

**Affirmed; Opinion Filed December 5, 2019**



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

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**No. 05-19-00679-CV**

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**IN THE INTEREST OF D.S.A., J.N.A., B.S.A., M.N.A., CHILDREN**

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**On Appeal from the 330th Judicial District Court  
Dallas County, Texas  
Trial Court Cause No. DF-16-03637**

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**MEMORANDUM OPINION**

Before Justices Bridges, Nowell, and Evans  
Opinion by Justice Nowell

C.W.<sup>1</sup> appeals from the trial court's final decree appointing the Director of the Dallas County Child Protective Services Unit of the Department of Family and Protective Services as Managing Conservator of her children, B.S.A., J.N.A., and M.N.A.,<sup>2</sup> and granting Darlene Butcher actual possession of the children.

On appeal, C.W.'s court-appointed attorney filed a motion to withdraw and a brief concluding the appeal is frivolous and without merit. *See Anders v. California*, 386 U.S. 738, 744 (1967); *In re D.D.*, 279 S.W.3d 849, 849–50 (Tex. App.—Dallas 2009, pet. denied) (applying *Anders* procedure in appeal from termination of parental rights). Counsel's brief states she served a copy of her motion to withdraw and her brief on C.W., and, in an accompanying letter, informed

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<sup>1</sup> We refer to appellant, who is the mother of the children, by her initials only. *See* TEX. FAM. CODE § 109.002(d).

<sup>2</sup> Another child, D.S.A., was returned to C.W.

C.W. that C.W. has a right to review the record and file a pro se brief if she desires to do so. In addition, this Court provided C.W. with a copy of the *Anders* brief filed by her counsel and notified her of her right to file a pro se response. C.W. did not file a pro se response.

Upon receiving an *Anders* brief, we must conduct a full examination of the proceedings to determine whether the appeal is wholly frivolous. *Penon v. Ohio*, 488 U.S. 75, 80 (1988). We determine whether there are any arguable grounds for reversal and, if so, 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.

The brief filed by C.W.'s counsel meets the requirements of *Anders* by presenting a professional evaluation of the record demonstrating why there are no arguable grounds to be advanced on appeal. *See Anders*, 386 U.S. at 744; *In re D.D.*, 279 S.W.3d at 849–50. We independently reviewed the entire record and counsel's *Anders* brief, and we agree that 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 decree appointing the Director of the Dallas County Child Protective Services Unit of the Department of Family and Protective Services as Managing Conservator of B.S.A., J.N.A., and M.N.A. and granting Darlene Butcher actual possession of the children.

C.W.'s counsel filed a motion to withdraw as appellate counsel. In *In re P.M.*, the Texas Supreme Court held that a court-appointed attorney's duties to a client in a parental rights termination case continue through the filing of a petition for review, and a motion to withdraw filed in the court of appeals may be premature unless good cause is shown. 520 S.W.3d 24, 27 (Tex. 2016) (per curiam). Counsel has not shown good cause for withdrawing from her representation of C.W., and as a result, her obligations have not been discharged. *See id.*

Accordingly, counsel's motion to withdraw is denied.

/Erin A. Nowell/  
ERIN A. NOWELL  
JUSTICE

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

**JUDGMENT**

IN THE INTEREST OF D.S.A., J.N.A.,  
B.S.A., M.N.A., ET AL, CHILDREN

No. 05-19-00679-CV      V.

On Appeal from the 330th Judicial District  
Court, Dallas County, Texas  
Trial Court Cause No. DF-16-03637.  
Opinion delivered by Justice Nowell.  
Justices Bridges and Evans participating.

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

The motion to withdraw filed by Sharita Blacknall is **DENIED**.

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

Judgment entered this 5<sup>th</sup> day of December, 2019.