

NOT DESIGNATED FOR PUBLICATION
DIVISION I

CA07-600

OCTOBER 31, 2007

YVETTE SANSOM

APPELLANT

APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT, WESTERN
DISTRICT,
[NO. JV-06-351]

V.

HON. LARRY BOLING, JUDGE

ARKANSAS DEPARTMENT OF
HEALTH & HUMAN SERVICES
APPELLEE

AFFIRMED; MOTION TO WITHDRAW
GRANTED

On April 12, 2007, the Craighead County Circuit Court entered an order terminating the parental rights of appellant Yvette Sansom to her son, C.S., born August 30, 2006. Her 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). The clerk of this court sent a certified copy of counsel's brief and motion to withdraw to appellant, informing her that she had the right to file pro se points for reversal under Ark. Sup. Ct. R. 4-3(j)(2). Appellant did not submit any pro se points for appeal.

Counsel's motion was accompanied by a brief correctly stating that, because there were no claims or objections made by appellant at the termination hearing, there are no

adverse rulings made by the circuit court that could constitute meritorious grounds for appeal. The only possible issue on appeal is the sufficiency of the evidence supporting the circuit court's decision to terminate appellant's parental rights; therefore, counsel has also included a discussion of the sufficiency of the evidence and has explained why there is no meritorious argument to be made regarding the sufficiency of the evidence. We agree with counsel that the appeal is wholly without merit and therefore grant counsel's motion to withdraw and affirm the order terminating appellant's parental rights.

On September 1, 2006, the Arkansas Department of Health and Human Services (DHHS) exercised a seventy-two hour hold on C.S., born August 30, 2006, when both appellant and C.S. tested positive for methamphetamine. DHHS also noted as a basis for removing C.S. from appellant's custody that appellant's parental rights to her older son had been terminated in July 2006 when DHHS discovered that appellant had an active methamphetamine lab in her home. In an adjudication order entered on October 5, 2006, the circuit court found that C.S. was dependent-neglected and set termination as the goal of the case. Appellant was incarcerated on November 1, 2006, and sentenced to twenty-four months in a regional punishment facility when her probation was revoked. At the termination hearing held on April 12, 2007, appellant testified that she would be eligible for parole on October 31, 2007. On April 12, 2007, after the termination hearing, the circuit court entered an order terminating appellant's parental rights to C.S.

Under Arkansas Code Annotated § 9-27-341(b)(3) (Supp. 2005), a court may properly issue an order terminating parental rights if the court finds that it is in the best interest of the

juvenile and one or more of the statutory grounds listed is present. In this case, the circuit court found that it would be contrary to the child's best interests, health and safety, and welfare to return him to appellant's care and custody. The court also held that DHHS had proven the following grounds by clear and convincing evidence. First, DHHS proved that appellant had subjected C.S. to aggravated circumstances by using methamphetamine during the course of her pregnancy, including its use two days before C.S. was born, and admitting to the court that she was aware that it would be harmful to her child. *See Ark. Code Ann. § 9-27-341(b)(3)(A) & (B)(ix)(a)(3) (Supp. 2005)*. The circuit court also found that appellant's parental rights were involuntarily terminated to a sibling of C.S. *See Ark. Code Ann. § 9-27-341(b)(3)(B)(ix)(a)(4) (Supp. 2005)*. Finally, the circuit court found that appellant had been sentenced in a criminal proceeding for a period of time that constituted a substantial period of C.S.'s life. *See Ark. Code Ann. § 9-27-341(b)(3)(B)(viii) (Supp. 2005)*.

After carefully examining the record, we find that counsel has complied with the requirements established by the Arkansas Supreme Court for no-merit motions in termination cases and that counsel has sufficiently explained why there is no meritorious argument to be made regarding the sufficiency of the evidence in this case. Accordingly, we hold that the appeal is wholly without merit, grant counsel's motion to withdraw, and affirm the order terminating appellant's parental rights.

Affirmed; motion to withdraw granted.

GLADWIN and HEFFLEY, JJ., agree.