[Cite as *In re D.C.*, 2009-Ohio-5575.]

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

IN RE: D.C., C.C., K.C., and M.C.	:	APPEAL NO. C-090466 TRIAL NO. F06-2372
	:	*D E C I S I O N.*
	:	

Civil Appeal From: Hamilton County Juvenile Court

Judgment Appealed From Is: Affirmed

Date of Judgment Entry on Appeal: October 23, 2009

Joseph T. Deters, Prosecuting Attorney, and *John Hatcher*, Assistant Prosecuting Attorney, for Appellee Hamilton County Department of Job and Family Services,

Hugh P. McCloskey, Jr., for Appellant Michelle Cameron,

Renee Kreisa, Guardian Ad Litem for C.C., K.C., and M.C.

Please note: This case has been removed from the accelerated calendar.

SUNDERMANN, Judge.

{¶1} Michelle Cameron appeals the trial court's entry of judgment that granted permanent custody of C.C., K.C., and M.C., Cameron's children, to the Hamilton County Department of Job and Family Services under R.C. 2151.414.[1] We affirm the judgment of the trial court.

{¶2} Under *Anders v. California*,[2] Cameron's appointed counsel has advised this court that, after a thorough review of the record, he can discern no arguable assignments of error to present on appeal. He asks this court to conduct an independent review of the record to determine whether the proceedings below were free from prejudicial error.[3] He has also filed a motion to withdraw as Cameron's counsel and has given Cameron an opportunity to provide grounds for appeal.[4]

{¶3} We first consider the applicability of *Anders* to civil cases.[5] Although several Ohio appellate districts, including this court, have allowed counsel appointed in permanent-custody cases to file *Anders* briefs, we have found no analysis of the appropriateness of such a procedure in Ohio.[6] We are persuaded, however, by the reasoning of the Court of Civil Appeals of Alabama, which considered the applicability of *Anders* to a civil custody case and held that *Anders* applies in those cases in which an indigent client has court-appointed counsel.[7] The court reasoned that there was "no practical difference between making counsel continue with [an]

---

[1] Custody of a fourth child, D.C., had been resolved earlier.
[2] (1967), 386 U.S. 738, 87 S.Ct. 1396.
[3] *Anders*, supra, at 744.
[4] Id.
[5] The opposing parties, the Hamilton County Department of Job and Family Services and the guardian ad litem, do not challenge counsel's argument under *Anders*, nor have they moved to dismiss the appeal.
[6] See *In re Lee* (June 6, 2007), 1st Dist. No. C-070006; *Morris v. Lucas Cty. Children Servs. Bd.* (1989) 49 Ohio App.3d 86, 550 N.E.2d 980; *In re B.F.*, 5th Dist. No. 2009-CA-007, 2009-Ohio-2978; *In re K.B.*, 9th Dist. No. 24598, 2009-Ohio-3168.
[7] *J.K. v. Lee Cty. Dept. of Human Resources* (Ala.App.1995), 668 So.2d 813, 816.

appeal, thus requiring counsel to raise frivolous issues that the appellate court has to review, and allowing counsel to file an *Anders* brief raising possible issues, but notifying the court that counsel believes an appeal would be frivolous."[8] And according to the Alabama court, "if the procedure outlined in *Anders* passes muster in criminal cases, it certainly should be adequate in [a civil custody] context."[9] We agree with these reasons and conclude that court-appointed counsel may file a brief pursuant to *Anders* when, after a thorough review of the record, he is unable to identify arguable assignments of error.

{¶4} Turning to the merits of Cameron's appeal, we have thoroughly reviewed the record, and we concur with counsel's conclusion that the proceedings below were free of error prejudicial to Cameron. Therefore, we affirm the trial court's judgment, and we overrule counsel's motion to withdraw. We find the appeal to be frivolous under App.R. 23 and R.C. 2505.05, but we refrain from taxing costs and expenses against Cameron because she is clearly indigent.

HILDEBRANDT, P.J., and **CUNNINGHAM, J.,** concur.

Please Note:

The court has recorded its own entry this date.

[8] Id. at 815-816.
[9] Id. at 816.