

## ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA10-908

BRANDY RICHARDSON  
APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES  
APPELLEE

**Opinion Delivered** February 9, 2011

APPEAL FROM INDEPENDENCE  
COUNTY CIRCUIT COURT  
[NO. JV-2009-51]

HONORABLE LEE WISDOM  
HARROD, JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

---

### JOHN MAUZY PITTMAN, Judge

This is an appeal from an order terminating appellant's parental rights to her minor child, D.R., born January 10, 2009. 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 certified 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 belatedly filed a list of points, but none of these are relevant to the issues of parental consent and best interest of the child upon which the order terminating parental

rights was based. 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 removal of the child by the Arkansas Department of Human Services (DHS) was based on a finding that D.R. had marijuana in her blood at birth, and evidence that appellant appeared irrational and had nowhere to live upon discharge from the hospital. The child remained in DHS custody for fifteen months. The goal of the case was originally reunification, but, after receiving services for one year appellant failed to make measurable progress toward that goal and was convicted on drug charges resulting in her being sentenced to a term of imprisonment in the Arkansas Department of Correction. A termination hearing was set, but, before the hearing commenced, appellant voluntarily gave oral consent to termination of her parental rights after extensive questioning, under oath, by both her appointed counsel and the court. The next morning (May 13, 2010) appellant signed a written consent to termination. Appellant did not withdraw her consent, and, on June 16, 2010, the trial court entered an order terminating her parental rights based on her written consent and a finding that termination would be in the child's best interest.

Based on our examination of the record and the briefs presented to us, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit 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.

Cite as 2011 Ark. App. 94

Affirmed; motion to withdraw granted.

GLADWIN and ABRAMSON, JJ., agree.