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ARKANSAS COURT OF APPEALS

DIVISION II

No. CV-20-715

SHAWNA ANN MARIE MILLER
APPELLANT

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES AND MINOR
CHILDREN
APPELLEES

Opinion Delivered June 2, 2021

APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT,
WESTERN DISTRICT
[NO. 16JJV-18-473]

HONORABLE RALPH WILSON, JR.,
JUDGE

AFFIRMED

BART F. VIRDEN, Judge

Shawna Ann Marie Miller appeals from the Craighead County Circuit Court’s decision to terminate her parental rights to XW (4/7/16) and EM (12/20/17). Miller does not challenge the statutory grounds or the adoptability prong of the best-interest finding. Instead, she argues that the circuit court erred in finding that there is potential harm to the children if they are returned to her custody.¹ We affirm.

I. Relevant History

On December 4, 2018, the Arkansas Department of Human Services (Department) filed a petition for emergency custody of XW and EM. The affidavit attached to the petition set forth that Miller’s history of child maltreatment and her previous behavior suggested that

¹XW’s father, James White, whose rights were terminated in this order, is not party to this appeal. The parental rights of EM’s father, William Barber, were terminated in a separate order.

the children may be in immediate danger. According to the affidavit, the family's contact with the Department began in 2011 regarding an unsubstantiated report of abuse. In 2014, Miller's newborn, EW (12/29/14), was taken into Department custody pursuant to Garrett's Law, and the case was eventually closed because the child was adopted. In 2017, Miller was investigated for inadequate supervision and abuse involving XW's ingestion of "poison/noxious substances." The claim that Miller knowingly breastfed XW when she was using methamphetamine and continued to do so after the case was opened was found to be true. The most recent incident on November 29, 2018, began when the Department received a referral for investigation of neglect. The next day, the family service worker was informed that XW and EM had been brought to the Craighead County Department office by their caregiver who could no longer care for them and was leaving town. The family service worker contacted Miller, who behaved erratically during the phone call. When Miller arrived at the Department office, she seemed to be under the influence of drugs and was "emaciated." Miller admitted using drugs and tested positive for amphetamines and methamphetamine, and she stated that she had been evicted from her home. The children were placed under a seventy-two-hour hold due to Miller's homelessness, emotional instability, drug use, history of child maltreatment, and inability or unwillingness to supervise her children and meet their immediate needs for food, shelter, clothing, and healthcare.

The circuit court entered an order on December 12 finding that there was probable cause to remove the children from Miller's custody based on her stipulation to her previous

involvement with the Department, current drug use, housing instability, emotional instability, and inadequate supervision. The circuit court ordered Miller to comply with the case plan and obey all orders of the court including that she remain drug-free; complete parenting classes; obtain stable housing, transportation, and employment; and keep the Department informed of her contact information and address, her employment status, and marital status.

On February 15, 2019, the court entered the adjudication and disposition order, finding that XW and EM were dependent-neglected. The goal of the case was reunification with a concurrent goal of adoption. Miller was granted supervised visitation, and she was ordered to comply with the court orders and submit to a drug-and-alcohol assessment.

On February 25, the Department and attorney ad litem filed a joint motion to terminate reunification services, arguing that the children had been subjected to aggravated circumstances, and there was little likelihood that services would result in reunification. The Department asserted that Miller has a history of failing to resolve her drug-related problems. The Department cited Miller's history as support for its claim. In 2014, EW (12/29/14) was declared dependent-neglected after he tested positive for methamphetamine at birth. Miller failed to address her drug problems, despite the offer of Department services, and consented to EW's adoption in 2016. On January 31, 2017, XW was removed from Miller's custody due to her drug use and neglect of XW's basic needs. Weeks later, the court found that Miller had knowingly exposed XW to drugs by breastfeeding while using methamphetamine and continued to do so as the case progressed. In June 2018, Miller

regained custody of XW, and on November 30, XW and EM were removed from her custody for drug-related issues, and the current case was opened.

The order terminating reunification services was entered on June 3. The court found that Miller had subjected the children to aggravating circumstances and there was little likelihood that further services would result in reunification. Specifically, the court found that Miller has a history of failing to correct the same issues of drug use and housing and employment instability, despite the Department's provision of services. Additionally, the court found that Miller picked up new drug-related criminal charges in Texas and was unable to leave that state. Miller did not appeal the order.

