

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA09-843

MARIA JOHNSON

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILDREN

APPELLEES

Opinion Delivered January 6, 2010

APPEAL FROM THE CLEVELAND
COUNTY CIRCUIT COURT
[NO. JV-08-5-5]

HONORABLE LARRY CHANDLER,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

LARRY D. VAUGHT, Chief Judge

This is an appeal from an order terminating appellant's parental rights to her minor children, M.J., born January 27, 2000, and M.J., born January 18, 2008. Appellant's attorney has filed a motion to withdraw as counsel 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. Counsel's motion is accompanied by an abstract and a brief stating that, other than the final decision, no adverse rulings were made at the termination hearing and explaining why there is no meritorious ground for reversal, including a discussion of the sufficiency of the evidence to support the termination order. The clerk of this court sent copies of counsel's brief and the motion to appellant, informing her that she had the right to file pro se points for reversal. Ark. Sup. Ct. R. 6-9(i)(3). Appellant has not submitted a pro se response to counsel's brief.



Cite as 2010 Ark. App. 1

In essence, the record shows that removal was based on neglect that was largely attributable to appellant's use of drugs and that, although appropriate services were offered, appellant failed to avail herself of them and complete her case plan. Based on our examination of the record and the briefs, 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; motion to withdraw granted.

GLOVER and MARSHALL, JJ., agree.

Suzanne Ritter Lumpkin, for appellant.

No response.