

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA10-1305

PATRICIA SMITH

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILD

APPELLEES

Opinion Delivered APRIL 13, 2011

APPEAL FROM THE CRITTENDEN
COUNTY CIRCUIT COURT
[NO. JV-2009-196]

HONORABLE RALPH WILSON, JR.,
JUDGE

REBRIEFING ORDERED; MOTION
TO WITHDRAW DENIED

ROBERT J. GLADWIN, Judge

This is an appeal from the decision of the Crittenden County Circuit Court that terminated appellant Patricia Smith’s parental rights in her minor son. Appellant’s counsel has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Ark. Dep’t of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Ark. Sup. Ct. R. 6-9(i), stating that there are no issues of arguable merit for appeal. Counsel lists the termination decision as the circuit court’s only adverse ruling and explains why that ruling is not a meritorious ground for reversal. However, our review of the record reveals that counsel failed to abstract the hearing on the petition to terminate appellant’s parental rights as required by Ark. Sup. Ct. R. 6-9(e)(2)(C) and 6-9(i)(1)(B).

Cite as 2011 Ark. App. 272

In *Sartin v. State*, 2010 Ark. 16, 362 S.W.3d 877, (per curiam) our supreme court held that the failure to list and discuss all adverse rulings in a no-merit termination-of-parental-rights case does not automatically require rebriefing if the ruling would clearly not present a meritorious ground for reversal. We decline, however, to overlook the complete omission of the required abstract in this case. Therefore, we order rebriefing and direct counsel to properly abstract the circuit court's July 29, 2010 hearing on the petition to terminate appellant's parental rights.

Rebriefing ordered; motion to withdraw denied.

WYNNE and GLOVER, JJ., agree.