

SUPREME COURT OF ARKANSAS

No. CV-16-205

PATRICIA GARRETT
APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES
APPELLEE

Opinion Delivered April 7, 2016

MOTION FOR OUT OF TIME
APPEAL AND FOR RULE ON
CLERK

MOTION GRANTED.

PER CURIAM

Appellant Patricia Garrett, by and through her attorney, Valerie L. Goudie, brings this motion for belated appeal. Garrett seeks to appeal the order terminating her parental rights, which was entered on November 9, 2015. Pursuant to Arkansas Supreme Court Rule 6-9(b)(1), in dependency-neglect cases, the notice of appeal must be filed within twenty-one days following the entry of the order from which the appeal is being taken. Therefore, the notice of appeal was due no later than November 30, 2015; however, it was not filed until January 8, 2016. Goudie filed a motion for new trial on November 18, 2015, and she states that it was her mistaken belief that the filing of a motion for new trial extends the deadline for filing a notice of appeal by thirty days from the deemed-denied date.

The express purpose of Rule 6-9(b) is to expedite the appellate process in dependency-neglect cases. *See, e.g., Ratliff v. Ark. Dep't of Human Servs.*, 371 Ark. 534, 268 S.W.3d 322 (2007) (per curiam). Although Rule 4(b)(1) of the Arkansas Rules of Appellate Procedure—Civil allows the deadline for a notice of appeal to be extended when certain



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posttrial motions have been filed, we have held that we will not extend that rule to dependency-neglect cases because doing so would vitiate the purpose of Rule 6-9(b). *Id.*, 268 S.W.3d 322. Goudie admits that she erred in failing to file a timely notice of appeal. When an attorney candidly admits fault for failing to perfect an appeal, we will grant the motion for belated appeal, and a copy of the opinion will be forwarded to the Committee on Professional Conduct. *See McDonald v. State*, 356 Ark. 106, 146 S.W.3d 883 (2004). Accordingly, we grant the motion and forward a copy of this opinion to the Committee.

Motion granted.

WOOD, J., not participating.

Valerie L. Goudie, for appellant.

No response.