Cite as 2023 Ark. App. 337

ARKANSAS COURT OF APPEALS

DIVISION II
No. CV-23-6

CHRISTOPHER STURGEON APPELLANT V. ARKANSAS DEPARTMENT OF HUMAN SERVICES AND MINOR CHILDREN APPELLEES	Opinion Delivered May 31, 2023 APPEAL FROM THE LONOKE COUNTY CIRCUIT COURT [NO. 43JV-18-171] HONORABLE BARBARA ELMORE, JUDGE AFFIRMED

CINDY GRACE THYER, Judge

Christopher Sturgeon appeals the order of the Lonoke County Circuit Court terminating his parental rights to two of his five children. On appeal, Sturgeon does not challenge the statutory grounds on which the circuit court relied; instead, he argues only that the circuit court erred in finding that termination was in the children's best interest. We affirm.

I. *Factual and Procedural Background*

The Arkansas Department of Human Services (DHS) first became involved with Sturgeon and his wife, Laurie, when a protective-services case was opened following a 2017 referral for failure to protect and educational neglect. In August 2018, after a caseworker was unable to locate one of Sturgeon's children, DHS filed a "thirty-day" petition for dependency-neglect. This petition listed all five of the Sturgeons' children: Minor Child

(MC)1, (male, born 12/12/2010); MC2 (female, born 03/15/2012); MC3 (female, born 06/22/2003); MC4 (female, born 08/04/2004); and MC5 (female, born 06/30/2006).[1] DHS alleged that the children were at substantial risk of serious harm due to parental unfitness. The circuit court adjudicated MC3 dependent-neglected in an order entered on October 2, 2018, on the basis of educational neglect and failure to protect. MC3 was taken into foster care, and the court directed that a protective-services case remain open as to the other children, who remained in Sturgeon's custody. Sturgeon was ordered to complete standard welfare services and was appointed counsel.

For some time, the focus of the case remained on MC3. She was again adjudicated dependent-neglected in November 2018 on the basis of parental unfitness. In that order, Sturgeon was ordered to undergo a drug-and-alcohol assessment and follow its recommendations. In addition, DHS was ordered to provide Sturgeon with financial assistance to obtain housing and furniture for each of the children.

All five children were named in a February 2019 review order. This order directed Sturgeon to provide DHS with proof of employment; in addition, it ordered him to undergo random drug-and-alcohol tests and to attend AA/NA meetings twice a week. An April 2019 review order likewise listed all five children, although it noted that only MC3 was in foster care at that time. DHS was directed to continue its court-involved protective-services case on

[1]MC1 and MC2 are the only children involved in this appeal. In addition, while the circuit court's order also terminated Laurie's parental rights, she is not a party to this appeal.

the other children, and Sturgeon was ordered to comply with all services. The goal of the case remained reunification.

A May 2019 review order found that Sturgeon was not compliant with the case plan and directed DHS to make a referral for a nail drug test for him. In addition, the court ordered Sturgeon to provide the court with sign-in sheets for his AA/NA meetings. By the time of July 2019 review order, however, Sturgeon was found to be only in partial compliance with the case plan. At that time, he was ordered to complete all court-ordered services, including but not limited to family counseling, parenting classes, drug and alcohol classes, and AA/NA meetings.

The circuit court entered a permanency-planning order in October 2019. This order named all five children but determined the goal of the case only for MC3, finding that "Another Planned Permanent Living Arrangement" (APPLA) was appropriate for her given that she was sixteen years old. The court ordered that a protective-services case remain open as to the other four children. The court also directed DHS to conduct random drug-and-alcohol screens on Sturgeon at least twice a month and ordered him to complete a nail drug screen, parenting classes, outpatient drug treatment, and AA/NA meetings before the next hearing. Finally, the court found that Sturgeon had not made significant, measurable progress and was not compliant with the case plan.

A December 2019 review order again found that Sturgeon was not compliant with the case plan and additionally held him in criminal contempt for failure to appear pursuant

to the court's orders.[2] In January 2020, the court directed that the children were to remain in the home with a court-involved protective-services case, with a concurrent plan of permanent custody. Sturgeon, who was again found to be noncompliant, was ordered to have a nail drug test, to provide the court with proof of employment at his next court hearing, and to complete drug counseling and parenting classes by the next hearing.

At the March 10, 2020 review hearing, however, the court ordered DHS to bring the four children who remained in Sturgeon's home into care.[3] The court cited Sturgeon's repeated lack of compliance with the case plan as the reason for the removal and scheduled a probable-cause hearing for March 13.

In line with the court's removal of the children, DHS filed a petition on March 12 for ex parte emergency custody and dependency-neglect as to MC1, MC2, MC4, and MC5, alleging they were at substantial risk of serious harm as a result of neglect and parental unfitness. The accompanying affidavit noted that Sturgeon's "current substance use seriously affects his ability to supervise, protect, or care for the children." The court entered an ex parte order on March 13 finding that Sturgeon was noncompliant with the case plan and that it was in the children's best interest to be removed from his custody. In the ensuing probable-cause order, Sturgeon was given supervised visitation twice a week and, among

[2]Sturgeon did not appeal from the court's contempt citation.

[3]MC3 remained in foster care with a goal of APPLA.

other things, was ordered to complete a drug-and-alcohol assessment and to attend AA/NA meetings three times a week.

In April 2020, the court determined that Sturgeon had reached the end of his counseling services but needed a higher level of counseling. It directed DHS to make a referral and pay for him to receive PhD level counseling services to include grief counseling and anger management.

