

ARKANSAS COURT OF APPEALS

DIVISION II
No. CA12-635

ALEXANDER THORNTON
APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES and MINOR
CHILDREN
APPELLEES

OPINION DELIVERED NOVEMBER 28, 2012

APPEAL FROM THE GARLAND
COUNTY CIRCUIT COURT
[NO. JV-2011-35]

HONORABLE VICKI SHAW COOK,
JUDGE

AFFIRMED

ROBERT J. GLADWIN, Judge

This is an appeal from an order terminating appellant Alexander Thornton's rights to his two minor children, N.W. and A.W.¹ Mr. Thornton argues that the circuit court erred in terminating his parental rights because there was insufficient evidence to demonstrate that the Arkansas Department of Human Services (DHS) made meaningful efforts to assist him in reunification with his minor children. We affirm.

The record shows that the initial removal by DHS of N.W. from the mother's custody was based on allegations of neglect and that the initial removal of A.W. from the mother's custody was based on allegations of neglect and threat of harm. With respect to Mr. Thornton, specifically, the record also shows that although appropriate services were offered, he failed to avail himself of them and to complete his case plan, including the requirements

¹The parental rights of the minor children's mother, Sharon Weller, were also terminated pursuant to the same order filed on May 14, 2012, but she filed no appeal.

that he maintain stable housing and employment, weekly contact with the DHS caseworker and CASA volunteer, and regular, consistent contact with N.W. and A.W.

The circuit court found that Mr. Thornton failed to demonstrate the ability to properly care for the health, safety, and welfare of the children based upon the evidence and his psychological evaluation, as well as anger-management and drug-and-alcohol-abuse issues. After consideration of all relevant and required factors, the circuit court ultimately found that termination was in N.W.'s and A.W.'s best interest. The circuit court set out its reasoning and conclusions in its detailed order filed on May 14, 2012. Mr. Thornton filed his notice of appeal on May 22, 2012.

The only issue in this appeal is the sufficiency of the evidence to support the termination of Mr. Thornton's parental rights, specifically, the evidence that showed that DHS offered appropriate family services. Mr. Thornton argues that DHS failed to make meaningful efforts during the case. Mr. Thornton does not challenge the circuit court's finding that termination was in the minor children's best interest or the elements of the grounds employed to terminate his parental rights. Because this court will only reverse on grounds properly argued by an appellant, *see Anderson v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 522, 385 S.W.3d 367, the only issue before us is whether meaningful services were offered.

We hold that Mr. Thornton's argument is procedurally barred because he did not appeal from prior orders in which the circuit court found reasonable efforts by DHS despite the fact that, under Arkansas Supreme Court Rule 6-9(a)(1)(A), they were final, appealable

orders. The failure to appeal from any of the previous orders in which a circuit court has determined that DHS made meaningful efforts toward reunification precludes this court from reviewing those findings with respect to the periods of time covered by those prior orders. *Jones-Lee v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 160, 316 S.W.3d 261.

The circuit court found that DHS made reasonable efforts throughout this case, with its last finding prior to the termination hearing made at the permanency-planning hearing held on December 8, 2011. At the permanency-planning hearing, the circuit court found that Mr. Thornton had partially complied with the case plan and court orders but made only minimal progress toward remedying the cause of the removal. The circuit court also found that DHS had provided foster care, visitation, medical/dental care, transportation, parenting classes, counseling, medication management, psychological evaluations, and case-management services. None of these orders are designated in the notice of appeal; likewise, none were previously appealed. *See Velazquez v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 168. Accordingly, Mr. Thornton has waived any argument regarding the services offered by DHS during those time periods. *See Kelley v. Ark. Dep't of Human Servs.*, 2011 Ark. App. 481; *Jones-Lee, supra*; *Sparkman v. Ark. Dep't of Human Servs.*, 96 Ark. App. 363, 242 S.W.3d 282 (2006).

Affirmed.

VAUGHT, C.J., and MARTIN, J., agree.

Deborah R. Sallings, Arkansas Public Defender Commission, for appellant.

Tabitha Baertels McNulty, Office of Chief Counsel, for appellee.

Chrestman Group, PLC, by: *Keith L. Chrestman*, for minor children.