

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA10-1312

SHANNON CHAFIN

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILDREN

APPELLEES

Opinion Delivered August 31, 2011

APPEAL FROM THE YELL COUNTY
CIRCUIT COURT, NORTHERN
DISTRICT
[NO. JV-09-1]

HONORABLE TERRY SULLIVAN,
JUDGE

AFFIRMED

WAYMOND M. BROWN, Judge

Appellant Shannon Chafin appeals the Yell County Circuit Court's termination of his parental rights to his six minor children. He does not contest that the trial court met the statutory requirements for termination but contends that the court erred by denying placement of his children with relatives pursuant to the Interstate Compact on the Placement of Children (ICPC).¹ According to Chafin, the court acted in contravention of ICPC and should be reversed. We affirm the termination order.²

¹Ark. Code Ann. § 9-29-201 (Repl. 2009).

²This is the second time this case is before us. We originally ordered rebriefing due to deficiencies in Chafin's abstract and addendum. See *Chafin v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 318.

The Arkansas Department of Human Services (DHS) took Chafin's five children³ into emergency custody on December 30, 2008. An order for emergency custody was entered on January 2, 2009. At the probable cause hearing on January 9, 2009, the court ordered the children to remain in DHS custody. During the life of the case, the court ordered that home studies be completed on the children's aunt and grandmother. Missouri approved the placement of Chafin's three oldest children with their maternal aunt, Mindy Metcalf, on January 6, 2010.⁴ On January 8, 2010, the court changed the goal of the case to adoption/termination of parental rights.⁵ A home study report of the children's grandmother, Carolyn Chafin, was completed on April 21, 2010. Although the evaluator noted a number of concerns, Carolyn's home was approved for placement of all six children. However, according to the Interstate Placement transmittal from West Virginia dated April 23, 2010, approval of placement of the children was withheld by West Virginia due to the issues found during the home study. After a hearing on September 9, 2010, the court entered an order terminating the parental rights of both Chafin and his wife, Mary.⁶ Chafin timely appealed from the termination order.

Chafin's sole argument on appeal is that the court erred by denying placement of his children with relatives pursuant to ICPC. According to Chafin, once the home studies were

³The sixth child, born October 10, 2009, was taken into emergency custody after he tested positive for opiates on October 19, 2009.

⁴The home study and approval was filed January 8, 2010.

⁵The order was filed on January 20, 2010.

⁶Although Mary Chafin's parental rights were also terminated, she is not a party to this appeal.

approved, the court had no option but to approve the placement. This argument is procedurally barred. First, the record before us does not demonstrate that Chafin raised the issue of ICPC compliance to the lower court. This court will not address issues raised for the first time on appeal.⁷ Secondly, Chafin did not appeal from the permanency planning order changing the case goal to adoption/termination of parental rights. Chafin has therefore waived consideration of his argument.⁸

Affirmed.

PITTMAN and GLADWIN, JJ., agree.

⁷*Kelley v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 481.

⁸*See id.*