

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA10-69

NINITA TREUBER

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILDREN

APPELLEES

Opinion Delivered May 12, 2010

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

HONORABLE TERRY SULLIVAN,
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, G.T., born June 30, 2004, and W.T., born May 20, 2007. 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 brief stating why there are no meritorious grounds for reversal, including a discussion of the sufficiency of the evidence to support the termination order and an explanation of a seemingly adverse ruling. In relation to the latter, the trial court refused to grant appellant a continuance when she failed to appear for a hearing. However, the issue is moot because the trial court ultimately granted a continuance based on the fact that the putative

father was not given notice.

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 attempted to submit a pro se response to counsel's brief. However, her points were not filed until after her case had been submitted. Because appellant's points were not filed in a timely manner, they will not be considered on appeal.

In essence, the record shows that, although appropriate services were offered, appellant failed to avail herself of them. She also failed to complete her case plan or remedy the conditions that caused her children to be removed from her home initially. 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.

GRUBER and GLOVER, JJ., agree.