

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-13-136

TAMARA MCBRIDE

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

Opinion Delivered JUNE 19, 2013

APPEAL FROM THE JEFFERSON
COUNTY CIRCUIT COURT
[NO. JV-11-411-6]

HONORABLE EARNEST E.
BROWN, JR., JUDGE

REMANDED TO SETTLE AND
SUPPLEMENT THE RECORD;
SUPPLEMENTAL ADDENDUM
ORDERED

BILL H. WALMSLEY, Judge

Tamara McBride appeals from the Jefferson County Circuit Court's termination of her parental rights to her son J.M. (DOB: 06-09-11). McBride argues that there was insufficient evidence to support termination; however, we cannot reach the merits of McBride's argument at this time. We remand to settle and supplement the record and order McBride to supplement her addendum.

On June 14, 2011, the Arkansas Department of Human Services (DHS) filed a petition for emergency custody of J.M., and he was subsequently adjudicated dependent-neglected. A review hearing was held on November 17, 2011, and another review hearing was scheduled to be held on April 12, 2012. On that date, however, McBride left the courthouse without explanation, which forced a postponement of the second review hearing. In its petition for



termination, DHS refers to an “Order Resetting Review Hearing and Setting Show Cause Hearing” dated April 13, 2012, but that order does not appear in the record. This court’s understanding is that the second review hearing was rescheduled for May 10, 2012, but there is no indication in the record as to whether a hearing actually took place on that date and whether an order was entered in connection with such hearing.

The record for appeal shall be limited to the transcript of the hearing from which the order on appeal arose, any petitions, pleadings, and orders relevant to the hearing from which the order on appeal arose, all exhibits entered into evidence at that hearing, and all orders entered in the case prior to the order on appeal. Ark. Sup. Ct. R. 6-9(c)(1) (2012). Pursuant to Ark. R. App. P.–Civ. 6(e) (2012), we order that the record be settled and supplemented with regard to any omitted orders within thirty days from the date of this opinion.

McBride did not include the orders referenced above in her addendum. Arkansas Supreme Court Rule 6-9(e)(2)(E) (2012) provides that an addendum shall include the order from which the appeal is taken, 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 plans, 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. McBride must supplement her addendum with any relevant material omitted from the record that was considered by the circuit court in reaching its decision because that information is essential to our understanding of the case on appeal. Also, although the record was supplemented with an order from the permanency-planning



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hearing, that order is not included in McBride's addendum. Pursuant to Ark. Sup. Ct. R. 4-2(b)(4) (2012), we order McBride to file a supplemental addendum curing any deficiencies within seven calendar days from the date on which the supplemental record is filed.

Remanded to settle and supplement the record; supplemental addendum ordered.

WHITEAKER and WOOD, JJ., agree.

Thomas Wilson, for appellant.

Tabitha Baertels McNulty, County Legal Operations, for appellee Arkansas Department of Human Services.

Chrestman Group, PLLC, by: *Keith Chrestman*, for appellee minor child.