

ARKANSAS COURT OF APPEALS  
NOT DESIGNATED FOR PUBLICATION  
ROBERT J. GLADWIN, JUDGE

DIVISION I

CA08-11

MAY 21, 2008

CHENEQUA JONES

APPELLANT

APPEAL FROM THE SEBASTIAN  
COUNTY CIRCUIT COURT  
[NO. JV-2006-277]

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES

APPELLEE

HON. MARK HEWETT,  
JUDGE

AFFIRMED

This is a no-merit appeal brought on behalf of Chenequa Jones, whose parental rights as the mother of A.S., born on November 24, 2005, were terminated. Counsel for Ms. Jones 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), stating that there are no issues of arguable merit for appeal. Counsel's motion was accompanied by a brief listing two adverse rulings made at the termination hearing and explaining why there is no meritorious ground for reversal, including a discussion of the sufficiency of the evidence to support the termination order based on evidence presented at the termination proceeding. The clerk of this court sent a certified copy of Ms. Jones's attorney's brief and the motion to be relieved to Ms. Jones, informing her that she had the

right to file pro se points for reversal. Although the certified packet was received, no pro se points were filed by Ms. Jones.

DHS took emergency custody of A.S. in April 2006. The court found A.S. to be dependent-neglected based upon Ms. Jones's arrest for possession of marijuana and environmental neglect and set the goal as reunification. It ordered Ms. Jones to complete parenting classes; to submit to a drug-and-alcohol assessment and any follow-up treatment; to obtain stable housing, employment, and transportation; to submit to random drug screens; and to resolve any pending criminal charges. In May 2007, Ms. Jones delivered another baby, for which Oklahoma's Department of Human Services opened an investigation.<sup>1</sup> In June 2007, the court entered a permanency-planning order changing the goal to termination of parental rights because Ms. Jones had not complied with the case plan and the court's orders.

At the termination hearing held in September 2007, Ms. Jones testified that, when this case began, she and her boyfriend were living in her car. She admitted being charged with possession of marijuana with intent to deliver, for which she received a suspended three-year sentence and a fine, but asserted that she had been "clean" since March 2007, when she began to take this case seriously. She admitted using methamphetamine and being arrested for prostitution while she was pregnant with her newborn. She said that, when her newborn was eight days old, she went to a women's shelter, staying for two months before going to rehab, where she had been for one month. She admitted that she had not obtained stable

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<sup>1</sup>Appellant testified that she did not know who is the father of her newborn but did have an idea that it might be "Jake or Kevin" in Fayetteville.

employment, housing, or a driver's license and said that she planned to go back to the women's shelter when she was released from rehab. She listed at least nine different places at which she had lived during the previous seventeen months, including her car, her mother's residence, the Salvation Army, her sister's house, her son's house, a women's shelter in Oklahoma, rehab, the residence of "some guy named Blue who lived off of Sixth Street," and another boyfriend's place. Appellant admitted that she had missed more visits with A.S. than she had made.

On October 22, 2007, the court entered an order terminating appellant's parental rights on the ground that A.S. had been out of her custody for twelve months and, despite a meaningful effort by DHS to rehabilitate her and correct the conditions that caused removal, those conditions had not been remedied. The court said that appellant made no progress until June 2007 and that she had not complied with the case plan in failing to maintain stable housing, transportation, and employment with income sufficient to support the family; failing to complete inpatient drug treatment; and failing to consistently attend visitation. This appeal followed.

We have conducted a de novo review of the record regarding adverse decisions at the termination hearing, and we conclude that an appeal on the merits would be frivolous. Even with more time and reunification services, there is no reason to believe that appellant could provide a stable home for A.S. within a reasonable time from the child's perspective. Appellant was still in rehab at the time of termination hearing. She had no job, home, driver's license, or G.E.D. She admitted that she had not attempted to comply with the case plan until

March 2007, when A.S. had been in DHS's custody for eleven months. There was, therefore, more than sufficient evidence to support the grounds for termination and the finding that termination was in the best interest of A.S., given appellant's long history of drug abuse, failure at rehab, arrests for drugs and prostitution, and lack of a home or a job. Additionally, A.S. was very likely to be adopted by her foster parents, who had adopted her older sister.

We therefore affirm the order terminating appellant's parental rights and grant her attorney's motion to withdraw.

Affirmed; motion to withdraw granted.

HART and MARSHALL, JJ., agree.