

ARKANSAS COURT OF APPEALS

DIVISION III
No. CA12-477

CHRISTY CARR

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES & MINOR
CHILDREN

APPELLEES

Opinion Delivered December 5, 2012

APPEAL FROM THE BENTON
COUNTY CIRCUIT COURT
[NO. J-2011-236-D/N]

HONORABLE MARK FRYAUF,
JUDGE

AFFIRMED

DAVID M. GLOVER, Judge

Christy Carr appeals the termination of her parental rights to her children, son A.C.1 (D.O.B. 1-10-04) and daughter A.C.2 (D.O.B. 1-25-05). On appeal, she makes two arguments: (1) that DHS's articulated goal of reunification was appropriate and there were no changed circumstances sufficient to change the plan to involuntary termination because she had complied with the plan and had showed that she had changed, and (2) that DHS erred in failing to provide her with a case plan within thirty days of the adjudication hearing, which resulted in prejudice to her. We affirm.

The facts of this case are horrific. The affidavit of facts attached to the petition for emergency custody alleged that on March 25, 2011, there was a complaint received at the Crimes Against Children Division that A.C.2 was being sexually abused by her father,

Thomas Carr, including bestiality. The interview with A.C.2 revealed express details of the abuse. Furthermore, the interview with Christy revealed that three years before, both Thomas and A.C.2 had separately revealed to her similar “dreams” that Thomas had sexually abused A.C.2. The petition for emergency custody was granted. An amended order, finding that it was in the juveniles’ best interests to be removed from Thomas and Christy and placed in the custody of DHS, was filed on March 31, 2011. An order of probable cause was entered on May 3, 2011, with both parties stipulating to the existence of probable cause that the emergency conditions that necessitated removing A.C.1 and A.C.2 still existed and that it was necessary to continue their custody with DHS.

A hearing was held on June 16, 2011. Two orders emanated from that hearing—an order terminating Thomas’s parental rights, filed on June 30, 2011, and an adjudication order, filed on July 1, 2011. In the adjudication order, the trial court found that the juveniles were dependent-neglected; that Thomas had sexually abused A.C.2; and that Christy had failed to protect A.C.2 from the sexual abuse. The adjudication order further stated that Thomas’s parental rights were terminated, with a separate order to be filed to that effect; the trial court continued a goal of reunification of the children with Christy. There was no appeal from this adjudication order.

On August 12, 2011, DHS filed a petition for termination of Christy’s parental rights, followed by the attorney ad litem’s petition for termination of her parental rights on October 17, 2011. After a hearing on November 8, 2011, the trial court entered an order terminating Christy’s parental rights on November 17, 2011.

Cite as 2012 Ark. App. 688

Christy first argues that DHS's articulated goal of reunification was appropriate and that there were no changed circumstances sufficient to modify the goal from reunification to involuntary termination. This particular argument was never made to the trial court; therefore, it is not preserved for appellate review. *See Johnson v. Arkansas Dep't of Human Servs.*, 2012 Ark. App. 537 (holding that the failure to raise issues or to obtain rulings at the trial level precludes appellate court consideration of the issue on appeal).

Christy next argues that DHS erred in failing to provide her with a case plan within thirty days of the adjudication hearing, which prejudiced her. This deficiency was mentioned in passing in closing argument by Christy's counsel, but her counsel never requested, and the trial court never made, any ruling on this issue; therefore, this issue is also not preserved for appellate review. *See Johnson, supra*.

Affirmed.

ABRAMSON and BROWN, JJ., agree.

Meister and McCracken Law Firm, PLLC, by: *Joshua Meister*, for appellant.

Tabitha McNulty, Office of Chief Counsel, for appellee.

Keith Chrestman, attorney ad litem for minor children.