

Opinion filed December 10, 2015



In The
Eleventh Court of Appeals

No. 11-15-00194-CV

IN THE INTEREST OF A.D. AND B.D., CHILDREN

**On Appeal from the 326th District Court
Taylor County, Texas
Trial Court Cause No. 7815-CX**

MEMORANDUM OPINION

This is an appeal from an order in which the trial court terminated the parental rights of the mother and the father of A.D. and B.D. The mother filed a notice of appeal; the father did not. We dismiss the appeal.

The mother's court-appointed counsel has filed a motion to withdraw and a supporting brief in which he professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced. See *In re Schulman*, 252 S.W.3d 403, 406–08 (Tex. Crim. App. 2008); *High v. State*, 573 S.W.2d 807, 812 (Tex. Crim. App. [Panel Op.] 1978). In this regard, the practice recognized in *Anders* for court-appointed counsel to seek

a withdrawal from a frivolous appeal applies to parental termination proceedings involving appointed counsel. *In re R.M.C.*, 395 S.W.3d 820 (Tex. App.—Eastland 2013, no pet.); *see In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

Appellant’s counsel provided Appellant with a copy of the brief and the motion to withdraw and informed Appellant of her right to review the record and file a pro se response to counsel’s brief.¹ In compliance with *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014), counsel provided Appellant with a copy of the reporter’s record and the clerk’s record. We note that Appellant has not filed a pro se response in this court. We conclude that Appellant’s counsel has satisfied his duties under *Anders*, *Schulman*, and *Kelly*.

Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record, and we agree that the appeal is without merit and should be dismissed. *See Schulman*, 252 S.W.3d at 409. Accordingly, we grant the motion to withdraw filed by Appellant’s court-appointed appellate counsel. Additionally, we order counsel to notify Appellant of the disposition of this appeal and the availability of discretionary review in the Texas Supreme Court. Counsel is directed to send Appellant a copy of the opinion and judgment within five days after the opinion is handed down, along with notification of her right to file a pro se petition for review under TEX. R. APP. P. 53. Likewise, this court advises Appellant that she may file a petition for review pursuant to TEX. R. APP. P. 53.

The motion to withdraw is granted, and the appeal is dismissed.

December 10, 2015

PER CURIAM

Panel consists of: Wright, C.J.,
Willson, J., and Bailey, J.

¹By letter, this court granted Appellant more than thirty days in which to exercise her right to file a response to counsel’s brief.