

Opinion filed March 21, 2019



In The
Eleventh Court of Appeals

No. 11-18-00302-CV

IN THE INTEREST OF Z.K., A.K., AND M.K., CHILDREN

**On Appeal from the 29th District Court
Palo Pinto County, Texas
Trial Court Cause No. C47719**

MEMORANDUM OPINION

This is an appeal from a final order in which the trial court terminated the parental rights of the mother and the father of Z.K., A.K., and M.K. *See* TEX. FAM. CODE ANN. § 161.001 (West Supp. 2018). Both parents filed a notice of appeal. We affirm.

Each parent's court-appointed counsel has filed a motion to withdraw and a supporting brief in which counsel professionally and conscientiously examines the record and applicable law and concludes that the appeal is frivolous and without merit. The briefs meet 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 light of a recent holding by the Texas Supreme Court, however, an *Anders* motion to withdraw “may be premature” if filed in the court of appeals under the circumstances presented in this case. See *In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016). The court in *P.M.* stated that “appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.” *Id.* at 27–28.

Each counsel provided his/her client with a copy of the respective brief and the motion to withdraw. Counsel also informed the parents of their right to review the record and file a pro se response to counsel’s brief. In compliance with *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014), each parent’s attorney provided his/her client with a copy of the appellate record. We conclude that both attorneys have satisfied their duties under *Anders*, *Schulman*, and *Kelly*.

We note that neither parent has filed a pro se response to counsel’s *Anders* brief. Following the procedures outlined in *Anders* and *Schulman*, we have independently reviewed the record in this cause, and we agree that the appeal—as to each parent—is frivolous. However, in light of *P.M.*, we must deny the motions to withdraw that were filed by the parents’ court-appointed attorneys. See *P.M.*, 520 S.W.3d at 27.

Accordingly, we deny the motions to withdraw, and we affirm the trial court’s order of termination.

March 21, 2019

PER CURIAM

Panel consists of: Bailey, C.J.,
Stretcher, J., and Wright, S.C.J.¹

Willson, J., not participating.

¹Jim R. Wright, Senior Chief Justice (Retired), Court of Appeals, 11th District of Texas at Eastland, sitting by assignment.