The permanency-planning order was entered the same day after a hearing. The court found that the Department had made reasonable efforts to provide services and comply with the case plan. The court determined that Miller had not complied with the case plan. Specifically, she had not kept in contact with the Department, exercised visitation, or completed a drug-and-alcohol assessment or any substance-abuse or parenting program. Miller tested positive for drugs, and she had not obtained stable housing or employment. Also, sometime around February, she was arrested on drug-related charges and was incarcerated in Texas and unable to leave Texas at that time. The goal of the case was changed to adoption.

On June 25, 2019, the Department filed a petition for the termination of Miller's parental rights. The Department alleged two statutory grounds. First, the Department alleged that subsequent issues had arisen. Specifically, the Department alleged that Miller

had not found stable housing or employment, she tested positive for methamphetamine on January 31, she had not attended visitation, and she had been incarcerated in Texas and unable to leave the state due to pending drug-related charges. Second, the Department contended that Miller subjected the children to “aggravated circumstances” and that there was little likelihood further services would result in reunification. The Department cited Miller’s repeated history of failing to successfully address her drug and criminal issues, housing and employment instability, and inability or unwillingness to protect and provide for her children. The Department specifically noted that in the 2014 case involving EW, Miller did not take advantage of the services offered and consented to his adoption. The Department stated that there were no barriers to adoption and, relying on the same facts supporting the statutory grounds, asserted that there was potential harm to the children if returned to Miller’s custody.

The circuit court entered a review order on October 9, finding that the Department had made reasonable efforts to provide reunification services, and the goal of the case was reunification with a concurrent goal of adoption. The court found that Miller’s instability throughout the case was a safety concern that prevented placement with her.

On February 28, 2020, the attorney ad litem filed a petition to terminate Miller’s parental rights. The ad litem alleged that Miller had been “largely absent” from the case and had attended only a couple of hearings. The ad litem explained that Miller appeared by phone at the permanency-planning hearing on May 31, 2019, but that she was unable to attend in person because she could not leave Texas due to criminal charges there. In July

2019, the Texas court allowed Miller to return to Arkansas on the condition that she comply with the terms of her probation. Miller was rearrested in November for failure to do so. On January 30, 2020, Miller was released after agreeing to plead guilty, and she was placed on probation for five years. The ad litem further alleged that Miller had been in a relationship and lived with Bart Greenwood—a known felon, habitual offender, and drug user—until her rearrest in November 2018.² Miller resumed her relationship with Greenwood when she returned to Arkansas in the summer of 2019. In all other respects, the petition for termination matched the Department’s earlier petition for termination.

On March 2, the ad litem filed a motion to proceed with termination arguing that fifteen months is too long for a case like this to be open. The ad litem asserted that reunification services were ended six months into the case, no trial placement was ordered, and the children needed permanency. Conversely, the Department filed a motion to modify visitation on March 26, and the court granted it, allowing Miller to have supervised visitation in her home.

Miller responded to the petition for termination, challenging some of the facts set forth by the ad litem. She explained that while she was in Texas, she completed parenting classes, attended NA meetings, was drug screened, and wrote letters to the children. Miller argued that she had complied with the case plan. She asserted that she obtained a Department-approved, stable home, she had been employed until a week before when she

²During the pendency of the case, Miller had a child, ZG, with Bart Greenwood.

was laid off due to COVID-19, and she had tested negative for drugs for an entire year. Miller also contended that she attended drug-and-alcohol screening and completed seven out of twelve outpatient classes, even though the Department had ceased providing services. Miller set up her own mental-health services, and she maintained full custody of her new baby.

On April 9, the foster parents, Amelia and Keith Winningham, filed a petition for adoption and a motion to intervene, which the court granted.

On June 10, 2020, the ad litem filed an amended petition for termination of Miller's parental rights, additionally arguing that Miller had violated her probation relating to the Texas charges by failing to pay costs and fees for several months as well as failing to comply with the State's investigation into her Texas community supervision. Due to Miller's failure to comply with the terms of her probation, the probation officer filed a petition to revoke, and an arrest warrant was issued. Miller responded by challenging the characterization of the Texas probation issues, explaining that she had been in contact with her probation officer the entire time and that it was not likely she would be taken back to Texas.

