



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

**NO. 02-17-00077-CV**

IN THE INTEREST OF K.W., A  
CHILD

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FROM THE 323RD DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 323-102537-15

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**MEMORANDUM OPINION<sup>1</sup>**

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K.W.'s Father appeals from the trial court's judgment terminating his parental rights to K.W. on constructive abandonment grounds. See Tex. Fam. Code Ann. § 161.001(b)(1)(N), (b)(2) (West Supp. 2016). We affirm.

Father's appointed appellate counsel has filed a motion to withdraw and a brief in support of that motion in which he asserts that Father's 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

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<sup>1</sup>See Tex. R. App. P. 47.4.

2003, no pet.) (holding that *Anders* procedures apply in termination of parental rights 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. Counsel and this court also sent Father letters informing him of his right to file a response to the *Anders* brief. Out of an abundance of caution, this court forwarded a copy of its letter to another address associated with Father, but that correspondence was returned “unclaimed.” Father has not indicated an intention to file a response to counsel’s *Anders* brief. The State has declined to file a brief.

Once an appellant’s court-appointed attorney files a motion to withdraw on the ground that the appeal is frivolous and fulfills the requirements of *Anders*, this court is obligated to undertake an independent examination of the record to determine if any arguable grounds for appeal exist. See *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991); *Mays v. State*, 904 S.W.2d 920, 922–23 (Tex. App.—Fort Worth 1995, no pet.). When analyzing whether any grounds for appeal exist, we consider the record, the *Anders* brief, and any pro se response. *In re Schulman*, 252 S.W.3d 403, 408–09 (Tex. Crim. App. 2008) (orig. proceeding).

We have carefully reviewed counsel’s brief and the appellate record. Finding no reversible error, we agree with counsel that this appeal is without merit. See *Bledsoe v. State*, 178 S.W.3d 824, 827 (Tex. Crim. App. 2005); *In re*

*D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet. denied). Therefore, we affirm the trial court’s order terminating Father’s parental rights to K.W.

Because counsel’s motion to withdraw does not show good cause for the withdrawal independent from counsel’s conclusion that the appeal is frivolous, we deny the motion. See *In re P.M.*, No. 15-0171, 2016 WL 1274748, at \*3 (Tex. Apr. 1, 2016) (order); *In re C.J.*, 501 S.W.3d 254, 255 (Tex. App.—Fort Worth 2016, pets. denied).<sup>2</sup>

/s/ Terrie Livingston

TERRIE LIVINGSTON  
CHIEF JUSTICE

PANEL: LIVINGSTON, C.J.; MEIER and GABRIEL, JJ.

DELIVERED: July 6, 2017

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<sup>2</sup>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.” *P.M.*, 2016 WL 1274748, at \*3.