

**ARKANSAS COURT OF APPEALS
NOT DESIGNATED FOR PUBLICATION
JOHN MAUZY PITTMAN, CHIEF JUDGE
DIVISION II**

CA05-583

April 12, 2006

LADONNA WILSON AND TERRY
WILSON

APPELLANTS

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. J2003-459 D/N]

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

HON. JAY T. FINCH,
JUDGE

MOTION TO WITHDRAW DENIED;
REBRIEFING ORDERED

This appeal arises from an order of the Benton County Circuit Court granting appellee's petition to terminate the parental rights of appellants to their children, C.W. and T.W. Counsel for appellants has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, ___ S.W.3d ___ (2004), and Ark. Sup. Ct. R. 4-3(j)(1). The clerk of this court sent a certified copy of counsel's brief and the motion to be relieved to appellants' last known address, informing them that they had the right to file *pro se* points for reversal under Ark. Sup. Ct. R. 4-3(j)(2), but this was returned by the post office as undeliverable, unable to forward. Appellant Ladonna Wilson subsequently was located in the Benton County Jail and served with notice of the motion to withdraw, but she did not respond. Arkansas Department of Human Services did not file a brief in response. We order rebriefing because counsel has failed to address all adverse rulings that occurred during the termination hearing.

Requests for permission to withdraw as counsel after notice of appeal has been given on the ground that the appeal is without merit shall be accompanied by a brief that must contain “a list of all rulings adverse to the defendant made by the circuit court on all objections, motions, and requests made by either party with an explanation as to why each adverse ruling is not a meritorious ground for reversal.” Ark. Sup. Ct. R. 4-3(j)(1); *Causer v. Arkansas Department of Human Services*, ___ Ark. App. ___, ___ S.W.3d ___ (December 14, 2005). Here, counsel competently examined the sufficiency issue, but failed to discuss a sustained objection by the Department of Human Services to relevancy of testimony offered by appellants at the termination hearing (Abstract 22). This is an appealable issue under Ark. Rule App. P. – Civ. 2(c)(3)(C). We therefore deny permission to withdraw at this time, and we direct counsel for appellants to submit a substituted brief including a discussion of this issue within fifteen days.

Motion to withdraw denied; rebriefing ordered.

GRIFFEN and ROAF, JJ., agree.