At the August 5 termination hearing, Gregory Daffron, the primary family services worker, testified that for the first six months of the case, Miller did not visit the children, and she tested positive for drugs in January 2019. By June 2019, the court ordered the Department to cease providing services, and the goal of the case was changed to adoption. Daffron testified that Miller never had unsupervised visitation or trial home placement, and she had completed some services but not others. Daffron recalled that Miller lived in three

or four residences during the pendency of the case, and she moved into her present two-bedroom, one-and-a-half bathroom, furnished residence a week before the hearing. Daffron stated that in 2019, Miller was incarcerated in Texas from around February through August. At times during the case, she lived with her boyfriends, Bart Greenwood and Patrick Lopez. Daffron explained that both men had drug-related criminal convictions and spent time in jail during the case. Each father of her remaining three children has criminal convictions involving drugs. Daffron testified that there were no obstacles to adoption. Despite his testimony, Daffron did not recommend termination, because he believed that the conditions causing removal had been corrected through Miller's sole effort, and the relationship with Lopez ended in May. Also, he explained, the loss of two of her jobs was due to circumstances beyond her control: a tornado destroyed the business where she was employed, and the COVID-19 epidemic caused her to lose another job. Though Miller changed jobs up to six times since January, she had been almost continuously employed since the COVID-19 restrictions were eased. Daffron explained Miller has sufficient income, and he opined that her housing is stable in that it is appropriate, though she had not lived in the Lake City home very long. He testified that Miller does not have reliable transportation but that she does have an old Audi that is currently being worked on.

At the hearing, there was discussion of the Texas charges. Miller's counsel explained that the arrest warrant for her is only valid in Texas; thus, if she stays out of Texas, she will not be arrested on that warrant. Counsel further explained that Miller was scheduled to appear in court in Texas the next week, and while she is there, the warrant will be satisfied,

they will have the adjudication hearing, and then “they are going to turn right around and release her.” At that point, Miller will apply to transfer her probation to Arkansas, which, according to her attorney in Texas, will be granted, and she will be allowed to return to Arkansas.

Miller testified that she has a long history with the Department and that her first child, JM, was in her grandmother’s custody, and she consented to termination of her parental rights to her second child, EW. Both cases revolved around her drug use. Miller explained that XW had been removed from her custody due to her drug use, but he was returned after a year. She testified that she had kicked her meth addiction but that she always chose men with drug problems, including her two most recent boyfriends. As to Lopez, Miller testified that she had talked to him through email around five times since he had been in the Craighead County jail. Miller stated that Lopez never hit her, and she was not currently in a relationship with him. Then, the attorney ad litem asked Miller to “listen to something” whereupon an audio recording was played in which a male speaker identified as Lopez and a female speaker said, “I love you,” and they referred to each other as “babe” and “baby” and agreed that they were getting married as soon as he was released “before we even go to Lake City. Before we even go home, yes.” Miller admitted that she was the female speaker, and she was not sure if the call was in the past two months. The recording, the ad litem explained, was dated July 22, about two weeks before the hearing. The ad litem called Craighead County Detention Center assistant administrator, Todd Harrell, to the stand. Harrell explained that he has access to inmate phone calls and emails and distributed

recordings of the phone calls and copies of emails upon request. He testified that he sent the ad litem a “batch of emails today” between Lopez and Miller, from July 30 through August 4. The communications between Lopez and Miller began around June 25 when Lopez entered the facility, and Harrell testified that each email is time stamped and the disk includes the date the call was placed.

Miller agreed to voluntarily relinquish her parental rights and consent to adoption, and the hearing was continued; however, on August 14, Miller withdrew her consent.

At the August 19 hearing, Daffron reiterated his previous testimony and stated that he now recommended termination of Miller’s parental rights in light of her lying about her relationship with Lopez. Additionally, Daffron stated that Miller’s “fallback position” is to live with her mother, Angela Gates, in between housing changes. Earlier, Miller testified that she cannot allow her mother to babysit ZG because of her history with drugs and the Department.

Craighead County jail administrator Keith Bowers testified that Lopez made thirty-nine phone calls to the same number between July 9 and 17 and many more calls for other periods of time. There were “several hundred” emails between Lopez and Miller from June 25 to August 19.

