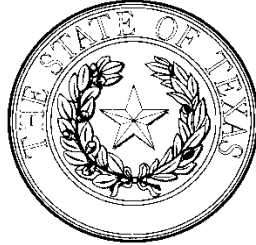


Opinion issued December 20, 2018



In The
Court of Appeals
For The
First District of Texas

NO. 01-18-00576-CV

IN THE INTEREST OF N.I.W., A Child

**On Appeal from the 315th District Court
Harris County, Texas
Trial Court Case No. 2016-03594J**

MEMORANDUM OPINION

This is an appeal from the trial court's final decree for termination in a suit brought by the Department of Family and Protective Services (DFPS) to terminate the parent-child relationship between appellants and N.I.W. (the child). In its decree, the trial court terminated both parents' parental rights and appointed DFPS as sole managing conservator of the child. Both the father, A.L., and the mother, L.I.B., filed notices of appeal, and the trial court appointed separate counsel on their

behaves to prosecute this appeal. Both the father and the mother's court-appointed appellate counsel have moved to withdraw and filed separate *Anders* briefs, stating that, in their professional opinions, this appeal is without merit and that there are no arguable grounds for reversal. *See Anders v. California*, 386 U.S. 738, 744, 87 S. Ct. 1396, 1400 (1967).

Anders procedures are appropriate in an appeal from a trial court's final order in a parental-rights termination suit. *In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.). Both counsel have certified that they have delivered a copy of their respective briefs to the father and mother and informed them of their rights to examine the appellate record and to file responses. *See In re Schulman*, 252 S.W.3d 403, 408 (Tex. Crim. App. 2008). Neither parent timely filed a response and DFPS waived its right to respond.

The briefs submitted by the father's and mother's appointed appellate counsel state their professional opinions that no arguable grounds for reversal exist and that any appeal would therefore lack merit. *See Anders*, 386 U.S. at 744, 87 S. Ct. at 1400. Counsel's briefs meet 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 id.* at 744, 87 S. Ct. at 1400; *In re Schulman*, 252 S.W.3d at 406–07.

When we receive an *Anders* brief from an appointed attorney who asserts that no arguable grounds for appeal exist, we independently determine whether arguable grounds exist 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; *In re D.E.S.*, 135 S.W.3d 326, 330 (Tex. App.—Houston [14th Dist.] 2004, no pet.). If we determine that arguable grounds for appeal exist, we abate the appeal and remand the case to the trial court to allow the appointed attorney to withdraw. See *Johnson*, 2010 WL 5186806, at *2. Then, the trial court appoints another attorney to present all arguable grounds for appeal. See *id.*

On the other hand, if our independent review of the record leads us to conclude that the appeal is frivolous, we may affirm the trial court's judgment by issuing an opinion in which we explain that we have reviewed the record and find no reversible error. See *id.* Here, we have independently reviewed the record and conclude that there are no arguable grounds for review, that no reversible error exists, and therefore the parents' appeals are frivolous. See *Anders*, 386 U.S. at 744, 87 S. Ct. at 1400 (emphasizing that reviewing court—and not counsel—determines, after full examination of proceedings, whether appeal is wholly frivolous); *In re A.M.*, 495 S.W.3d 573, 582 (Tex. App.—Houston [1st Dist.] 2016, pet. denied). Accordingly, we affirm the trial court's termination decree.

However, we deny both counsels’ motions to withdraw because this is a parental termination case. *See In re P.M.*, 520 S.W.3d 24, 27 (Tex. 2016) (holding that *Anders* brief in parental termination case is not “good cause” sufficient to justify counsel’s withdrawal); *In re A.M.*, 495 S.W.3d at 582. Counsels’ duties to their clients extend through the exhaustion or waiver of “all appeals.” *In re A.M.*, 495 S.W.3d at 583 (citing TEX. FAM. CODE ANN. § 107.016(2)(B)). If the appellants choose to pursue a petition for review to the Supreme Court of Texas, his or hers “appointed counsel’s obligations can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief.” *In re P.M.*, 520 S.W.3d at 27–28.

PER CURIAM

Panel consists of Justices Keyes, Massengale, and Brown.