

Opinion issued August 16, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-22-00275-CV

IN THE INTEREST OF K.G.C., A CHILD

**On Appeal from the 313th District Court
Harris County, Texas
Trial Court Case No. 2020-01758J**

MEMORANDUM OPINION

This is a parental termination case. Mother appeals the trial court's order terminating her parental rights to her minor son. Mother's court-appointed counsel, Michael F. Craig, filed a motion to withdraw, along with an *Anders* brief, asserting Mother's appeal is without merit and that there are no arguable grounds

for reversal. *See Anders v. California*, 386 U.S. 738 (1967). We affirm the trial court's judgment and grant counsel's motion to withdraw.

Discussion

The procedures set forth in *Anders* are applicable to an appeal from the termination of parental rights when the appointed attorney concludes that there are no non-frivolous issues to assert on appeal. *See In re K.D.*, 127 S.W.3d 66, 67 (Tex. App.—Houston [1st Dist.] 2003, no pet.). An attorney has an ethical obligation to refuse to prosecute a frivolous appeal. *In re Schulman*, 252 S.W.3d 403, 407 (Tex. Crim. App. 2008). If counsel determines the case is wholly frivolous, the attorney is obligated to withdraw. *Id.* at 406. Counsel's obligation to the appellate court is to assure, through an appellate brief, that a complete review of the record supports the request to withdraw. *Id.* at 407.

Counsel's brief meets the minimum requirements of *Anders*. In his brief, Mother's court-appointed counsel presents his professional evaluation of the record and explains why no arguable grounds exist for reversal. *See Anders*, 386 U.S. at 744. Counsel also informed Mother of her right to examine the appellate record and provided her with a form to obtain (1) the record and (2) an extension of time in which to file a pro se brief. *See In re Schulman*, 252 S.W.3d at 408. Mother did not request a copy of the record or file a pro se response to the *Anders* brief.

We have conducted our own review of the entire record and counsel's *Anders* brief. *See In re K.D.*, 127 S.W.3d at 67. We agree with counsel's assessment that the appeal is frivolous and without merit. We affirm the judgment of the trial court and grant counsel's motion to withdraw.¹ Attorney Michael F. Craig must immediately send Mother the notice required by Texas Rule of Appellate Procedure 6.5(c) and file a copy of the notice with the Clerk of this Court. *See* TEX. R. APP. P. 6.5(c). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Justices Kelly, Countiss, and Rivas-Molloy.

¹ Appointed counsel still has a duty to inform Mother of the result of this appeal and notify Mother that she 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.).