

# ARKANSAS COURT OF APPEALS

DIVISION III  
No. CA08-1015

CHRISTINA HAMMOND  
APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES and MINOR  
CHILD  
APPELLEES

**Opinion Delivered** February 4, 2009

APPEAL FROM THE MARION  
COUNTY CIRCUIT COURT,  
[NO. JV2007-16]

HONORABLE GARY BERT ISBELL,  
JUDGE

AFFIRMED; MOTION GRANTED

**WAYMOND M. BROWN, Judge**

On June 11, 2008, the Marion County Circuit Court entered an order terminating Christina Hammond's and Matthew Barr's<sup>1</sup> parental rights to their child C.A., born April 8, 2002. Hammond's attorney 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 Ark. Sup. Ct. R. 4-3(j)(1). Counsel's brief discussed the sufficiency of the evidence to support the termination and also addressed why any arguments based on other rulings adverse to Hammond are without merit. We agree that Hammond's appeal lacks merit.

In terminating Hammond's parental rights, the circuit court found that C.A. was adoptable and that it was contrary to her best interests to be returned to Hammond. Ark.

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<sup>1</sup>Although Mr. Barr's parental rights were also terminated, he is not the subject of this appeal.

Code Ann. § 9-27-341(b)(3)(A) (Repl. 2008). The court also found four statutory grounds for termination. Only one statutory ground is necessary to terminate parental rights. Ark. Code Ann. § 9-27-341(b)(3)(B). As one ground, the court found that other factors or issues arose subsequent to the filing of the original petition for dependency-neglect that demonstrated that return of C.A. to Hammond's custody was contrary to C.A.'s health, safety, or welfare and that, despite the offer of appropriate family services, Hammond had manifested the incapacity or indifference to remedy the subsequent issues or factors or rehabilitate the circumstances that prevent return of C.A. to Hammond. Ark. Code Ann. § 9-27-341(b)(3)(B)(vii)(a).

The evidence presented at trial supported this ground for termination. Hammond's daughter was removed from her custody on February 14, 2007. The child was adjudicated dependent-neglected on May 10, 2007. Hammond was sentenced to fifteen years' imprisonment on September 26, 2007. Arkansas Department of Human Services (DHS) filed its petition for termination of parental rights on January 11, 2008.

The termination hearing took place on February 13, 2008. Hammond was incarcerated at the time of the hearing. Hammond had enjoyed visitation with C.A. up until her incarceration; however, since her incarceration, there had been no progress. Hammond was ordered to maintain housing, stable employment, and to complete parenting classes. Hammond completed the parenting classes, but there were concerns about inappropriate talks she was having with the child. Hammond had not accomplished the goal of maintaining her own housing and she had only been employed for approximately a month-and-a-half prior to going to jail. Hammond was serving a fifteen-year prison sentence for placing a child on

the internet. Based on the ADC database, she was serving four years for residential burglary (probation revocation), three years for theft of property (probation revocation), and fifteen years each for computer child pornography, computer exploitation of a child, and engaging a child in sexually explicit conduct.

After careful examination of the record, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit termination cases, and we hold that the appeal is wholly without merit. We further hold that the circuit court's decision to terminate Hammond's parental rights was not clearly erroneous. Accordingly, we grant counsel's motion to withdraw and affirm the order terminating Hammond's parental rights.

Affirmed.

PITTMAN and HART, JJ., agree.