

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA 11-1146

RACHEAL BATES-ZINGELMAN
APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES
APPELLEE

Opinion Delivered June 27, 2012

APPEAL FROM THE RANDOLPH
COUNTY CIRCUIT COURT
[NO. JV-10-24]

HONORABLE KEVIN KING, JUDGE

REBRIEFING ORDERED

DOUG MARTIN, Judge

Appellant Racheal Bates-Zingelman appeals from the Randolph County Circuit Court's termination of her parental rights to her five boys: J.B. (DOB: 06-15-99); C.B. (DOB: 10-12-01); J.B.2 (DOB: 09-28-03); D.B. (DOB: 03-10-06); and C.Z. (DOB: 07-21-09). Appellant's counsel has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Ark. Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Arkansas Supreme Court Rule 6-9(i), in which counsel asserts that there are no meritorious issues that would support an appeal. Due to gross deficiencies in counsel's addendum, we order rebriefing.

Arkansas Supreme Court Rule 6-9(i) provides that, in addition to the requirement set forth in subsection (e), counsel's no-merit petition must include all adverse rulings in the



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abstract and addendum and an explanation as to why each adverse ruling is not a meritorious ground for reversal. Ark. Sup. Ct. R. 6-9(i)(1). Subsection (e)(2)(E) provides:

Following the signature and certificate of service, the appellant's petition shall contain an addendum which shall include true and legible photocopies of the order, judgment, decree, ruling, or letter opinion from which the appeal is taken, a copy of the notice of appeal, *and any other relevant pleadings, documents, or exhibits essential to an understanding of the case, which may include, but are not limited to, affidavits, petitions, case plan, court reports, court orders, or other exhibits entered into the record during the hearing from which the appeal arose, and all orders entered in the case prior to the order on appeal.*

Ark. Sup. Ct. R. 6-9(e)(2)(E) (emphasis added).

Counsel maintains that the only adverse ruling in this case was the termination of appellant's parental rights. The addendum contains the petition for termination of parental rights filed by the Arkansas Department of Human Services (DHS), the order terminating parental rights, and appellant's notice of appeal. There were ten exhibits admitted into evidence at the termination hearing; however, none of the exhibits appear in appellant's addendum. The exhibits comprise the following documents:

1. Court Report filed August 3, 2011;
2. Order for Emergency Custody entered February 26, 2010;
3. Probable Cause Order entered February 23, 2010;
4. Adjudication Order entered April 6, 2010;
5. Review Order entered August 10, 2010;
6. Review Order entered November 30, 2010;
7. Permanency Planning Order entered February 1, 2011;



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8. Fifteen-Month Review Order entered April 26, 2011;
9. Affidavit of Facts dated February 27, 2006;
10. Emergency Custody Order entered February 27, 2006;
11. Probable Cause Order entered June 13, 2006;
12. Adjudication Order entered June 13, 2006;
13. Permanency Planning Order entered March 15, 2007;
14. Fifteen-Month Review Order entered July 16, 2007;
15. Review Order entered August 14, 2007;
16. Agreed Order of Custody entered Oct. 17, 2007;
17. Review Order entered January 2, 2008;
18. Review and Dismissal Order entered April 29, 2008;
19. Proof of Summons to appellant filed August 3, 2011;
20. Statement of Legal Advertising from the Arkansas Democrat-Gazette filed August 3, 2011;
21. Letter from DHS regarding putative father registry dated March 2, 2010;
22. Letter from DHS regarding putative father registry dated June 15, 2011;
23. Letter from Mid-South Health Systems regarding J.B. dated August 8, 2011;
24. Letter from Mid-South Health Systems regarding D.B. dated August 8, 2011;
25. Case Plan created April 16, 2011;
26. Case Plan created March 24, 2011;
27. Case Plan created April 6, 2010;



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28. Case Plan created June 17, 2008;
29. Case Plan created November 14, 2007;
30. Case Plan created June 1, 2007.

Some, but not necessarily all, of the documents listed above are undoubtedly essential to this court's understanding of the case. Therefore, we remand for rebriefing and direct counsel to supplement the addendum in accordance with this mandate and Rule 6-9(i). *See Smith v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 272 (ordering rebriefing due to the complete omission of the required abstract).

Rebriefing ordered.

HART and GLADWIN, JJ., agree.

Terry Goodwin Jones, for appellant.

No response.