



**COURT OF APPEALS  
SECOND DISTRICT OF TEXAS  
FORT WORTH**

**NO. 02-16-00166-CV**

IN THE INTEREST OF L.H., U.A.,  
AND L.H., CHILDREN

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FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 323-101513-15

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**MEMORANDUM OPINION<sup>1</sup>**

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Appellant C.A. (Mother) appeals the trial court's judgment terminating her parental rights to daughters L.H. and U.H. and son L.H. After a bench trial, the trial court found, among other things, that clear and convincing evidence established that Mother knowingly placed or knowingly allowed the children to remain in conditions or surroundings which endangered their physical or

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<sup>1</sup>See Tex. R. App. P. 47.4.

emotional well-being and engaged in conduct or knowingly placed the children with persons who engaged in conduct which endangered their physical or emotional well-being.<sup>2</sup> The trial court also found that termination of the parent-child relationships between Mother and the children was in the children's best interest.<sup>3</sup>

Mother's court-appointed appellate counsel has filed a motion to withdraw and an *Anders* brief in support, stating that after thoroughly reviewing the record, she believes that any appeal by Mother would be frivolous.<sup>4</sup> Mother's appointed appellate counsel's brief meets the requirements of *Anders* by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds of error to be advanced on appeal.<sup>5</sup> We also consider Mother's pro se response to the *Anders* brief. Although given the opportunity,

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<sup>2</sup>See Tex. Fam. Code Ann. § 161.001(b)(1)(D), (E) (West Supp. 2016); *In re A.V.*, 113 S.W.3d 355, 362 (Tex. 2003); *In re K.H.*, No. 02-15-00164-CV, 2015 WL 6081791, at \*3 (Tex. App.—Fort Worth Oct. 15, 2015, no pet.) (mem. op.); *In re E.M.N.*, 221 S.W.3d 815, 821 (Tex. App.—Fort Worth 2007, no pet.) (all three cases providing that along with a best interest finding, a finding of only one ground alleged under section 161.001(b)(1) is sufficient to support termination).

<sup>3</sup>See Tex. Fam. Code Ann. § 161.001(b)(2) (West Supp. 2016).

<sup>4</sup>See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400 (1967); see also *In re K.M.*, 98 S.W.3d 774, 776–77 (Tex. App.—Fort Worth 2003, no pet.) (holding that *Anders* procedures apply in parental termination cases).

<sup>5</sup>See *In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet. denied).

the Texas Department of Family and Protective Services did not file a response to the *Anders* brief.

As the reviewing appellate court, we must conduct an independent evaluation of the record to decide whether counsel is correct in determining that Mother's appeal is frivolous.<sup>6</sup> Having carefully reviewed the record, the *Anders* brief, and Mother's response, we agree with Mother's appellate counsel that her appeal is frivolous and without merit.<sup>7</sup> We find nothing in the record that arguably might support the appeal.<sup>8</sup> Accordingly, we affirm the trial court's judgment.

However, given the Texas Supreme Court's decision in *In re P.M.*, we deny the motion to withdraw filed by Mother's counsel because it does not show "good cause" other than counsel's determination that an appeal would be frivolous.<sup>9</sup> The *P.M.* court held that in frivolous cases such as this, appointed

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<sup>6</sup>*Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *In re K.R.C.*, 346 S.W.3d 618, 619 (Tex. App.—El Paso 2009, no pet.).

<sup>7</sup>See *K.R.C.*, 346 S.W.3d at 619.

<sup>8</sup>See *D.D.*, 279 S.W.3d at 850.

<sup>9</sup>See No. 15–0171, 2016 WL 1274748, at \*3–4 (Tex. Apr. 1, 2016) (“[A]n *Anders* motion to withdraw brought in the court of appeals, in the absence of additional grounds for withdrawal, may be premature.”); *In re C.J.*, No. 02-16-00143-CV, 2016 WL 4491231, at \*1 (Tex. App.—Fort Worth Aug. 26, 2016, pet. filed); *In re A.M.*, No. 01–16–00130–CV, 2016 WL 4055030, at \*7 & n.2 (Tex. App.—Houston [1st Dist.] July 28, 2016, pet. filed) (noting that since *P.M.* was handed down, “most courts of appeals affirming parental termination orders after receiving *Anders* briefs have denied the attorney’s motion to withdraw”).

counsel can fulfill her responsibilities in the supreme court by “filing a petition for review that satisfies the standards for an *Anders* brief.”<sup>10</sup>

PER CURIAM

PANEL: DAUPHINOT, J.; LIVINGSTON, C.J.; and GARDNER, J.

DELIVERED: October 20, 2016

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<sup>10</sup>*P.M.*, 2016 WL 1274748, at \*3.