Opinion filed April 21, 2022

In The

Eleventh Court of Appeals

No. 11-21-00232-CV

IN THE INTEREST OF Z.A.S. AND Z.R.R., CHILDREN

On Appeal from the 446th District Court
Ector County, Texas
Trial Court Cause No. E-20-035-PC

M E M O R A N D U M O P I N I O N

This is an appeal from a final order in which the trial court terminated the parental rights of the mother of Z.A.S. and Z.R.R. *See* TEX. FAM. CODE ANN. § 161.001 (West Supp. 2021). The mother filed a notice of appeal. We affirm.

Appellant'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 presents no issues of arguable merit. The brief meets the requirements of *Anders v. California*, 386 U.S. 738 (1967), by presenting a professional evaluation of the record and 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 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.

Appellant's counsel provided Appellant with a copy of the brief and the motion to withdraw. 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 record in this cause and informed Appellant of her right to review the record and file a pro se response to counsel's brief. We conclude that Appellant's counsel has satisfied his duties under *Anders*, *Schulman*, and *Kelly*.

We note that Appellant has not 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 is frivolous. However, in light of *P.M.*, we must deny the motion to withdraw that was filed by Appellant's court-appointed counsel. *See P.M.*, 520 S.W.3d at 27.

Accordingly, we deny counsel's motion to withdraw, and we affirm the trial court's order of termination.

PER CURIAM

April 21, 2022

Panel consists of: Bailey, C.J.,
Williams, J., and Wright, S.C.J.[1]

Trotter, J., not participating.

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