

AFFIRM; and Opinion Filed September 8, 2016.



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-16-00410-CV

IN THE INTEREST OF Y.D., ET AL, CHILDREN

**On Appeal from the 305th Judicial District Court
Dallas County, Texas
Trial Court Cause No. 14-01249**

MEMORANDUM OPINION

Before Justices Lang-Miers, Evans, and Brown
Opinion by Justice Evans

Mother appeals from the trial court's order terminating her parental rights to her children Y.D. and A.W. Mother's appointed counsel has filed a motion to withdraw, along with an *Anders* brief asserting the appeal is without merit and there are no arguable grounds for reversal. *See Anders v. California*, 386 U.S. 738 (1967). We affirm the trial court's judgment. We deny, however, counsel's motion to withdraw in light of the Texas Supreme Court's recent opinion, *In re P.M.*, No. 15-0171, 2016 WL 1274748 at *3–4 (Tex. Apr. 1, 2016).

The procedures set forth in *Anders* are applicable to an appeal from a trial court's order terminating parental rights where, as here, appellant's appointed counsel concludes there are no non-frivolous issues to assert on appeal. *See In re D.D.*, 279 S.W.3d 849, 849–50 (Tex. App.—Dallas 2009, pet. denied); *In re D.E.S.*, 135 S.W.3d 326, 329 (Tex. App.—Houston [14th Dist.] 2004, no pet.); *In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.). A

court of appeals is not required to address the merits of each claim raised in an *Anders* brief or a pro se response. See *Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005); *In re D.D.*, 279 S.W.3d at 850 (citing *Bledsoe*, 178 S.W.3d at 827). Rather, this Court's duty is to determine whether there are any arguable grounds for reversal and, if so, to remand the case to the trial court so that new counsel may be appointed to address the issues. See *In re D.D.*, 279 S.W.3d at 850.

Counsel for Mother filed an *Anders* brief in which he presents his professional evaluation of the record demonstrating why there are no arguable grounds for reversal and concluding Mother's appeal of the termination of her parental rights is frivolous and without merit. See *Anders*, 386 U.S. at 744; *In re D.E.S.*, 135 S.W.3d at 327, 330; *In re K.D.*, 127 S.W.3d at 67. In counsel's brief, he states he provided Mother a copy of his brief and informed Mother of her right to examine the appellate record and to file a pro se response. Counsel also attached to his motion to withdraw a copy of his correspondence to Mother, forwarded by regular and certified mail, return receipt requested, advising Mother of her right to review the appellate record and to file a pro se appellate brief, and noting that he had enclosed copies of his brief and his motion to withdraw. See *In re D.D.*, 279 S.W.3d at 850. This Court sent correspondence to Mother forwarding a copy of her counsel's brief, as well as advising her she had the right to review the appellate record and file a pro se response. Mother did not file a pro se response.

We independently reviewed the entire record and counsel's *Anders* brief. See *Bledsoe*, 178 S.W.3d at 827. We agree the appeal is frivolous and without merit. We find nothing in the record that could arguably support the appeal. Accordingly, we affirm the trial court's final order terminating Mother's parental rights to her children, Y.D. and A.W. We deny counsel's motion to withdraw because he does not show good cause other than his determination

that an appeal would be frivolous. *See In re P.M.*, 2016 WL at *3–4 (in absence of grounds other than the appeal is frivolous, withdrawal may be premature).

/David W. Evans/

DAVID EVANS
JUSTICE

160410F.P05



**Court of Appeals
Fifth District of Texas at Dallas**

JUDGMENT

IN THE INTEREST OF Y.D., ET AL,
CHILDREN

No. 05-16-00410-CV

On Appeal from the 305th Judicial District
Court, Dallas County, Texas
Trial Court Cause No. 14-01249.
Opinion delivered by Justice Evans, Justices
Lang-Miers and Brown participating.

In accordance with this Court's opinion of this date, the judgment of the trial court is **AFFIRMED**.

It is **ORDERED** that each party bear its own costs of this appeal.

Judgment entered this 8th day of September, 2016.