

SUPREME COURT OF ARKANSAS

No. 10-746

KRISTEN PARKER,
APPELLANT,

VS.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES, and M.P., MINOR
CHILD,
APPELLEES,

Opinion Delivered November 4, 2010

JOINT MOTION TO DISMISS
APPEAL

MOTION TO DISMISS DENIED;
MOTION FOR BELATED APPEAL
GRANTED.

PER CURIAM

In a joint motion, appellees, Arkansas Department of Human Services and M.P., a minor child, move this court to dismiss appellant Kristen Parker's appeal of an order adjudicating her child, M.P., dependent-neglected and Parker's appeal of an order denying her motion for reconsideration. Appellees assert that, because Parker did not personally sign either notice of appeal, her appeal of the order adjudicating M.P. dependent-neglected and her appeal of the order denying her motion to reconsider are deficient, unperfected, and untimely, and should be dismissed by this court.

On November 19, 2009, DHS filed a petition for emergency custody and dependency-neglect. That same day, the circuit court entered an order placing custody of M.P. with DHS. An adjudication hearing was held on February 11, 2010, and the circuit court found that M.P. was a dependent-neglected juvenile. The adjudication order was entered March

16, 2010. On April 5, 2010, Parker filed a motion for reconsideration, which was denied by the circuit court in an order entered May 7, 2010.

In dependency-neglect cases, the notice of appeal shall be filed within twenty-one days following the entry of the circuit court order from which the appeal is being taken. Ark. Sup. Ct. R. 6-9(b)(1) (2010). Therefore, the deadline for filing the notice of appeal of the adjudication order was April 6, 2010, but the notice was filed on April 15, 2010. The deadline for filing the notice of appeal of the order denying the motion for reconsideration was May 28, 2010, but the notice was filed on June 7, 2010. In the instant case, both notices were untimely and unsigned by Parker.

Relief from the failure to perfect an appeal is provided as part of the appellate procedure granting the right to an appeal. *Ashcroft v. Arkansas Dep't of Human Servs.*, 2009 Ark. 461 (per curiam). Where it is plain from the motions, affidavits, and record that relief is proper based on error or good reason, the relief will be granted. *Id.* If there is attorney error, a copy of the opinion will be forwarded to the Committee on Professional Conduct. *Id.*

Counsel for Parker admits fault for the deficiencies concerning the timeliness and form of the notices of appeal. Accordingly, we grant Parker's motion for belated appeal. Because we grant the motion for belated appeal, we deny appellees' motion to dismiss. Finally, because Parker's counsel admits that he committed error in failing to perfect this appeal, we refer him to the Committee on Professional Conduct.

Motion to dismiss denied; motion for belated appeal granted.