

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA11-1158

JUDITH BALL

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

Opinion Delivered June 27, 2012

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. JV-2010-805-3]

HONORABLE STACEY
ZIMMERMAN, JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

JOHN MAUZY PITTMAN, Judge

This is an appeal from an order terminating appellant-mother’s parental rights to her minor children, B.B. and C.B. Appellant’s counsel has filed a no-merit brief 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), asserting that there are no issues of arguable merit to support the appeal and requesting to be relieved as counsel. The clerk of this court sent a copy of the brief and motion to be relieved to appellant’s last known address, informing her that she had the right to file pro se points for reversal under Ark. Sup. Ct. R. 6-9(i)(3). Appellant filed no pro se points. Counsel’s brief details all adverse rulings made at the termination hearing and explains why there is no meritorious ground for reversal.

The record shows that the children were removed from appellant’s custody because



Cite as 2012 Ark. App. 406

of her failure to protect them from severe and repeated sexual abuse. Mike Ball repeatedly raped two of appellant's children. Appellant allowed him back into the home despite her knowledge that he had previously raped one of her older children, making it possible for him to rape the younger child. Appellant knew of the ongoing sexual abuse of her daughter and knowingly failed to protect her. Although Mike Ball is now incarcerated, appellant has not demonstrated the ability to keep her children safe from harm. The children have made great progress in foster care and are highly adoptable.

Based on our examination of 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 motions in termination cases, and we hold that the appeal is wholly without merit. Consequently, we grant counsel's motion to withdraw and affirm the order terminating appellant's parental rights.

Affirmed; motion to withdraw granted.

GRUBER and HOOFFMAN, JJ., agree.\

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

No response.