

ARKANSAS COURT OF APPEALS

DIVISION IV

No. CA09-611

HLAMBA BELL,

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HEALTH AND HUMAN SERVICES
APPELLEE

Opinion Delivered October 28, 2009

APPEAL FROM THE PULASKI
COUNTY CIRCUIT COURT,
[NO. JN2007-2138]

HONORABLE WILEY A. BRANTON,
JR., JUDGE

AFFIRMED; MOTION GRANTED

KAREN R. BAKER, Judge

The Pulaski County Circuit Court terminated Hlamba Bell’s parental rights to D.B. (born May 18, 1997); K.H. (born November 17, 1998); R.V. (born December 1, 2001); and D.B. (born November 23, 2004). Bell’s attorney has filed a motion to withdraw and a no-merit brief pursuant to *Linker-Flores v. Arkansas Department of Human Services*, 359 Ark. 131, 194 S.W.3d 739 (2004), and Ark. Sup. Ct. R. 6-9(i). The brief explains why the termination decision and two other adverse rulings do not warrant reversal. Our clerk’s office mailed a copy of the brief and motion to Bell at her last known address, informing her of her right to submit points for reversal. The packet was returned “Undeliverable, Unable to Forward.” The Public Defender’s office confirmed that the office had contacted Bell to verify her address and to explain why she should sign for the packet. Bell, consequently, has filed no pro se points. For the following reasons, we affirm the termination order and grant counsel’s motion

to withdraw.

The Arkansas Department of Human Services (“DHS”) opened a protective-services case on Bell’s family in July 2006 based on abandonment/neglect and truancy. On December 12, 2007, DHS placed a seventy-two-hour hold on Bell’s children after Bell was arrested for failure to appear in a truancy case. DHS workers visited Bell’s three-bedroom, one-bath residence later that afternoon and found four other adults living there, along with Bell’s four children and three other children. None of the children had attended school that day, and an adult resident explained that the children had not awakened in time. Based on these circumstances, the circuit court granted emergency custody of Bell’s children to DHS on December 17, 2007.

On February 13, 2008, the circuit court adjudicated Bell’s children dependent-neglected. The adjudication order recited that there were “far too many people crammed into” Bell’s home and that the adults in the home slept during the day without taking the children to school. The court also found that six-year-old R.V. had never been to school. The court established a goal of reunification, granted Bell supervised visitation, and directed Bell to obtain and maintain adequate housing; to undergo a psychological evaluation and follow recommendations; to submit to random drug screens; and to complete parenting classes. In subsequent orders entered during the ensuing nine months, the court found that Bell had not fully complied with previous directives because she had visited the children only sporadically, had not attended counseling, and had not completed parenting classes. On

November 17, 2008, the court changed the goal of the case to termination of parental rights.

At the termination hearing, psychologist Dr. Paul Deyoub testified that Bell suffered from mild mental retardation, a major depressive disorder, and a dependent-personality disorder. The doctor said that Bell had not yet attained adequate stability to regain custody of her children and that, before reunification could be considered, Bell would require extensive intervention for a significant period of time, possibly as long as a year. According to Dr. Deyoub, Bell needed counseling and parent training, followed by six months of observation once she accomplished stability. DHS witnesses testified that, despite Dr. Deyoub's anticipation of a lengthy rehabilitation process, Bell did not start counseling or complete parenting classes until the court changed the goal of the case to termination of parental rights. DHS also offered proof that Bell continued to live with a man named Anthony Spence through mid-2008 even though Spence had abused her, and the children had witnessed the abuse; that Bell had visited the children only sporadically during part of the case; that Bell failed to complete a portion of her psychological evaluation; that, despite receiving services and referrals from DHS, Bell had not maintained appropriate housing or employment for any length of time; and that the children were adoptable. The court additionally noted that Bell had an outstanding warrant from the city of Cabot. Following the hearing, the circuit court terminated Bell's parental rights.

Under the circumstances of this case, we accept counsel's statement that there are no issues of arguable merit regarding the termination decision. Bell failed to comply with the

court's orders during the fourteen-month case and in particular did not begin the recommended counseling until shortly before the termination hearing. Additionally, at the time of the termination hearing, Bell did not have appropriate housing and was not in a position to regain custody of the children, despite their being out of the home for over a year. Further, according to Dr. Deyoub, many more months would have to pass before Bell could demonstrate her fitness as a parent. The intent of our termination statute is to provide permanency in a child's life in all instances in which the return of the child to the family home is contrary to the child's health, safety, or welfare and it appears from the evidence that a return to the family home cannot be accomplished in a reasonable period of time as viewed from the child's perspective. Ark. Code Ann. § 9-27-341(a)(3) (Supp. 2009). Moreover, a child's need for permanency and stability may override a parent's request for additional time to improve her circumstances. See *Camarillo-Cox v. Ark. Dep't of Human Servs.*, 360 Ark. 340, 201 S.W.3d 391 (2005); *Jones-Lee v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 160, 316 S.W.3d 261. In light of these authorities and the proof adduced at the termination hearing, we conclude that an appeal from the termination decision would be wholly without merit.

The circuit court also made two evidentiary rulings that were adverse to Bell. Our review of these rulings shows that they were correct and that Bell cannot show that she was prejudiced by them.

Affirmed; motion to withdraw granted.

GRUBER and BROWN, JJ., agree.