Miller testified that she lied about her relationship with Lopez, and they were planning to get married as soon as he is released in September. She explained that she knew about Lopez’s drug and criminal history and that he was currently incarcerated for felony possession of methamphetamine. Miller was given paper copies of several emails she sent to

Lopez, which she read aloud. In a June 29 email, she referenced possibly lying to Lopez's parole officer to get his bond lifted, and she professed her love for him. Later, she admitted that she lied to the parole board that Lopez had passed "a bunch" of drug screens, and in fact, there was only one drug screen. Miller read an email in which she explained that "fuck boys" were men who liked to buy her things, and one such man bought her the car she was driving. In the email, she explained that she had put her "last \$7" in his commissary account and that she had no food in the house except ZG's. Up to this point Miller had denied that Lopez had been violent with her, but after she was asked to read an email that recounted Lopez's hitting her, Miller admitted to Lopez's previous violent behavior toward her. Later, she admitted that he had relapsed once while they were together and that he hit her "maybe twice." Miller testified that

I haven't ended the relationship with Mr. Lopez because he doesn't pose a threat to my kids. Yes, even though he has "smacked" me around two or three times and continues to use methamphetamine and continues to engage in criminal behavior -- yes, I absolutely do not think that any of those things pose a threat to my children. I haven't ended my relationship with Mr. Lopez because I believe he's working on fixing it.

Also, Miller testified that she had been diagnosed with bipolar disorder and that she had just started taking her medication. Miller explained that not taking her medication did not affect her ability to parent her children because she did not get angry with her children, just other people.

On September 16, the circuit court entered the termination order. The court found statutory grounds for termination of Miller's parental rights including subsequent factors and aggravated circumstances. As to the aggravated-circumstances ground, the court found that

XW and EM had been subjected to aggravated circumstances and that there was little likelihood that services would result in reunification. The court found that despite the provision of services, Miller has a long, unresolved history of the same problems, including drug use, inappropriate relationships, incurring criminal charges, and instability in housing and employment. As to subsequent factors, the court found that Miller picked up new criminal charges, and she was rearrested in Arkansas and taken back to Texas, though she seemed to have resolved those issues. The problem, the court found, was that the Texas time “put a dent in the time frame for Ms. Miller’s getting her act together so that she could get her children back.” The court also found that Miller’s housing instability and her relationship with Lopez and intent to marry him “is an extreme detriment to the best interest of the children.” The court recognized that Miller had completed services, was employed, and had recently obtained a suitable residence; however, the history of the case indicated that housing and unemployment were not stable. The court also found that the case had been open twenty-one months and the children needed permanency. The court stated that the foster family had petitioned for adoption and that there was potential for harm if the children were returned to Miller. Specifically, the court based its potential-harm finding on the length of the case and Miller’s prior drug use, history with the Department, housing instability, and current relationship with Lopez, “which the court finds chaotic, volatile, and detrimental to the best interest of the children.” Miller timely filed her notice of appeal.

II. *Potential Harm*

Miller argues that the circuit court erred by finding that there is potential harm in returning the children to her custody. Specifically, Miller contends that the circuit court “focused almost exclusively” on her prior drug abuse and that “she would never have been posed to have her children returned to her because no amount of progress would ever allow her to overcome that history.” We disagree and affirm.

We review termination-of-parental-rights cases *de novo* but will not reverse the circuit court’s ruling unless its findings are clearly erroneous. *Dade v. Ark. Dep’t of Hum. Servs.*, 2016 Ark. App. 443, 503 S.W.3d 96. A finding is clearly erroneous when, although there is evidence to support it, the reviewing court on the entire evidence is left with a definite and firm conviction that a mistake has been made. *Id.* In determining whether a finding is clearly erroneous, we have noted that in matters involving the welfare of young children, we will give great weight to the circuit court’s personal observations. *Jackson v. Ark. Dep’t of Hum. Servs.*, 2016 Ark. App. 440, 503 S.W.3d 122.

The termination of parental rights is an extreme remedy and in derogation of the natural rights of the parents. *Fox v. Ark. Dep’t of Hum. Servs.*, 2014 Ark. App. 666, 448 S.W.3d 735. As a result, a heavy burden is placed on the party seeking to terminate the relationship. *Id.* The termination of parental rights is a two-step process that requires the circuit court to find that the parent is unfit and that termination is in the best interest of the child. *Smith v. Ark. Dep’t of Hum. Servs.*, 2013 Ark. App. 753, 431 S.W.3d 364. The first step requires proof of one or more of the statutory grounds for termination. Ark. Code Ann.

