

**ARKANSAS COURT OF APPEALS**

DIVISION II  
No. CA09-1138

HEATHER WIGGINS

APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES

APPELLEE

**Opinion Delivered** April 21, 2010

APPEAL FROM THE POPE COUNTY  
CIRCUIT COURT  
[NO. JV-2008-178]

HONORABLE KEN D. COKER, JR.,  
JUDGE

AFFIRMED; MOTION TO  
WITHDRAW GRANTED

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**JOHN MAUZY PITTMAN, Judge**

This is an appeal from an order terminating appellant’s parental rights to her children, A.M., born February 9, 2006, and L.W., born September 29, 2004. 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). The certified packet was returned with the delivery notation “Attempted, Not Known.” Our clerk attempted to obtain an updated address for appellant, but none was available.

Counsel's brief details all adverse rulings made at the termination hearing and explains why there is no meritorious ground for reversal. In essence, the record shows that removal of the children was based on neglect that was largely attributable to appellant's arrest and incarceration for illegal drug use and that, although appropriate services were offered, appellant failed to avail herself of them and complete her case plan. Notably, appellant generally failed to attend ordered NA/AA meetings and, despite the provision of transportation services by the Department of Human Services, had not visited the children in the eight-month period preceding the termination hearing. At the time of the termination hearing, more than twelve months after removal, appellant had lost her home and was back in jail because of new drug charges that could result in substantial prison sentences.

Based on our examination of 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 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 appellant's parental rights.

Affirmed.

HENRY and BAKER, JJ., agree.