

Cite as 2018 Ark. App. 568  
**ARKANSAS COURT OF APPEALS**

DIVISION III  
No. CV-18-637

JACI HEDRICK

APPELLANT

V.

ARKANSAS DEPARTMENT OF HUMAN  
SERVICES AND MINOR CHILDREN

APPELLEES

Opinion Delivered November 28, 2018

APPEAL FROM THE GRANT COUNTY  
CIRCUIT COURT  
[NO. 27JV-17-25]

HONORABLE EDDY EASLEY, JUDGE

AFFIRMED; MOTION TO WITHDRAW  
GRANTED

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**N. MARK KLAPPENBACH, Judge**

Jaci Hedrick appeals the order of the Grant County Circuit Court terminating her parental rights to her children, C.A. and W.A. Hedrick's counsel has filed a motion to withdraw and a no-merit brief 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. The clerk of this court sent copies of the brief and motion to withdraw to Hedrick's last-known address informing her that she had the right to file pro se points for reversal under Rule 6-9(i)(3); however, she has not done so. We affirm the termination and grant counsel's motion to withdraw.

The Arkansas Department of Human Services (DHS) exercised an emergency hold over the children, three-year-old twins, when they were found unattended outside a school on January 19, 2017. The children were described as filthy and were not wearing shoes. Hedrick was located more than an hour later and was charged with first-degree child endangerment. She admitted that she would test positive for marijuana and hydrocodone. Charles Ashley, the children's biological father, was incarcerated at the time. The children were subsequently adjudicated dependent-neglected based on Hedrick's failure to appropriately supervise them, and the goal was set as reunification. However, Hedrick failed to appear at two of the subsequent hearings and did not comply with the case plan and court orders regarding abstaining from illegal drugs, completing a drug-and-alcohol assessment, completing a psychological evaluation, attending counseling, and maintaining stable employment and housing.

The hearing on DHS's petition to terminate Hedrick's parental rights began on February 13, 2018. Hedrick admitted that she has a drug problem and that she had tested positive for methamphetamine before the hearing began. Hedrick's caseworker, Anissa Ballew, testified that Hedrick completed a drug assessment in September 2017 after failing to attend a previously scheduled one. Ballew said that Hedrick was referred for intensive outpatient treatment, but she did not attend. Hedrick testified that she now wanted to go to rehab.

Regarding other court orders, Ballew testified that Hedrick had only recently obtained a psychological evaluation after not attending two prior appointments. Despite

being referred for counseling in May 2017, Hedrick did not complete her intake until September 2017 and did not return for services until January 2018. She did not have a job or an appropriate home for the children, had not completed DHS's parenting classes, and had failed to maintain consistent contact with her caseworker. Both Ballew and an adoption specialist testified that the children were doing well in their foster home and were highly adoptable. At the conclusion of the hearing, the court stated that despite Hedrick's noncompliance, it would continue the hearing for two months to give Hedrick an opportunity to complete inpatient drug treatment and make a "miraculous turnaround."

When the hearing resumed in April 2018, caseworker Christia Jones testified that she had gotten Hedrick into inpatient drug treatment the day after the February hearing, but Hedrick had left after six days. The treatment staff told Jones that Hedrick had stopped participating after the first couple of days. Hedrick refused to speak to Jones before she left treatment, and Jones did not hear from her again for twenty-four days. Hedrick testified that she left treatment because of problems with people there, but she regretted leaving. She said that she had not used drugs since then and had started outpatient treatment. Hedrick said that she was starting a job the following week at Sonic, had moved into a home with the children's father, Charles Ashley, and needed a little more time. Ashley admitted at the hearing that he had begun using methamphetamine again.<sup>1</sup>

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<sup>1</sup>This hearing operated as a fifteen-month-review hearing in the case against Ashley.

After the hearing, the circuit court found that termination was in the best interest of the children and that DHS had proved multiple statutory grounds for termination, including that other factors or issues arose subsequent to the filing of the original petition for dependency-neglect that demonstrated that placement of the children in Hedrick's custody was contrary to the children's health, safety, or welfare and that despite the offer of appropriate family services, Hedrick had manifested the incapacity or indifference to remedy the subsequent issues or factors or rehabilitate her circumstances that prevent the placement of the children in her custody. *See* Ark. Code Ann. § 9-27-341(b)(3)(B)(vii)(a) (Supp. 2017). We agree with counsel that any challenge to these findings would be wholly frivolous. Hedrick's failure to complete drug treatment or demonstrate sustained sobriety, failure to maintain stable housing or income, and failure to comply with the case plan all support the circuit court's findings. There were no other adverse rulings that present an issue of arguable merit for appeal.

Based on our review of the record and the brief presented to us, we conclude that counsel has complied with the requirements set by the Arkansas Supreme Court for no-merit petitions in termination cases, and we hold that the appeal is wholly without merit. Accordingly, we grant counsel's motion to withdraw and affirm the order terminating Hedrick's parental rights.

Affirmed; motion to withdraw granted.

HARRISON and GLOVER, JJ., agree.

*Tabitha McNulty*, Arkansas Public Defender Commission, for appellant.

One brief only.