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Rule 6-10. Trial counsel's duties with regard to dependency-neglect appeals.

(a) Trial counsel shall explain to his/her client all rights regarding any possible appeal, including deadlines, the merits, and likelihood of success of an appeal.

(b) If appellant is indigent, trial counsel shall file a motion seeking an indigency determination for purpose of appeal with the Circuit Court and ensure that appellant has signed the notice of appeal pursuant to Rule 6-9.

(c) Trial counsel who represent indigent parents and custodians shall serve the Arkansas Public Defender Commission by electronic submission or other method of delivery a file-marked copy of the notice of appeal and the order or orders that are being appealed within three (3) business days of filing the notice of appeal with the Circuit Clerk.

(1) Trial counsel shall timely respond to all reasonable requests for information to the Arkansas Public Defender Commission for purpose of appeal. Trial counsel for indigent parents or custodians shall not be relieved as counsel for the purpose of appeal until the Public Defender Commission timely receives the properly filed notice of appeal, questionnaire, and the order(s) appealed.

(2) The Arkansas Public Defender Commission shall send confirmation of receipt to trial counsel. This confirmation shall operate to relieve trial counsel of representation of the client for the limited purpose of appeal, and no motion to be relieved will need to be filed with the appellate court.

(d) The Circuit Court shall retain jurisdiction of the dependency-neglect case and conduct further hearings as necessary. Trial counsel, whether retained or court-appointed, shall continue to represent his/her client in a dependency-neglect case in the Circuit Court throughout any appeal to the Arkansas Supreme Court or Arkansas Court of Appeals, unless permitted by the trial court to withdraw in the interest of justice or for other sufficient cause.

(e) After the notice of appeal is filed with the Circuit Court, the appellate court shall have exclusive jurisdiction to relieve counsel for the purpose of appeal, except as provided in subsection (c). All substitute counsel shall file an entry of appearance with the Clerk of the Supreme Court.

History Text:

History. Adopted May 18, 2006, effective July 1, 2006; amended September 25, 2008.

Associated Court Rules:
Rules of the Supreme Court and Court of Appeals of the State of Arkansas
Group Title:
Article VI. Special Proceedings

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