

Cite as 2019 Ark. App. 431

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CV-19-463

JONATHAN TERRY

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES AND MINOR
CHILD

APPELLEES

Opinion Delivered October 2, 2019

APPEAL FROM THE WASHINGTON
COUNTY CIRCUIT COURT
[NO. 72]V-17-932]

HONORABLE STACEY
ZIMMERMAN, JUDGE

SUPPLEMENTAL BRIEFING
ORDERED

BRANDON J. HARRISON, Judge

Jonathan Terry appeals a Washington County Circuit Court order terminating his parental rights to his daughter A.T. He argues that the Arkansas Department of Human Services failed to sufficiently prove either statutory ground on which the court terminated his parental rights and that a termination is not in his child's best interest. The parties dispute whether Terry is A.T.'s parent. And they disagree on how to apply *Tovias v. Arkansas Department of Human Services*, 2019 Ark. App. 228, 575 S.W.3d 621, a case this court decided while relying on a case decided by the Arkansas Supreme Court, *Earls v. Arkansas Department of Human Services*, 2017 Ark. 171, 518 S.W.3d 81.

After this appeal was initiated but before it was decided on the merits, the Arkansas General Assembly enacted Act of Feb. 28, 2019, No. 541, § 1, 2019 Ark. Acts 3469. The Act, which became effective on 24 July 2019, deals with various rights of parents, putative

parents, and children in Arkansas. *Id.* The Act also places new requirements on circuit courts when handling dependency-neglect cases and termination proceedings. *Id.* Given the timing of the Act and its subject matter, we direct the parties to simultaneously file separate supplemental briefs with this court and answer the following questions:

1. Does Act 541 apply to this appeal? Why or why not?
2. Does Act 541 resolve any issues raised in the briefs that have already been filed in this case and based on the record now on file with this court's clerk? Why or why not?

We direct our clerk to set the supplemental briefing schedule so that each party's brief is due thirty calendar days from the date of this opinion. No response brief or reply brief will be permitted. Each party's brief must not exceed fifteen pages in length. No extensions will be granted.

Supplemental briefing ordered.

GRUBER, C.J., and MURPHY, J., agree.

Tina Bowers Lee, Arkansas Public Defender Commission, for appellant.

Callie Corbyn, Office of Chief Counsel, for appellee.

Chrestman Group, PLLC, by: *Keith L. Chrestman*, attorney ad litem for minor child.