

**ARKANSAS COURT OF APPEALS**DIVISION II  
No. CA11-1193

TABITHA A. ADAMS

APPELLANT

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES & MINOR CHILD  
APPELLEES

Opinion Delivered March 14, 2012

APPEAL FROM THE SEBASTIAN  
COUNTY CIRCUIT COURT, FORT  
SMITH DISTRICT  
[JV-2011-501]HONORABLE ANNIE POWELL  
HENDRICKS, JUDGE

DISMISSED

**DAVID M. GLOVER, Judge**

Appellant Tabitha Adams appeals the trial court's adjudication of her toddler son, B.A., dependent/neglected as a result of neglect/inadequate supervision. On appeal, she argues that the evidence was insufficient to support the trial court's determination that B.A. was dependent/neglected or to justify continued custody with the Department of Human Services (DHS). Due to reasons set forth below, we dismiss the appeal.

DHS took B.A. into custody on a seventy-two-hour hold on July 20, 2011, after police found Adams and her boyfriend, Thomas Dluzniewski,<sup>1</sup> intoxicated by the Arkansas River with B.A. Adams registered .16 on the Breathalyzer, and Dluzniewski registered .27. Both Adams and Dluzniewski were arrested for public intoxication and endangering the welfare of a minor. DHS was granted emergency custody of B.A. on July 25, 2011. A

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<sup>1</sup>Dluzniewski is not B.A.'s father. The putative father of B.A. is not a party to this appeal.

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probable-cause order was filed on August 23, 2011, continuing custody of B.A. with DHS. An adjudication hearing was held the following day, and an order adjudicating B.A. dependent/neglected was filed of record on September 13, 2011. Adams filed a timely notice of appeal on September 22, 2011.

In a joint motion filed with this court on February 22, 2012, B.A.'s attorney ad litem and DHS's attorney requested that this appeal be dismissed. In support of this motion, they attached a document dated and filed in the Sebastian County Circuit Court on January 26, 2012, entitled "Relinquishment of Parental Rights, Waiver of Notice, Entry of Appearance," that is signed by Adams in the instant case. In that document, pursuant to Arkansas Code Annotated section 9-9-220 (Repl. 2009), Adams relinquished her parental rights to B.A. She was also given notice in the document that she had ten calendar days in which to withdraw her consent at the Sebastian County Circuit Clerk's office, located at 901 South B Street, Fort Smith, Arkansas, and that the ten-day period ended on February 5, 2012.

The joint motion asserts that Adams did not withdraw her consent to relinquish her parental right to B.A. within the requisite time, and any decision by this court in the pending matter would have no practical effect. Adams's counsel filed a letter with this court on February 24, 2012, agreeing that the dismissal of this appeal was proper and would not be opposed. Because Adams has voluntarily relinquished her parental rights to B.A., we agree that any decision by this court would have no practical effect; therefore, we dismiss the appeal.

# SLIP OPINION

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Appeal dismissed.

GLADWIN and BROWN, JJ., agree.