

ARKANSAS COURT OF APPEALS

DIVISION IV
No. CA08-1175

LISA WORTHAM-HUGGINS AND
STEPHEN HUGGINS,
APPELLANTS

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES,
APPELLEE

Opinion Delivered FEBRUARY 11, 2009

APPEAL FROM THE PULASKI COUNTY
CIRCUIT COURT
[NO. JJN07-488]

HONORABLE WILEY A. BRANTON, JR.,
JUDGE

AFFIRMED; MOTION TO
WITHDRAW GRANTED

KAREN R. BAKER, Judge

Lisa Wortham-Huggins and Stephen Huggins appeal from an order terminating their parental rights in J.H. (born June 22, 2006), and terminating Lisa's parental rights in W.L. (born October 10, 1998) and M.L. (born April 11, 2001). Their attorney has filed a no-merit brief and motion to withdraw, pursuant to Ark. Sup. Ct. R. 4-3(j)(1), Ark. Sup. Ct. R. 6-9(i)(1) (as amended Sept. 25, 2008), and *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004). The brief contains all adverse rulings from the termination hearing and states that, after a conscientious review of the record, counsel has determined there are no issues of arguable merit for appeal. Counsel's brief and motion were mailed to appellants, notifying them of their right to file points on appeal. No pro se points have been filed. We affirm the termination order and grant counsel's motion to withdraw.

The Arkansas Department of Human Services (DHS) removed the children from the

home on March 15, 2007. The family had not paid rent in six months, and Stephen Huggins was facing arrest for failure to vacate. Police officers and DHS workers observed trash and clothes piled on virtually every surface in the home; dirty dishes with molded food in the kitchen; very little food in the refrigerator; dirty and bloody sheets on the children's bed as the result of a child's nosebleed and cut finger; and a space heater in the youngest child's room that was on and had a towel lying across it. Lisa Wortham-Huggins stated that the house had been in that condition for about six weeks. She and Stephen were later arrested for child endangerment.

DHS obtained emergency custody of the children, and the court adjudicated them dependent-neglected, with a goal of reunification. The court observed that Lisa had tested positive for drugs and stated:

This was not a simple case of environmental neglect. The court understands that individuals may have lapses in keeping their homes clean, but the photographs which were introduced into evidence depict an environment which had resulted from days, perhaps weeks, of non-adherence to minimum housekeeping standards. The degree of environmental neglect points to irrationality. Normal, rational people do not allow their homes to fall to this level of uncleanness. Usually accompanying such irrationality are either concerns relating to mental health, substance abuse, or low mental functioning, or a combination thereof.

Lisa and Stephen were ordered to submit to a psychological evaluation and follow recommendations; submit to a drug-and-alcohol assessment and follow recommendations; submit to regular drug screens; and visit the children.

The next court order found that Stephen tested positive for cocaine on the day of the review hearing, was unavailable for drug screens, and had not visited the children. The order also found that Lisa was uncooperative and had refused drug screens. The court ordered the

couple to enter and complete inpatient drug rehabilitation; submit to drug and alcohol screens; and follow the recommendations of their psychological examinations, which included counseling.

At the February 2008 permanency-planning hearing, which Lisa failed to attend, the court changed the goal of the case to termination of parental rights. Shortly thereafter, Lisa and Stephen completed residential drug rehabilitation but did not complete outpatient treatment as recommended. In March, April, and May 2008, Lisa tested positive for cocaine five times and failed to appear for one drug screen. Stephen also failed to appear for at least one drug screen in April 2008. The couple stopped attending therapy and missed numerous counseling appointments during this period.

At the termination hearing on June 24, 2008, Stephen did not appear. Lisa appeared but tested positive for cocaine. DHS witnesses testified that two-year-old J.H. was adoptable and they recommended that W.L. and M.L. be placed in the custody of their biological father, Clifford Long. Stephen's sister, Gail Ray, testified that Lisa and Stephen were "on drugs." Lisa denied that she used drugs, even though had tested positive many times. She also said she was in no position to take the children. She asked that W.L. and M.L. be placed in the permanent custody of Clifford Long and that J.H. be placed in the permanent custody of Gail Ray. Based on the hearing testimony and the history of the case, the court terminated Lisa's and Stephen's parental rights and approved permanency plans of adoption for J.H. and permanent custody for W.L. and M.L.

An order forever terminating parental rights must be based on a finding by clear and

convincing evidence that termination is in the children's best interests and that at least one statutory ground for termination exists. Ark. Code Ann. § 9-27-341(b)(3)(A) and (B) (Repl. 2008). Based on the foregoing, we conclude that DHS unquestionably met this standard of proof and that an appeal from the termination order would be wholly frivolous. *See Linker-Flores v. Ark. Dep't of Human Servs.*, 364 Ark. 224, 217 S.W.3d 107 (2005). We therefore affirm the termination order and grant counsel's motion to withdraw.

Affirmed; motion to withdraw granted.

GLADWIN and HENRY, JJ., agree.