



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

**NO. 02-17-00167-CV**

IN THE INTEREST OF T.Q., JR.,  
A CHILD

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FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 323-103652-16

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

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Appellant B.N. (Father) appeals the trial court's judgment terminating his parental rights to son T.Q., Jr. After a bench trial, the trial court found that

- Father knowingly engaged in criminal conduct resulting in his conviction, imprisonment, and inability to care for T.Q. for not less

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

than two years from August 17, 2016, the date the petition was filed, and

- termination of the parent-child relationship between Father and T.Q. was in the child's best interest.

See Tex. Fam. Code Ann. § 161.001(b)(1)(Q), (2) (West Supp. 2016).

Father's court-appointed appellate counsel has filed an *Anders* brief stating that after thoroughly reviewing the record, he believes that any appeal by Father would be frivolous. 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). Father'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. See *In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet. denied). We also consider Father's pro se response to the *Anders* brief. Although given the opportunity, 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 correctly determined that Father's appeal is frivolous. See *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.). Having carefully reviewed the record, the *Anders* brief, and Father's response, we agree with Father's appellate counsel that his appeal is frivolous

and without merit. See *K.R.C.*, 346 S.W.3d at 619. We find nothing in the record that arguably might support the appeal. See *D.D.*, 279 S.W.3d at 850.

Accordingly, we affirm the trial court's judgment and remind Father's appointed counsel, who has not filed a motion to withdraw in this court, "of his continuing duty to represent [Father] through the exhaustion of proceedings, including possibly filing a petition for review in the supreme court." *In re D.T.*, No. 02-17-00061-CV, 2017 WL 2806323, at \*3 (Tex. App.—Fort Worth June 29, 2017, no pet.) (mem. op.); see also *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016).

PER CURIAM

PANEL: PITTMAN, WALKER, and MEIER, JJ.

DELIVERED: October 26, 2017