



In The
Eleventh Court of Appeals

No. 11-12-00307-CV

IN THE INTEREST OF R.M.C. AND R.M.C., CHILDREN

On Appeal from the 244th District Court

Ector County, Texas

Trial Court Cause No. C-3044-PC

OPINION

The Texas Department of Family and Protective Services (the Department) instituted the underlying action seeking to terminate M.C.'s parental rights to her children, R.M.C. and R.M.C. At the conclusion of a bench trial, the trial court granted the requested termination of M.C.'s parental rights. M.C. appeals from this determination. We dismiss the appeal.

M.C.'s court-appointed counsel has filed a motion to withdraw and a supporting brief wherein she professionally and conscientiously examines the record and applicable law and states that she has concluded that the appeal is frivolous. Counsel has provided M.C. with a copy of the motion to withdraw and brief and advised M.C. of her right to review the record and file a response to counsel's brief. A response has not been filed.¹ Court-appointed counsel has

¹By letter, this court granted M.C. over forty-five days in which to exercise her right to file a response to counsel's motion to withdraw and brief.

complied with the requirements of *Anders v. California*, 386 U.S. 738 (1967) and *In re Schulman*, 252 S.W.3d 403 (Tex. Crim. App. 2008). 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. See *In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

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. *Schulman*, 252 S.W.3d at 409. Court-appointed counsel's motion to withdraw is granted. Additionally, we order counsel to notify M.C. of the disposition of this appeal and the availability of discretionary review to the Texas Supreme Court. Counsel is directed to send M.C. 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 M.C. 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.

PER CURIAM

January 31, 2013

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