§ 9-27-341(b)(3)(B) (Repl. 2020). The second step requires consideration of whether the termination of parental rights is in the child's best interest. Ark. Code Ann. § 9-27-341(b)(3)(A).

In determining the best interest of the child, a circuit court must take into consideration (1) the likelihood that the child will be adopted if the termination petition is granted and (2) the potential harm, specifically addressing the effect on the health and safety of the child, caused by returning the child to the custody of the parent. *Myers v. Ark. Dep't of Hum. Servs.*, 2011 Ark. 182, 380 S.W.3d 906. Adoptability and potential harm are merely factors to be considered—they are not elements of the cause of action and need not be established by clear and convincing evidence. *See Chaffin v. Ark. Dep't of Hum. Servs.*, 2015 Ark. App. 522, 471 S.W.3d 251. Rather, after considering all the factors, the circuit court must find by clear and convincing evidence that termination of parental rights is in the best interest of the children. *Id.* In considering potential harm caused by returning the child to the parent, the circuit court is not required to find that actual harm would result or affirmatively identify a potential harm. *Welch v. Ark. Dep't of Hum. Servs.*, 2010 Ark. App. 798, 378 S.W.3d 290. Potential harm must be viewed in a forward-looking manner and in broad terms, including the harm the child suffers from the lack of a stable, permanent home. *Collins v. Ark. Dep't of Hum. Servs.*, 2013 Ark. App. 90.

Miller argues that the court solely focused on her past behavior and failed to consider her improvement and dedication to the case plan. Specifically, she asserts that the court not

only considered her “‘prior’ drug use, ‘prior’ history with DHS, but also the length of time the case was open,” her “relationship with Patrick [Lopez],” and her “instability in housing.”

We disagree that the circuit court relied solely on evidence of Miller’s past behavior. The court relied in part on Miller’s history of drug use, her prior history with the Department, and her history of housing instability and found that the significance of her past behavior was that she had not remedied these issues despite the services offered by the Department and the services she sought out on her own. Since the family’s first contact with the Department, Miller has had a history of drug use, instability in housing, and having relationships and children with drug users and criminals. Also, in prior cases, Miller temporarily remedied the problems that caused the Department to remove the children from her custody. Her children were returned to her, only to be removed a few months later. The court acknowledged that Miller, on her own, had arranged to receive the services that were ordered by the court and then terminated due to her lack of compliance with the case plan; however, the court found that Miller still failed to end the cycle of drug use, having relationships with drug users, and failing to attain stable housing and employment. Specifically, the court found that Miller was arrested on new drug charges and in jail for around five months out of the case, she had two boyfriends who were incarcerated for drug-related crimes during the case, and her latest housing was appropriate but was so new that she had not demonstrated housing stability. Miller, after having been caught lying about her relationship with Lopez and the violence that occurred in the relationship, insisted that she would marry Lopez as soon as he was released in September. She denied that his drug use

or violence toward her would be a problem for her children because she believed he was working on his problems.

Miller compares her situation to the appellant's in *Benedict v. Arkansas Department of Human Services*, 96 Ark. App. 395, 242 S.W.3d 305 (2006), in which the children were removed from Benedict's custody due to her psychotic episode. Our court held that Benedict made consistent "sincere" effort throughout the case, and her worst problem was that she sometimes neglected housework but not to the level of environmental neglect. Unlike Miller, Benedict had no pattern of abusive and drug-abusing boyfriends, drug use, or a long history with the Department; thus, *Benedict* is inapplicable here.

The purpose of the termination-of-parental-rights statute, Ark. Code Ann. § 9-27-341(a)(3), is to provide permanency in a juvenile's life in all instances in which the return of a juvenile to the family home is contrary to the juvenile'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 juvenile's perspective. Even full compliance with the case plan is not determinative; the issue is whether the parent has become a stable, safe parent able to care for his or her child. *Blasingame v. Ark. Dep't of Hum. Servs.*, 2018 Ark. App. 71, 542 S.W.3d 873. A parent's past behavior is often a good indicator of future behavior. *Bridges v. Ark. Dep't of Hum. Servs.*, 2019 Ark. App. 50, at 3, 571 S.W.3d 506, 509. The circuit court considered Miller's efforts to remain sober and comply with the case plan on her own, yet the court determined that her efforts did not demonstrate stability or convince the court that the children would be safe in her care. Simply put, the court found

that Miller's efforts were incomplete and did not outweigh the children's need for permanency after twenty-two months in foster care.

