

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA10-1312

SHANNON CHAFIN

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILDREN

APPELLEES

Opinion Delivered April 27, 2011

APPEAL FROM THE YELL COUNTY
CIRCUIT COURT, NORTHERN
DISTRICT
[NO. JV-09-1]

HONORABLE TERRY SULLIVAN,
JUDGE

REBRIEFING ORDERED

WAYMOND M. BROWN, Judge

Appellant Shannon Chafin appeals the Yell County Circuit Court's termination of his parental rights to his six minor children. He does not contest that the trial court met the statutory requirements for termination but contends that the court erred by denying placement of his children with relatives pursuant to the Interstate Compact on the Placement of Children (ICPC).¹ According to Chafin, the court acted in contravention of ICPC and should be reversed. We order rebriefing due to deficiencies in Chafin's abstract and addendum.

¹Ark. Code Ann. § 9-29-201 (2007).

Arkansas Supreme Court Rule 4-2(a)(5) requires the appellant to create an abstract “of the material parts of all the transcripts . . . in the record.” Information is “material” if it “is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.”² Here, appellant has completely failed to provide an abstract of the termination hearing. Without an abstract of the proceeding, we are unable to decide if appellant raised the issue of ICPC compliance to the trial court.

Arkansas Supreme Court Rule 4-2(a)(8) requires that the addendum contain any pleading or document “in the record that is essential for the appellate court to confirm its jurisdiction, to understand the case, and to decide the issues on appeal.” Appellant has failed to include the April 23, 2010 Interstate Placement transmittal from West Virginia in the addendum. This transmittal is essential for this court to decide the issue on appeal. Additionally, appellant’s addendum index/list does not correspond with the items found in the addendum.

As such, we order Chafin to cure the deficiencies by filing a substituted abstract, brief, and addendum within fifteen days from the date of this opinion.³ We encourage appellate counsel to review Rule 4-2 to assure that the substituted brief complies with the rule and to ensure that no additional deficiencies are present. After service of the substituted abstract, brief, and addendum, appellees shall have an opportunity to revise or supplement their briefs

²Ark. Sup. Ct. R. 4-2(a)(5).

³Ark. Sup. Ct. R. 4-2(b)(3).

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in the time prescribed by the court.⁴ If Chafin fails to file a compliant brief within the prescribed time, the termination order may be affirmed for noncompliance with our rules.⁵

Rebriefing ordered.

WYNNE and ABRAMSON, JJ., agree.

⁴*Id.*

⁵*Id.*