

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA11-267

SHEQUENA WILLIAMS

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES & MINOR
CHILDREN

APPELLEES

Opinion Delivered August 31, 2011

APPEAL FROM THE FAULKNER
COUNTY CIRCUIT COURT
[NO. JV-2009-492]

HONORABLE DAVID M. CLARK,
JUDGE

AFFIRMED; MOTION GRANTED

DAVID M. GLOVER, Judge

On October 6, 2010, our court dismissed an appeal from the order terminating appellant Shequena Williams's parental rights to her children, O.R., born June 5, 2007, and J.W., born May 6, 2008, because the order was not a final, appealable order. *Williams v. Arkansas Dep't of Human Servs.*, 2010 Ark. App. 672. The language in the order that made it not final and appealable—conditioning the termination of Williams's parental rights upon whether the parental rights of the children's biological father were also terminated—has been removed from the order. It is now a final, appealable order. Pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Arkansas Supreme Court Rule 6-9(i), Williams's attorney has filed a no-merit brief asserting that there are no issues that would support a meritorious appeal and requesting to be relieved as counsel. The brief asserts that there were no adverse rulings other than the termination of parental

rights and explains why no meritorious grounds for reversal exist. The clerk of this court provided Williams with a copy of counsel's motion and brief and notified her of her right to file pro se points of appeal. Williams has submitted several pro se points.

Williams's parental rights were terminated on two grounds—Arkansas Code Annotated section 9-27-341(b)(3)(B)(ix)(a)(3)(A) & (B)(i) (children subjected to aggravated circumstances by being abandoned, chronically abused, subjected to extreme or repeated cruelty, sexually abused, or a determination made by a judge that there is little likelihood that services to the family will result in successful reunification) and Arkansas Code Annotated section 9-27-341(b)(3)(B)(viii) (parent sentenced in a criminal proceeding for a period of time that would constitute a substantial period of the children's lives). Williams pleaded nolo contendere to second-degree murder in the death of her oldest child, J.W., who was six years old at the time of his death. She was sentenced to nineteen years in prison for that offense.

Williams's points concerning violation of her Fifth Amendment rights, ineffective assistance of counsel, and her contention that she lied when she admitted killing her son and pled nolo contendere to second-degree murder in order to protect her husband, do not constitute bases for reversing the termination of her parental rights. All of these arguments concern the facts underlying her criminal conviction, not the termination of her parental rights. For her last point, Williams argues that the children should be placed with relatives instead of being placed in a foster family or being adopted; however, the two family members who came forward prior to the termination hearing were deemed by DHS to be unsuitable for placement. Also, a cousin, who testified at the termination hearing that she would take them, had not made any effort prior to termination to have a home study conducted.

Cite as 2011 Ark. App. 492

Furthermore, reservations were expressed about Williams's relatives keeping the children away from Williams if they were given custody.

After carefully examining the record and the brief presented to us, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit appeals in termination cases and conclude that the appeal is wholly without merit. Accordingly, we grant counsel's motion to withdraw and affirm the order terminating Williams's parental rights.

Affirmed; motion granted.

VAUGHT, C.J., and HART, J., agree.