



**COURT OF APPEALS
SECOND DISTRICT OF TEXAS
FORT WORTH**

NO. 02-16-00318-CV

IN THE INTEREST OF E.P. AND
L.V., CHILDREN

FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY
TRIAL COURT NO. 323-101798-15

MEMORANDUM OPINION¹

Appellant D.V. (Mother) appeals the trial court's final order in a suit affecting the parent-child relationship appointing the Department of Family and Protective Services (Department) as permanent managing conservator of E.P.

¹See Tex. R. App. P. 47.4.

and L.V., her children. The order granted Mother visitation rights with the children “as agreed, arranged, and supervised by the [Department].”

Mother’s court-appointed appellate attorney has filed an *Anders* brief stating that after diligently reviewing the record, he believes that an appeal is frivolous. See *Anders v. California*, 386 U.S. 738, 744–45, 87 S. Ct. 1396, 1400 (1967); see also *In re K.M.*, 98 S.W.3d 774, 776–77 (Tex. App.—Fort Worth 2003, no pet.) (holding that *Anders* procedures apply in parental termination cases). The brief meets the requirements of *Anders* by presenting a professional evaluation of the record and demonstrating why there are no arguable grounds to be advanced on appeal. Although given the opportunity, Mother has not filed a response.

As the reviewing appellate court, we must independently examine the record to decide whether counsel is correct in determining that an appeal in this case is frivolous. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *In re K.R.C.*, 346 S.W.3d 618, 619 (Tex. App.—El Paso 2009, no pet.). Having carefully reviewed the record and the *Anders* brief, we agree with counsel that the appeal is frivolous. See *K.R.C.*, 346 S.W.3d at 619. We find nothing in the record that might arguably support Mother’s appeal. Accordingly, we affirm the trial court’s judgment.

Mother's counsel referred to a motion to withdraw filed concurrently with his brief, but we did not receive any such motion.² In any event, to the extent Mother's counsel seeks to withdraw, we deny such motion in light of *In re P.M.* because his brief does not show "good cause" other than counsel's determination that an appeal would be frivolous. No. 15-0171, 2016 WL 1274748, at *3–4 (Tex. Apr. 1, 2016) ("[A]n *Anders* motion to withdraw brought in the court of appeals, in the absence of additional grounds for withdrawal, may be premature."); *In re A.M.*, 495 S.W.3d 573, 582–83 (Tex. App.—Houston [1st Dist.] 2016, pet. denied) (noting that since *In re P.M.* was handed down, "most courts of appeals affirming parental termination orders after receiving *Anders* briefs have denied the attorney's motion to withdraw"). The supreme court has held that in cases such as this, "appointed counsel's obligations [in the supreme court] can be satisfied by filing a petition for review that satisfies the standards for an *Anders* brief." *In re P.M.*, 2016 WL 1274748, at *3.

/s/ Bonnie Sudderth
BONNIE SUDDERTH
JUSTICE

PANEL: LIVINGSTON, C.J.; WALKER and SUDDERTH, JJ.

DELIVERED: February 2, 2017

²The court attempted to contact Mother's counsel regarding this issue but was not able to reach him.