

ARKANSAS COURT OF APPEALS

DIVISION I

No. CA09-569

BETHANY MYERS,

APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES,

APPELLEE

Opinion Delivered APRIL 14, 2010

APPEAL FROM THE MILLER
COUNTY CIRCUIT COURT,
[NO. JV-2008-323-1]

HONORABLE JOE E. GRIFFIN,
JUDGE

AFFIRMED

KAREN R. BAKER, Judge

Bethany Myers and her husband, Jim, are the parents of R.M., N.M.1, M.M., J.M., E.M., and N.M.2. She appeals from the circuit court's order adjudicating her children dependent-neglected after DHS took them into custody from the Tony Alamo Christian Ministries Compound in Fouke, Arkansas, in November 2008. In the same proceeding, the circuit court also adjudicated the children of Don Thorne, Albert and Miriam Krantz, and Carlos and Sophia Parrish dependent-neglected. There was testimony at the adjudication hearing that Myers's daughters N.M.1 and M.M. lived in Alamo's home, and that, at the time of the hearing, Jim was in hiding with N.M.1, M.M., and J.M. The circuit court sent Myers, who did not contest the allegations at the hearing, to jail for contempt until Jim produced the children.

All of the parents make the same arguments on appeal: that the evidence does not support the trial court's findings of dependency-neglect, and that the court violated their rights to the free exercise of their religion by ordering them to obtain and maintain housing and employment separate and apart from the ministry. In a separate opinion, we affirmed the adjudication order involving Don Thorne's children. *Thorne v. Arkansas Dep't of Human Servs.*, 2010 Ark. App. 317, 374 S.W.3d 912. For the same reasons expressed in that opinion, we affirm the part of the circuit court's order finding the Myers children dependent-neglected. But, unlike the other parents, Myers did not raise the free-exercise issue below. And she agreed to the case plan in open court. Thus, we cannot reach her constitutional argument on appeal. *Broderick v. Arkansas Dep't of Human Servs.*, 2009 Ark. App. 771, at 8, 358 S.W.3d 909, 914.

Affirmed.

GRUBER and MARSHALL, JJ., agree.