Cite as 2011 Ark. App. 307

ARKANSAS COURT OF APPEALS

DIVISION I
No. CA 10-1311

	Opinion Delivered APRIL 27, 2011
SANDRA SCHULTZ BALL APPELLANT	APPEAL FROM THE CLARK COUNTY CIRCUIT COURT
V.	[NO. JV-08-141]
	HONORABLE ROBERT E. MCCALLUM, JUDGE
ARKANSAS DEPARTMENT OF HUMAN SERVICES APPELLEE	AFFIRMED

JOHN B. ROBBINS, Judge

Sandra Schultz Ball appeals from an order terminating her parental rights in S.R., H.R., and K.R., ages thirteen, eleven, and nine. She does not challenge the circuit court's finding that termination was in the children's best interest or that grounds for termination existed. Instead, she argues that the circuit court erred in three respects: 1) finding that adoption was an appropriate permanency-placement plan for the children; 2) admitting the transcript of a counselor's testimony from a prior hearing; 3) evaluating her home without an ICPC (Interstate Compact on the Placement of Children) study. We affirm the termination order.[1]

[1]Appellant's argument heading states that she challenges the sufficiency of the evidence in support of the termination order. Yet, her brief raises only these three points. A mere mention or conclusory statement in an argument heading, without convincing argument or authority, is not effective to raise a point on appeal. *See Dougan v. State*, 330 Ark. 827, 957

This case marks the second time that appellant's children have been in Arkansas Department of Human Services (DHS) custody. Between 2001 and 2005, appellant and the children's father, Johnny Raines, served four years in prison for delivery of methamphetamine. During that time, the children lived with relatives for three years and in DHS foster care for one year. In September 2005, Mr. Raines obtained custody of the children upon his release from prison. Appellant was released later and lived with Mr. Raines and the children for over a year. During that time, the couple used drugs and did not maintain regular employment. Additionally, Raines inflicted physical and mental abuse on appellant but, according to her, did not abuse the children.

In February 2007, appellant moved away from home, leaving the children with Raines, who continued to use drugs.[2] Appellant later relocated to Florida and married a man named Phillip Ball. The children remained in Arkansas with Raines.[3] Under Raines's care they suffered from a chronic head-lice infestation and were frequently absent from school.

On September 15, 2008, DHS placed a seventy-two-hour hold on the children when they again arrived at school with head lice. On this occasion, Raines did not return the school's calls to pick up the children, and DHS obtained emergency custody. The circuit court adjudicated the children dependent-neglected and established a goal of reunification

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S.W.2d 182 (1997); *Estacuy v. State*, 94 Ark. App. 183, 228 S.W.3d 567 (2006). We therefore confine our review to the specific arguments that appellant does make.

[2] According to appellant, Raines made her leave home.

[3] For a period of time, Raines placed the children with a relative.

with Raines, with a concurrent goal of relative placement with appellant. The goal remained the same through two review periods but could not be maintained. The court eventually terminated both parties' parental rights, in appellant's case due to her instability, her strained relationship with the children, the oldest child's opposition to reunification, her inappropriate behavior with the children, her decision to leave the children with the abusive and drug-using Raines, and the fact that the children had spent most of their lives out of her care. Appellant now appeals from the termination order.

Appellant's first argument concerns the children's permanency-placement goal of adoption. An appropriate permanency-placement plan is a prerequisite to the circuit court's consideration of a termination petition. Ark. Code Ann. § 9-27-341(b)(1)(A) (Repl. 2009). Among the available permanency-planning options is adoption, *see Griffin v. Ark. Dep't of Human Servs.*, 95 Ark. App. 322, 236 S.W.3d 570 (2006), and, in this case, it is undisputed that the children were adoptable. Appellant contends, however, that adoption was not a proper plan because the oldest child did not want to lose all contact with her mother (even though she did not want to reunite with her mother) and the other children "did not understand the finality" of terminating their mother's parental rights. In essence, appellant argues that terminating her parental rights with a goal of adoption might have been contrary to the children's wishes.

It is true that a circuit court may consider a child's wishes in deciding whether to terminate parental rights. *Jefferson v. Ark. Dep't of Human Servs.*, 356 Ark. 647, 158 S.W.3d

129 (2004). But, the court need not obtain a child's consent to adoption at the termination stage of the proceedings. *Childress v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 322, 307 S.W.3d 50. Moreover, the guiding principle in a termination proceeding remains the best interest of the children. *See id.* The court in this case determined that, based on numerous factors, termination was in the children's best interest. Because appellant makes no meaningful challenge to the court's best-interest finding, we see no basis for reversal on this point.

Next, appellant argues that the circuit court erred in admitting testimony given by the children's counselor, Rebecca Langley, at an earlier review hearing. Appellant objected below that Langley's review-hearing testimony was not given in the context of a termination hearing, where "the rules of evidence are applied strictly," and that her testimony "may've contained hearsay." On appeal, however, appellant makes neither of these arguments. Instead, she argues that Langley's testimony was too remote in time from the termination hearing and was not given in a proceeding that applied the clear-and-convincing evidence standard. A party cannot change her argument on appeal and is bound by the scope of her arguments made to the circuit court. *See Holiday Inn Franchising, Inc. v. Hospitality Assocs., Inc.*, 2011 Ark. App. 147, ___ S.W.3d ___. Even in termination cases, we will not address arguments raised for the first time on appeal. *Lyons v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 271.

Furthermore, appellant's assignment of error on this point is not sufficiently developed for our review. She presents no reason why she is entitled to relief or how she was prejudiced by the court's consideration of Langley's testimony (much of which was duplicated by

witnesses who testified live at the termination hearing). We do not consider an assignment of error that is not supported by convincing argument or authority, unless it is apparent without further research that the point is well taken. *Jones v. Ark. Dep't of Human Servs.*, 361 Ark. 164, 205 S.W.3d 778 (2005).

Appellant's final argument is that the circuit court "was unable to properly evaluate [her] home [because] an ICPC study had been ordered but not yet completed." In fact, appellant's home state of Florida performed a study on her residence in May 2009 and did not recommend placement of the children there, based in part on an indication of domestic violence by Mr. Ball.[4] Appellant has made no convincing argument as to how a second home study would have affected the court's decision to terminate her parental rights.

Affirmed.

PITTMAN and GLOVER, JJ., agree.

[4] We make no comment as to whether the ICPC was in fact applicable in this case, given that the children were being considered for placement with a parent. *See Ark. Dep't of Human Servs. v. Huff*, 347 Ark. 553, 65 S.W.3d 880 (2002).