.3. **IT IS FURTHER ORDERED AND DECREED** that the **DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES** shall, each twelve months after the date of this order, file with the Court a report of facts concerning the child's welfare, including the child's whereabouts and physical condition, as required by §153.375, Texas Family Code.

12. **Rights and Duties of the NonParent Appointed as Sole Managing Conservator:**

**IT IS ORDERED AND DECREED** that the Sole Managing Conservator shall have the following rights and duties subject only to any rights granted herein to any Possessory Conservator as pursuant to Texas Family Code.

- 12.1. the right to have physical possession and to direct the moral and religious training of the child;
- 12.2. the duty of care, control, protection, and reasonable discipline of the child;
- 12.3. the duty to provide the child with clothing, food, shelter, education, and medical, psychological, and dental care;
- 12.4. the right to consent for the child to medical, psychiatric, psychological, dental, and surgical treatment and to have access to the child's medical records;
- 12.5. the right to receive and give receipt for payments for the support of the child and to hold or disburse funds for the benefit of the child;
- 12.6. the right to the services and earnings of the child;
- 12.7. the right to consent to marriage and to enlistment in the armed forces of the United States;
- 12.8. the right to represent the child in legal action and to make other decisions of substantial legal significance concerning the child;
- 12.9. except when a guardian of the child's estate or a guardian or attorney ad litem has been appointed for the child, the right to act as an agent of the child in relation to the child's estate if the child's action is required by a state, the United States, or a foreign government;
- 12.10. the right to designate the primary residence of the child and to make decisions regarding the child's education; and
- 12.11. If the parent-child relationship has been terminated with respect to the parents, or only living parent, or if there is no living parent, the right to consent to the adoption of the child and to make any other decision concerning the child that a parent could make.
- 12.12. the right to: (a) apply for a passport for the child; (b) renew the child's passport; and (c) maintain possession of the child's passport.

13. **Interstate Compact**

The Court finds that the Petitioner has filed a verified allegation or statement regarding compliance with the Interstate Compact on the Placement of Children as required by §162.002(b)(1) of the Texas Family Code.



14. **Medical History Report:** X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED]
- 14.1. The Court finds that X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] has signed an affidavit of voluntary relinquishment of parental rights under §161.103, Texas Family Code regarding a biological child.
- 14.2. **IT IS ORDERED** that X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] shall provide information regarding the medical history of X [REDACTED] E [REDACTED] M [REDACTED] E [REDACTED] AKA X [REDACTED] E [REDACTED] and her ancestors on the medical history report form, pursuant to §161.1031, Texas Family Code.

15. **Temporary Child Support Survives Judgment**

**IT IS FURTHER ORDERED AND DECREED** that all obligations and duties for temporary child support imposed by the temporary orders of this Court that are not yet discharged shall survive this judgment and independent enforcement may be sought.

- 15.1. **IT IS ORDERED** that each parent, who has not previously done so, provide information regarding the medical history of the parent and parent's ancestors on the medical history form, pursuant to §161.2021, Texas Family Code.

16. **Continuation of Court-Ordered Ad Litem or Advocate**

- 16.1. The Court finds that the child the subject of this suit will continue in care, and this Court will continue to review the placement, progress and welfare of the child.
- 16.2. **IT IS THEREFORE ORDERED AND DECREED** that JO ANN WEISS SCHAFFER, earlier appointed as Attorney Ad Litem to represent the child, is continued in this relationship for the purposes of representing the child at the Permanency Hearing After Final Orders that may be held after the final disposition of this suit as authorized by §107.016, Texas Family Code.

17. **Expiration of Ad Litem and Other Appointments**

**IT IS ORDERED AND DECREED** that each Attorney Ad Litem and Attorney/Guardian Ad Litem and any other appointments not specifically retained above in this decree that have been made by this Court in this case do not conclude with the signing of this final judgment. These appointments continue until this case is final. This case is not final until this Court's plenary jurisdiction from this final judgment expires, and all appeals, if any, have concluded. In other words, even though this judgment is final, the attorneys appointed in this case have a continuing legal and ethical obligation to represent their client's interests in this case to final disposition, which could include the provision of legal services in connection with post-judgment motions or an appeal. Notwithstanding the legal representation provided after this final judgment is signed, the attorneys appointed in this case are not appointed to provide legal representation for Permanency Hearing After Final

Orders held pursuant to Chapter 263 of the Family Code, and shall not do so pursuant to their appointments by this Court.

18. **Dismissal of Other Court-Ordered Relationship**

Except as otherwise provided in this order, any other existing court-ordered relationships with the child the subject of this suit are hereby terminated and any parties claiming a court-ordered relationship with the child are **DISMISSED** from this suit.

19. **Discharge from Discovery Retention Requirement**

**IT IS ORDERED AND DECREED** that the parties and their respective attorneys are discharged from the requirement of keeping and storing the documents produced in this case in accordance with rule 191.4(d) of the Texas Rules of Civil Procedure.

