

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CV-14-1013

ABIGAIL ADAMS RANSOM
APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES
APPELLEE

Opinion Delivered June 17, 2015

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
ELEVENTH DIVISION
[NO. 60]V-13-596]

HONORABLE PATRICIA JAMES,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

RAYMOND R. ABRAMSON, Judge

Abigail Adams Ransom appeals the Pulaski County Circuit Court’s order terminating her parental rights to her daughter, D.H. (DOB: 7/25/11).¹ Ransom’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 motion is accompanied by an abstract and addendum of the proceedings below and a brief explaining why none of the circuit court’s rulings present a meritorious ground for appeal. The clerk of this court notified Ransom that she had the right to file pro se points for reversal under Arkansas Supreme Court Rule 6-9(i)(3). Ransom filed pro se points; however, she did so beyond the time within which to file them. The State elected not to file a response.

¹The circuit court’s order also terminated the parental rights of Owen Harvey, D.H.’s father. However, that termination is not the subject of this appeal.

On March 15, 2013, the Arkansas Child Abuse Hotline received a report that D.H. was wandering in a neighborhood without shoes or socks and without adult supervision. Officers were dispatched to the neighborhood and found D.H. They also located Ransom on the road near the family's home looking for the child. Officers made contact with Ransom; however, she resisted them, stating, "[Y]ou're not arresting me." Officers eventually detained and arrested Ransom for endangering the welfare of a minor and fleeing. Their investigation revealed that Ransom had outstanding arrest warrants in Pulaski, Saline, and Lonoke counties. As a result of the arrest, D.H. was left without a legal caretaker, so the Arkansas Department of Human Services (DHS) exercised a seventy-two-hour hold on the child.

The circuit court held a hearing on March 20, 2013, where the court found that probable cause existed for removal and that DHS had made reasonable efforts to prevent removal. On May 8, 2013, at the adjudication hearing, the parties stipulated to a finding of dependency-neglect. The court ordered Ransom to complete outpatient counseling, attend parenting classes, complete a drug-and-alcohol assessment, submit to random drug screens, and maintain stable housing and employment.

On August 21, 2013, the court held a review hearing and found that Ransom was "mostly" in compliance with the case plan and court orders. On February 24, 2014, the court held a permanency-planning hearing and found that Ransom had made substantial progress toward reunification and ordered unsupervised weekend visitation with D.H. The court stated that after four successful weekend visits, it would allow a sixty-day trial placement. The court further ordered that "[n]o men shall be present during the weekend visits and/or during the

trial placement when the child is there.” Ransom completed four successful weekend visits, and a trial placement began on March 24, 2014.

On April 28, 2014, the court held a fifteen-month review hearing. At the hearing, the court learned that, during the trial placement, Ransom had two altercations with a man in D.H.’s presence and that she had been arrested since the last hearing. As a result of the altercations and the arrest, the court determined that Ransom was not in compliance with the case plan and ordered that D.H. be placed in a foster home.

Thereafter, on June 3, 2014, DHS filed a petition for termination of Ransom’s parental rights and alleged three grounds for removal: (1) D.H. was adjudicated dependent-neglected and had continued to be out of the custody of Ransom for twelve months with an established goal of reunification, and that despite meaningful efforts by DHS to rehabilitate Ransom and correct the conditions that caused removal, the conditions had not been remedied; (2) other factors or issues arose subsequent to the filing of the original petition for dependency-neglect that demonstrated the return of D.H. to the custody of Ransom was contrary to her health, safety, or welfare, and that despite the offer of appropriate family services, Ransom had an incapacity and indifference to remedy the subsequent issues or factors; and (3) Ransom had been found by the court to have subjected D.H. to aggravated circumstances.

On September 22, 2014, the court held a termination hearing. Ransom testified that she was living in an apartment in North Little Rock and had been living there for almost two months. She explained that before living at that apartment, she had lived at three different residences since the proceedings had begun. She stated that she was currently employed with

Market Strategies but noted that the company hired her a week prior to the hearing and that she had no verification of her employment. She further stated that since 2013, she had also worked at Elevations, First Staff, Burger King, and IHOP. Ransom testified that she has two other children, P.W. and P.C., and that she was also pregnant at the time of hearing. She stated that P.W. is in her paternal grandmother's custody and P.C. is in his father's custody.

Ransom discussed the events that led to the termination of the trial placement. She testified that she got into two altercations within an hour and a half of each other with Charles O'Neal, a former boyfriend. She stated that the altercations occurred because O'Neal owed her money, and she planned to take him to civil court to get paid. She stated that the altercations happened in the vicinity of her car and that D.H. was in the car at the time. Ransom explained that she did not realize that the incidents with O'Neal would violate the court's order prohibiting D.H.'s exposure to men because she thought the order applied only to men who were present in her home. She noted that she sought an order of protection against O'Neal following the altercations. Ransom also testified that during the trial placement, while driving D.H. to daycare, she was arrested for failure to appear on a warrant. She admitted that she had received several citations for failure to appear for court dates and further admitted that she drove herself to court that day despite having a suspended driver's license. Ransom also admitted that she had pending charges against her for prostitution.

Ransom testified about other violent events in her past—that she sought an order of protection against Owen Harvey, D.H.'s father, because Harvey had climbed through a window in her house and hit her several times. She testified that in 2009, she sought an order

of protection against Kevin Underwood, a previous boyfriend, because he abused and threatened to kill her. She further stated that she filed a police report against a man who smashed her car windshield with a hammer after he had sexually assaulted her. Ransom also testified about an incident where she got into a physical confrontation with a seventeen-year-old girl at her apartment complex. Further, Ransom discussed the results of her psychological evaluation wherein Dr. Deyoub stated that Ransom had a history of poor male and female relationships and, at twenty-three years old, she had not figured out how to live without chaos.

Bridgett Williams, the DHS family service worker assigned to D.H.'s case, testified that she believed it was in the best interest of D.H. to terminate Ransom's parental rights. She stated that Ransom had issues with employment and had been dishonest with her on several occasions. She also stated that Ransom has exposed D.H. to violence and that D.H. deserved a stable life. Lisa Hardy, a DHS adoption specialist, testified that D.H. is a young, healthy child and highly adoptable.

Following the hearing, on October 24, 2012, the circuit court entered an order terminating Ransom's parental rights. The court concluded that the testimony at the hearing demonstrated that D.H. is highly adoptable and that continuing contact between Ransom and D.H. would result in harm to the child. Further, the court determined that DHS proved the three grounds pled in its petition.

Ransom then filed a notice of appeal; however, Ransom's appeal was untimely. She moved to file a belated appeal with our supreme court, and the court granted Ransom's

motion on January 22, 2015. *Ransom v. Ark. Dep't of Human Servs.*, 2015 Ark. 21.² This no-merit appeal followed.

Having carefully examined 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 appeals in termination cases. We also conclude that the appeal is wholly without merit. Accordingly, we grant counsel's motion to withdraw and affirm the order terminating Ransom's parental rights.

Affirmed; motion to withdraw granted.

GLOVER and BROWN, JJ., agree.

Travis Ragland, for appellant.

No response.

²D.H.'s father, Harvey, also filed a motion to file a belated appeal, but our supreme court denied his motion. *Ransom*, 2015 Ark. 21.