



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

**NO. 02-18-00192-CV**

IN THE INTEREST OF M.M., A.M.,  
AND I.P., CHILDREN

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FROM THE 322ND DISTRICT COURT OF TARRANT COUNTY  
TRIAL COURT NO. 322-519321-12

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

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Appellant W.M. (Mother) appeals the trial court's final order terminating her parental rights to her children, M.M., A.M., and I.P. See Tex. Fam. Code Ann. § 161.001(b) (West Supp. 2017). The trial court found by clear and convincing evidence that Mother's conduct satisfied the termination grounds listed in family code section 161.001(b)(1)(D), (E), and (O) and alleged in the petition for

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

termination. See *id.* § 161.001(b)(1)(D), (E), (O). The trial court further found by clear and convincing evidence that termination of her parental rights was in the children's best interest. See *id.* § 161.001(b)(2). Accordingly, the trial court ordered the termination of Mother's parental rights to the children and named appellee the Texas Department of Family and Protective Services (DFPS) as their permanent managing conservator.<sup>2</sup>

On July 5, 2018, Mother's appointed appellate counsel filed a motion to withdraw and a brief in support of that motion in which counsel states that she has conducted a professional evaluation of the record and, after a thorough review of the applicable law, has concluded that there are no arguable grounds to be advanced to support an appeal of the trial court's termination order and that the appeal is frivolous.

Counsel's brief and motion to withdraw present the required professional evaluation of the record demonstrating why there are no reversible grounds on appeal and referencing any grounds that might arguably support the appeal. See *Anders v. California*, 386 U.S. 738, 744 (1967); see also *In re K.M.*, 98 S.W.3d 774, 776–77 (Tex. App.—Fort Worth 2003, order) (holding *Anders* procedures apply in parental-termination cases), *disp. on merits*, No. 2-01-349-CV, 2003 WL 2006583 (Tex. App.—Fort Worth May 1, 2003, no pet.) (mem. op.). Further,

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<sup>2</sup>The trial court also terminated the parental rights of I.P.'s presumed father, of A.M.'s alleged father, and of M.M.'s unknown father. No party appeals these portions of the termination order.

counsel informed Mother of her right to request the record and to file a pro se response. See *Kelly v. State*, 436 S.W.3d 313, 318–20 (Tex. Crim. App. 2014). In addition, this court informed Mother of these rights and gave her until July 19, 2018, to notify this court of her intent to respond. DFPS notified this court that it agreed there are no grounds assailing the trial court’s judgment. Although Mother responded on August 29, 2018, she failed to show any arguable grounds supporting her appeal.

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 *In re C.J.*, 501 S.W.3d 254, 255 (Tex. App.—Fort Worth 2016, pets. denied) (citing *Stafford v. State*, 813 S.W.2d 503, 511 (Tex. Crim. App. 1991)). After reviewing the entire record, we conclude that the trial court’s findings that Mother’s conduct satisfied a conduct ground listed in section 161.001(b)(1) and alleged in the petition and that the termination of Mother’s parental rights was in the children’s best interest was supported by clear and convincing evidence. See Tex. Fam. Code Ann. § 161.001(b); see, e.g., *In re I.L.G.*, 531 S.W.3d 346, 352–56 (Tex. App.—Houston [14th Dist.] 2017, pet. denied); *In re M.E.-M.N.*, 342 S.W.3d 254, 261–64 (Tex. App.—Fort Worth 2011, pet. denied). The record reveals no arguable grounds for reversal; thus, we agree with counsel that Mother’s appeal is without merit. See *In re D.D.*, 279 S.W.3d 849, 850 (Tex. App.—Dallas 2009, pet.

denied). We affirm the trial court's order of termination. See Tex. R. App. P. 43.2(a). However, we deny Mother's counsel's motion to withdraw because she failed to show the requisite good cause separate and apart from her determination that there are no arguable grounds for appeal. See *In re P.M.*, 520 S.W.3d 24, 27–28 (Tex. 2016) (order); see also Tex. Fam. Code Ann. § 107.016(3) (West Supp. 2017).

/s/ Lee Gabriel

LEE GABRIEL  
JUSTICE

PANEL: WALKER, MEIER, and GABRIEL, JJ.

DELIVERED: August 30, 2018