20. **Interlocutory**

**IT IS ORDERED AND DECREED** that any and all previous interlocutory orders are incorporated into this final judgment.

21. **Denial of Other Relief**

**IT IS ORDERED AND DECREED** that all relief requested in this case and not expressly granted is denied.

22. **WARNING: APPEAL OF FINAL ORDER, PURSUANT TO §263.405, TEXAS FAMILY CODE:**

**A PARTY AFFECTED BY THIS ORDER HAS THE RIGHT TO APPEAL. AN APPEAL IN A SUIT IN WHICH TERMINATION OF THE PARENT-CHILD RELATIONSHIP IS SOUGHT IS GOVERNED BY THE PROCEDURES FOR ACCELERATED APPEALS IN CIVIL CASES UNDER THE TEXAS RULES OF APPELLATE PROCEDURE. FAILURE TO FOLLOW THE TEXAS RULES OF APPELLATE PROCEDURE FOR ACCELERATED APPEALS MAY RESULT IN THE DISMISSAL OF THE APPEAL.**

23. **NOTICE TO ANY PEACE OFFICER OF THE STATE OF TEXAS:**

**YOU MAY USE REASONABLE EFFORTS TO ENFORCE THE TERMS OF CHILD CUSTODY SPECIFIED IN THIS ORDER. A PEACE OFFICER WHO RELIES ON THE TERMS OF A COURT ORDER AND THE OFFICER'S AGENCY ARE ENTITLED TO THE APPLICABLE IMMUNITY AGAINST ANY CLAIM, CIVIL OR OTHERWISE, REGARDING THE OFFICER'S GOOD FAITH ACTS PERFORMED IN THE SCOPE OF THE OFFICER'S DUTIES IN ENFORCING THE TERMS OF THE ORDER THAT RELATE TO CHILD CUSTODY. ANY PERSON WHO KNOWINGLY PRESENTS FOR ENFORCEMENT AN ORDER THAT IS INVALID OR NO LONGER IN EFFECT**

**COMMITTS AN OFFENSE THAT MAY BE PUNISHABLE BY CONFINEMENT IN JAIL FOR AS LONG AS TWO YEARS AND A FINE OF AS MUCH AS 10,000.**

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
MASTER OF THE COURT

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2023.

Signed: *Michelle Moore*  
5/1/2023

\_\_\_\_\_  
JUDGE PRESIDING

**APPROVED AS TO FORM:**

*Marc A. Ritter 4-26-2023*

**Marc A. Ritter**

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*[Signature]*

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*fax: 713-869-4010*



September 28, 2023



## JUDGMENT

### *The Fourteenth Court of Appeals*

IN THE INTEREST OF X.E., A CHILD

NO. 14-23-00361-CV

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This cause, an appeal from the “Decree for Termination,” signed May 1, 2023, was heard on the appellate record. We have inspected the record and find no error in the judgment. We order the judgment of the court below **AFFIRMED**.

We further order this decision certified below for observance.

Panel consists of Chief Justice Christopher and Justices Bourliot and Hassan.  
Memorandum opinion delivered by Chief Justice Christopher.

**Affirmed and Memorandum Opinion filed September 28, 2023.**



**In The**

**Fourteenth Court of Appeals**

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**NO. 14-23-00361-CV**

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**IN THE INTEREST OF X.E., A CHILD**

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**On Appeal from the 314th District Court  
Harris County, Texas  
Trial Court Cause No. 2022-00633J**

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**MEMORANDUM OPINION**

This is an appeal from a final decree terminating Mother's and Father's parental rights as to their child. Only Father has appealed the trial court's judgment.

Father's counsel has filed a brief in which he concludes that the appeal is wholly frivolous and without merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), in that it presents a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. The *Anders* procedures apply to an appeal from the termination of parental rights when an appointed attorney concludes there are no non-frivolous issues to assert on appeal.

*See In re D.E.S.*, 135 S.W.3d 326, 329 (Tex. App.—Houston [14th Dist.] 2004, no pet.).

On July 19, 2023, this court notified Father of the right to file a pro se response to the *Anders* brief. More than thirty days have elapsed and, as of this date, no pro se response has been filed.

We have carefully reviewed the record and counsel’s brief and agree that the appeal is wholly frivolous and without merit. Further, we find no reversible error in the record. A discussion of the brief would add nothing to the jurisprudence of the state.

Accordingly, the trial court’s decree of termination is affirmed.

/s/ Tracy Christopher  
Chief Justice

Panel consists of Chief Justice Christopher and Justices Bourliot and Hassan.



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Filing Description: Anders Petition for Review  
Status as of 12/20/2023 8:02 AM CST

#### Case Contacts

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Donald MCrane		donmcrane@gmail.com	12/19/2023 7:12:00 PM	SENT