

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA11-907

LOGAN THOUVENELL

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR CHILD
APPELLEES

Opinion Delivered January 18, 2012

APPEAL FROM THE SEBASTIAN
COUNTY CIRCUIT COURT, FORT
SMITH DISTRICT
[No. JV-09-143]

HONORABLE MARK HEWETT,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

LARRY D. VAUGHT, Chief Judge

On June 16, 2011, the Sebastian County Circuit Court entered an order terminating Logan Thouvenell's parental rights to his child C.Y., born September 11, 2006.¹ Thouvenell's attorney has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004). Counsel's brief discusses the sufficiency of the evidence to support the termination and also addresses why any arguments based on other rulings adverse to Thouvenell are without merit. We agree that Thouvenell's appeal lacks merit.

In terminating Thouvenell's parental rights, the circuit court found that C.Y. was adoptable and that it was contrary to her best interests to be returned to Thouvenell. Ark. Code

¹DHS petitioned to terminate both parents' rights; however, only Mr. Thouvenell appeals from the court's decision to grant the petition.



Ann. § 9-27-341(b)(3)(A) (Repl. 2008). The court also found a statutory ground for termination, and only one ground is necessary to terminate parental rights. Ark. Code Ann. § 9-27-341(b)(3)(B). As the ground, the court found that since the time that C.Y. was adjudicated dependent-neglected she had continued to be out of Thouvenell's custody for over twelve months and, despite meaningful efforts by the department to rehabilitate the parent and correct the conditions that caused removal, the conditions had not been remedied. The court also determined that DHS had demonstrated that return of C.Y. to Thouvenell's custody was contrary to C.Y.'s health, safety, or welfare and that, despite the offer of appropriate family services, Thouvenell had manifested the incapacity or indifference to remedy the issues or factors or rehabilitate the circumstances that prevent return of C.Y. to him. Ark. Code Ann. § 9-27-341(b)(3)(B)(i)(a).

The evidence presented at trial supported this ground for termination. Although Thouvenell's daughter was not removed from his custody initially, he and C.Y.'s mother reconciled early in the case and DHS sought to work with him and the mother to reunify the family. C.Y. was adjudicated dependent-neglected in April 2009, and after twenty-six months, Thouvenell still was unable to provide the safe and secure home his daughter required. There was no contention that DHS had not provided services to assist him, and the record shows that numerous services were in fact provided to him. In addition, the court consistently found throughout the review process that DHS had made reasonable efforts to help rehabilitate the family, and Thouvenell did not appeal from those orders. *Jones-Lee v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 160, 316 S.W.3d 261 (finding that a failure to challenge the court's prior "meaningful-efforts" findings precludes appeal of any associated adverse rulings).



Cite as 2012 Ark. App. 56

Finally, Thouvenell admitted his lack of stability and inability to provide for C.Y., and he executed a consent for termination of his parental rights at the hearing. Although he later attempted to revoke his consent to termination, and requested another hearing, he did so while he was incarcerated and cited no facts or other basis for challenging the evidence that was presented at the termination hearing.

After careful examination of the record, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit termination cases, and we hold that the appeal is wholly without merit. We further hold that the circuit court's decision to terminate Thouvenell's parental rights was not clearly erroneous. Accordingly, we grant counsel's motion to withdraw and affirm the order terminating Thouvenell's parental rights.

Affirmed; motion to withdraw granted.

ABRAMSON and HOOFFMAN, JJ., agree.

Deborah R. Sallings, Ark. Pub. Defender Comm'n, for appellant.

No response.