

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA13-86

TIFFANY PFEIFER

APPELLANT

V.

ARKANSAS DEPARTMENT of
HUMAN SERVICES

APPELLEE

Opinion Delivered May 15, 2013

APPEAL FROM THE UNION
COUNTY CIRCUIT COURT
[NO. JV-11-114-3]HONORABLE EDWIN KEATON,
JUDGEAFFIRMED; MOTION TO
WITHDRAW GRANTED**BILL H. WALMSLEY, Judge**

This is an appeal from the Union County Circuit Court's termination of appellant Tiffany Pfeifer's parental rights to her three children, S.P. (DOB: 11-05-2007); X.P. (DOB: 8-15-2006); and J.P. (DOB: 7-20-2004). Counsel for Pfeifer has filed a motion to withdraw from further representation 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 Arkansas Supreme Court Rule 6-9(i), asserting that there are no issues of arguable merit to support an appeal. Pursuant to Ark. Sup. Ct. R. 6-9(i)(1)(A), counsel's brief must list all adverse rulings and explain why each adverse ruling is not a meritorious ground for reversal. The clerk of this court sent a copy of counsel's brief and motion to Pfeifer's last known address, notifying her of her right to file pro se points for reversal in accordance with Ark. Sup. Ct. R. 6-9(i)(3). Pfeifer did not file any points. We affirm the order terminating Pfeifer's parental rights and

grant counsel's motion to withdraw.

The only adverse ruling in this case was the termination itself. The evidence shows that the children were removed from Pfeifer's custody in April 2011 and later adjudicated dependent-neglected based on environmental neglect and Pfeifer's drug use. Pfeifer thereafter complied with the case plan in many respects, and custody was returned to her in March 2012. However, in April 2012, the Arkansas Department of Human Services (DHS) filed a motion for ex parte emergency change of custody, alleging that Pfeifer's home was unclean; that the children were filthy and wearing dirty clothes; that Pfeifer denied knowing the identity of strange men in her home; and that the oldest child had missed several days of school because of a head-lice infestation that Pfeifer did not eliminate. The children were again removed from Pfeifer's custody based on inadequate supervision and environmental neglect. Pfeifer thereafter failed to comply with the case plan in that she continued to test positive for drugs, moved without informing DHS, missed several visits with her children, and refused DHS's offer of drug treatment. DHS filed a petition to terminate her rights in June 2012.

At the termination hearing, Pfeifer acknowledged that she could not "beat [drugs] forever" and that, while she would probably return to NA/AA meetings at some point, she had not sought drug treatment prior to the termination hearing. With regard to the various men seen coming and going from her home, Pfeifer testified that she lied to caseworkers who questioned her because she believed that having to identify the men was an invasion of her privacy. The trial court determined that it was in the best interests of the children that Pfeifer's

parental rights be terminated, considering both the risk of potential harm if returned to her care and evidence that the children were highly adoptable. Ark. Code Ann. § 9-27-341(b)(3)(A) (Supp. 2011). The trial court terminated Pfeifer's parental rights due to aggravated circumstances pursuant to Ark. Code Ann. § 9-27-341(b)(3)(B)(ix)(a)(3)(A), based on its finding that there was little likelihood that continued services would result in successful reunification. Ark. Code Ann. § 9-27-341(b)(3)(B)(ix)(a)(3)(B)(i).

We hold that counsel has complied with the requirements for no-merit cases in termination proceedings and agree that an appeal is wholly without merit. Accordingly, we affirm the order terminating Pfeifer's parental rights and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

PITTMAN and WOOD, JJ., agree.

Leah Lanford, Arkansas Public Defender Commission, for appellant.

No response.