

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA 10-576

BRENDA GEPHARDT

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

Opinion Delivered October 6, 2010

APPEAL FROM THE POLK
COUNTY CIRCUIT COURT
[NO. JV-07-47]

HONORABLE J.W. LOONEY, JUDGE

AFFIRMED; MOTION TO BE
RELIEVED GRANTED

COURTNEY HUDSON HENRY, Judge

Appellant Brenda Gephardt appeals the order entered by the Polk County Circuit Court terminating her parental rights in two of her children. On appeal, appellant's attorney has filed a motion to be relieved as counsel pursuant to *Linker-Flores v. Ark. Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Rule 6-9(i) of the Arkansas Rules of the Supreme Court and Court of Appeals, asserting that there are no issues of arguable merit to support an appeal. Counsel's motion is accompanied by a brief listing all adverse rulings made at the termination hearing and explaining why there is no meritorious ground for reversal. The clerk of this court sent a copy of counsel's motion and brief to appellant, informing her of the right to file pro se points for reversal. Appellant chose not to file any pro se points on appeal.

Our review of the record reflects that appellant is the mother of six children. Only two of them are at issue in this appeal: E.H., a daughter who was born on November 20, 1999; and J.H., a son who was born on January 11, 2004. The Arkansas Department of Human Services (DHS) obtained emergency custody of these two children on October 26, 2007, while they were in the custody of their father. At that time, the children could not be placed with appellant because her other children had entered foster care on grounds of failure to protect, which stemmed from appellant's marriage to a registered sex offender. In addition, appellant was considered noncompliant with the case plan in that proceeding because she was refusing to be tested for controlled substances. In any event, the circuit court declared E.H. and J.H. to be dependent-neglected on November 26, 2007, and the goal of the case plan was reunification with the father. However, the circuit court terminated the parental rights of the father on January 5, 2009.

On December 3, 2009, two years after E.H. and J.H. were adjudicated dependent-neglected, DHS petitioned for the termination of appellant's parental rights. At the termination hearing held on March 1, 2010, the testimony revealed that appellant had not been compliant with the case plan since June 2009. Appellant's dwelling did not pass a home study, and an effort to provide unsupervised visitation had failed. She and her husband had not completed counseling, and appellant continued to fail or refuse to submit to drug testing. Following the hearing, the circuit court found that termination was in the children's best

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interest and that DHS had proven three grounds to support the termination of appellant's parental rights pursuant to Arkansas Code Annotated section 9-27-341 (Supp. 2009).

After reviewing the record and counsel's brief, we conclude that counsel has complied with the requirements regarding no-merit appeals and that the appeal is wholly without merit. Therefore, we grant counsel's motion to be relieved and affirm the termination order.

Affirmed; motion granted.

GRUBER and BAKER, JJ., agree.