

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA12-1083

JAMES WELCH

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES AND MINOR
CHILDREN

APPELLEE

Opinion Delivered March 27, 2013

APPEAL FROM THE CRAWFORD
COUNTY CIRCUIT COURT
[NO. JV-2011-234]

HONORABLE MICHAEL MEDLOCK,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

PHILLIP T. WHITEAKER, Judge

This appeal arises from an order terminating the parental rights of appellant James Welch to his children K.W., born on August 28, 2002, and R.W., born on June 29, 1995.¹ Welch's counsel has filed a motion to withdraw as counsel and 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) (2012), asserting that there are no issues of arguable merit to support the appeal. We affirm and grant counsel's motion to withdraw.

The circuit court adjudicated the children dependent-neglected based on its finding that R.W. had been sexually abused by Welch. The adjudication order, which was not

¹K.W. and R.W. were Welch's children with Brandi Welch. The order terminating Welch's rights to K.W. and R.W. also terminated Brandi's parental rights. Brandi, however, has not appealed from that order.



appealed, was introduced into evidence at the termination hearing. The order terminating Welch's parental rights found that the children had been adjudicated dependent-neglected as a result of sexual abuse perpetrated by the children's parent. The court noted that such findings alone constituted grounds for termination. *See* Ark. Code Ann. § 9-27-341(b)(3)(B)(iv)(a) (Repl. 2009). The court additionally found, however, that the parents had subjected the children to the aggravated circumstance of sexual abuse. The court found that the children were adoptable and were subject to potential harm to their health and safety if returned to the parents. The court concluded that the termination was in the children's best interest. *See* Ark. Code Ann. § 9-27-341(b)(3)(A)(i)-(ii) (Repl. 2009).

Counsel has filed a no-merit brief and motion to withdraw. The brief includes a discussion of the sufficiency of the evidence to support the termination order, which was the only adverse ruling in this case. The clerk of this court sent copies of the brief and motion to be relieved to Welch, advising him that he had the right to file pro se points for reversal. Welch did not respond.

Based on our examination of the record and the briefs, 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 Welch's parental rights.

Affirmed; motion to withdraw granted.

GLADWIN, C.J., and HARRISON, J., agree.

Deborah R. Sallings, Arkansas Public Defender Commission, for appellant.

No response.