

Opinion issued November 17, 2015



In The
Court of Appeals
For The
First District of Texas

NO. 01-15-00525-CV

IN THE INTEREST OF J.M., B.L.U., B.L.U., AND K.U., Children

**On Appeal from the 314th District Court
Harris County, Texas
Trial Court Case No. 2013-05384J**

MEMORANDUM OPINION

Appellant, S.P.M., challenges the trial court's final order terminating her parental rights to her minor children. Appellant's appointed counsel has filed a motion to withdraw and an *Anders* brief, asserting that the appeal is without merit and there are no arguable grounds for reversal. *See Anders v. California*, 386 U.S.

738, 87 S. Ct. 1396 (1967). We affirm the trial court's judgment and grant counsel's motion to withdraw.

The procedures set forth in *Anders* are applicable to an appeal from a trial court's order terminating parental rights when, as here, the appellant's appointed appellate counsel concludes that there are no non-frivolous issues to assert on appeal. *In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.).

Counsel has filed an *Anders* brief in which he concludes that, after a thorough review of the record, appellant's appeal of the termination of her parental rights is frivolous and without merit. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400; *In re K.D.*, 127 S.W.3d at 67. Counsel's brief meets the minimum *Anders* requirements by presenting a professional evaluation of the record and stating why there are no arguable grounds for reversal on appeal. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400. Counsel has certified that he delivered a copy of the brief to appellant and has informed appellant of her right to obtain a copy of, and examine, the appellate record and file a response.¹ *See In re K.D.*, 127 S.W.3d at 67. Additionally, this Court has notified appellant of her right to review the record and file a pro se response. Appellant has not filed a response.

¹ Counsel subsequently notified the Clerk of this Court that, at appellant's request, he sent her a copy of the appellate record.

When we receive an *Anders* brief from an appellant's appointed attorney who asserts that no arguable grounds for appeal exist, we must determine that issue independently by conducting our own review of the entire record. *Johnson v. Dep't of Family & Protective Servs.*, No. 01-08-00749-CV, 2010 WL 5186806, at *1 (Tex. App.—Houston [1st Dist.] Dec. 23, 2010, no pet.) (mem. op.); see *In re K.D.*, 127 S.W.3d at 67. We have independently reviewed the entire record and counsel's *Anders* brief and agree with counsel's assessment that the appeal is frivolous and without merit.

Accordingly, we affirm the judgment of the trial court and grant counsel's motion to withdraw.² Attorney, William M. Thursland, must immediately send appellant the required notice and file a copy of the notice with the Clerk of this Court. See TEX. R. APP. P. 6.5(c).

PER CURIAM

Panel consists of Justices Higley, Huddle, and Lloyd.

² Appointed counsel still has a duty to inform appellant of the result of this appeal and notify appellant that he may, on her own, pursue a petition for review in the Supreme Court of Texas. See *In re K.D.*, 127 S.W.3d 66, 68 n.3 (Tex. App.—Houston [1st Dist.] 2003, no pet.).