Next, Miller argues that the court's finding that the "somewhat volatile" relationship posed potential harm to the children is "purely speculative." She contends that Lopez was not "aggressive" with the children and had only hit her when ZG was either not around or asleep, and his drug use did not cause her to use drugs; thus, the court erred in finding that Lopez's presence in the children's lives could pose potential harm. Miller cites *Guthrey v. Arkansas Department of Human Services*, 2017 Ark. App. 19, at 7–8, 510 S.W.3d 793, 798, in which our court reversed the circuit court's finding that Guthrey's relationship with "inappropriate" men posed a threat to her children's safety. Our court held that

[t]he court also found Guthrey's new romantic interest to be inappropriate simply because he was a fellow recovering addict whom she had met in AA/NA. Dr. Deyoub opined that he could potentially pose a risk to the children if he relapsed. However, we note that such a statement is pure speculation, and the record reveals a complete lack of evidence to support the conclusion that this man had in any way been a negative influence on Guthrey or presented a risk to her children. Guthrey's own testimony revealed that he had supported her efforts to maintain sobriety, which the court had found her to have successfully achieved.

Guthrey's boyfriend and Lopez are significantly different. Lopez, at the time of the hearing, was incarcerated for drug-related crimes, and he was violent with Miller when they were physically together. Furthermore, Miller's argument that potential violence toward her could not be harmful to her children is not well taken. Our court has held that a parent's relationship with an abusive partner is a basis for finding potential harm. See *Holt v. Ark. Dep't of Hum. Servs.*, 2020 Ark. App. 170, 597 S.W.3d 142; *Schaible v. Ark. Dep't of Hum. Servs.*, 2014 Ark. App. 541, 444 S.W.3d 366. Miller asks this court to reweigh the evidence,

and it is well settled that we will not reweigh the evidence on appeal, and credibility determinations are left to the circuit court. *Newman v. Ark. Dep't of Hum. Servs.*, 2016 Ark. App. 207, 489 S.W.3d 186.

The same applies to the court's finding that Miller had not demonstrated stability in housing. Miller relies on Daffron's conflicting testimony to support her argument. First, he opined that Miller had appropriate housing, and he considered that stable housing. At the next hearing, he testified that Miller's housing was "suitable" but not "stable." It is the province of the trier of fact to determine the credibility of witnesses and resolve conflicting testimony. *Crismon v. Crismon*, 72 Ark. App. 116, 34 S.W.3d 763 (2000). Here, though Daffron offered different opinions regarding Miller's housing situation at each hearing, he recounted to the court the same information—she had lived in her current residence for a very short period of time after a lot of moving around during the case. In *Camarillo-Cox v. Arkansas Department of Human Services*, 360 Ark. 340, 201 S.W.3d 391 (2005), our supreme court affirmed a circuit court's termination although the mother had shown significant improvement and eventually met nearly all the case-plan requirements because those improvements were made at the "eleventh hour" of the case. "[E]vidence that a parent begins to make improvement as termination becomes more imminent will not outweigh other evidence demonstrating a failure to comply and to remedy the situation that caused the children to be removed in the first place." *Id.* at 355, 201 S.W.3d at 401.

The court's finding that Miller posed potential harm to her children due to her instability, her volatile relationship with Lopez, and her pattern of repeating the same

problems is supported by the evidence. As stated above, in considering potential harm caused by returning the child to the parent, the circuit court is not required to find that actual harm would result or affirmatively identify a potential harm. *Welch*, supra. Potential harm must be viewed in a forward-looking manner and in broad terms, including the harm the child suffers from the lack of a stable, permanent home. *Collins v. Ark. Dep't of Hum. Servs.*, 2013 Ark. App. 90.

Affirmed.

HARRISON, C.J., and KLAPPENBACH, J., agree.

Leah Lanford, Arkansas Commission for Parent Counsel, for appellant.

Ellen K. Howard, Ark. Dep't of Human Services, Office of Chief Counsel, for appellee.

Casey D. Copeland, attorney ad litem for minor children.