

SUPREME COURT OF ARKANSAS

Hickson v. Arkansas Department of Human Services

182 S.W.3d 483, 357 Ark. 577 (Ark. 2004) · No. No. 04-482 · Decided May 27, 2004

SUMMARY

The Supreme Court of Arkansas denied Mary Hickson's petition for a writ of certiorari to complete the appellate record and dismissed her appeal. The court held that the record was not timely lodged because the second extension order was entered after the first extension period expired, and timely filing of the record is jurisdictional.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Arkansas
DECIDED	May 27, 2004
DOCKET	No. 04-482
DISPOSITION	dismissed
PROCEDURAL POSTURE	Petition for a writ of certiorari to complete the record in a parental-rights termination appeal.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Mary Hickson v. Arkansas Department of Human Services

TOPICS

- appellate procedure
- writ of certiorari
- termination of parental rights
- parental rights
- family law procedure

PRACTICE AREAS

- appellate procedure
- family law
- parental rights

QUESTIONS PRESENTED

1. Whether the circuit court's order granting a second extension to lodge the record was effective when entered after the prior extension had expired.
2. Whether the Supreme Court of Arkansas could issue a writ of certiorari to complete the record when the record had not been timely lodged.

3. Whether the untimely filing of the record required dismissal of the appeal.

HOLDINGS

1. An order extending the time to lodge the record on appeal is ineffective when it is entered after the period prescribed by the appellate rule or a prior extension order has expired.
2. Timely filing of the record on appeal is a jurisdictional requirement for perfecting an appeal; failure to timely lodge the record requires dismissal.

KEY QUOTATIONS

“This court has made it exceedingly clear that we expect strict compliance with the requirements of Rule 5(b), and that we do not view the granting of an extension as a mere formality.” (484)

“We thus dismiss Hickson's appeal, because the timely filing of the record on appeal is a jurisdictional requirement to perfecting an appeal.” (485)

FACTUAL BACKGROUND

On October 1, 2003, the Cleburne County Circuit Court terminated Mary Hickson's parental rights and granted the Arkansas Department of Human Services the power to consent to adoption of her children. Hickson filed a timely notice of appeal, and the record was initially due on January 29, 2004. The circuit court granted a ninety-day extension requested by the court reporter, but Hickson's later motion to enlarge the filing period was not granted until after that extension had expired; the partial record was filed on May 3, 2004, after the court determined it was due.

PROCEDURAL HISTORY

The Cleburne County Circuit Court entered an order terminating Hickson's parental rights and granting the Arkansas Department of Human Services authority to consent to adoption. Hickson timely appealed. Although the circuit court granted the court reporter a ninety-day extension to complete the transcript, a later motion to enlarge the time to lodge the record was granted only after the first extension had expired. The Supreme Court of Arkansas denied Hickson's petition for a writ of certiorari and dismissed the appeal because the record was not timely lodged.

DISPOSITION

dismissed

CASES CITED

- Osburn v. Arkansas Department of Human Services, 341 Ark. 218, 15 S.W.3d 673 (2000)
- Rose Care, Inc. v. Jones, 355 Ark. 682, 144 S.W.3d 738 (2004) (per curiam)
- Coggins v. Coggins, 353 Ark. 431, 108 S.W.3d 588 (2003) (per curiam)
- Murphy v. Dumas, 343 Ark. 608, 36 S.W.3d 351 (2001) (per curiam)
- Seay v. Wildlife Farms, Inc., 342 Ark. 503, 29 S.W.3d 711 (2000)

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