After a number of COVID-19-related continuances, the circuit court adjudicated MC1, MC2, MC4, and MC5 dependent-neglected in June 2020 on the basis of inadequate supervision, educational neglect, and parental unfitness. Sturgeon was ordered to continue to attend AA/NA meetings three times a week and to submit to a drug-and-alcohol test at least twice a month. The court set the goal of the case as reunification and permitted Sturgeon to have unsupervised day visits with the children at DHS's discretion.

In July 2020, however, DHS and the children's ad litem filed an unverified joint motion to change visitation after MC1 reportedly disclosed to his therapist and his caseworker that, at the first unsupervised visitation in his home, Sturgeon "had some underaged boys over at the home and . . . was drinking alcohol with the boys." MC1 also reported that Sturgeon was allowing his sisters to smoke e-cigarettes during visitation. MC1 allegedly said he was afraid of his father because he "drinks a lot and . . . becomes very mean when he drinks." On the basis of these allegations, DHS and the ad litem asked the court to reimpose supervised visitations. DHS and the ad litem also asked that Sturgeon be ordered to submit to a new drug-and-alcohol assessment, attend AA/NA meetings at least three times

a week and provide sign-in sheets, complete a mental health assessment and PhD level counseling, submit to alcohol swabs and drug screens before each visit in addition to the twice-monthly random screens, and to remain drug and alcohol free. Although the record does not bear any indication that a hearing took place regarding the joint motion, the court nonetheless entered an order on July 29 granting each request made in the joint motion.

In a September 2020 review order, the court directed DHS to maintain a foster care case on all of the children and determined that the goal of the case would continue to be reunification. Sturgeon was found to be non-compliant with the case plan in this order, but was found to be partially complaint in a December 2020 review order. The December order also directed DHS to continue its twice-monthly random drug and alcohol tests on Sturgeon and ordered him to participate in family therapy.

The court entered a permanency-planning order in March 2021. After finding Sturgeon to be compliant with the case plan and making progress toward achieving the goals of the case, the court determined the children could be placed in his home within three months. An August 2021 review order found him partially compliant with the case plan, and an October 2021 review order found him to be compliant with the case plan and awarded him unsupervised visits once a week. The order noted, however, that there should be no drugs or alcohol in the home.

Two days after the October review hearing, however, the attorney ad litem filed a motion to suspend visitation. In this motion, she advised the court that at the review hearing, Sturgeon failed to advise the court that he had been unable to take a drug and alcohol

assessment the day before because he was intoxicated when he arrived for the assessment.[4] The ad litem asked the court to suspend unsupervised visitations and return the visits to being supervised by DHS because Sturgeon had "not been honest with the court or the Department regarding his alcohol usage and to allow him to transport the children would put them at risk. He cannot be trusted to keep his children safe during an unsupervised visitation or to follow the court's orders."

The court immediately entered an order suspending visitation without affording Sturgeon an opportunity to respond. It ordered Sturgeon to have only supervised visitation one time every other weekend. It further directed him to "complete his drug and alcohol assessment, attend AA/NA a total of four times a week, get a sponsor, go to Celebrate Recovery . . . where he shall attend parenting classes and AA/NA . . . [and] shall have a sign in sheet and produce the sign in sheet to the court at EVERY hearing." The court concluded the order by stating that the children "must be protected from Christopher Sturgeon." Although Sturgeon filed a motion to set aside this order based on, inter alia, his lack of an opportunity to respond and because of other deficiencies in the pleading, the record does not reflect that a hearing was ever held on either motion.

Five months later, the circuit court held yet another permanency planning hearing. At this point, the court determined that APPLA was an appropriate permanent goal for the

[4]The ad litem's motion alleged that "[w]hen [Sturgeon] arrived at RCA he blew a .20 BAC and his appointment was rescheduled.)Mr. Sturgeon has previously been intoxicated at a visitation with his children."

three oldest girls (MC3, MC4, and MC5) because they were all over the age of sixteen. As for MC1 and MC2, the court found that their permanent goal should be adoption with DHS filing a petition for termination of parental rights. The court found that despite DHS's reasonable efforts, Sturgeon had not made significant measurable progress; the court did find, however, that he was "partial[ly] compliant [because] he just went to his drug and alcohol assessment on March 3, 2022."

DHS and the ad litem filed a joint petition for termination of Sturgeon's parental rights as to MC1 and MC2 on May 31, 2022; this petition, however, was subsequently voluntarily dismissed. The court entered a review order in July 2022, reestablishing the goal of the case as reunification despite Sturgeon's noncompliance. Nevertheless, the ad litem filed another petition for termination of parental rights on July 26, alleging the following statutory grounds: (1) twelve-month failure to remedy, Ark. Code Ann. § 9-27-341(b)(3)(B)(i)*(a)*; (2) failure to provide support, Ark. Code Ann. § 9-27-341(b)(3)(B)(ii)*(a)*; (3) subsequent other factors, Ark. Code Ann. § 9-27-341(b)(3)(B)(vii)*(a)*; and (4) aggravated circumstances (little likelihood of successful reunification), Ark. Code Ann. § 9-27-341(b)(3)(B)(ix)*(a)(3)(A), (B)(i)*.

The circuit court held a termination hearing on September 19, 2022, at which the court heard testimony from the caseworker, a supervisor from the Lonoke Department of Children and Family Services, a CASA volunteer, and Sturgeon. The caseworker, Whitney Bradley, testified about Sturgeon's alcohol-related issues. She noted that he had tested positive for alcohol during a supervised visit in August 2022, adding that Sturgeon had never

been able to "get to a point of unsupervised visitation" because of his frequent and ongoing positive tests for alcohol. She further stated that Sturgeon had completed two psychological evaluations, both of which expressed concern about his alcohol usage, which interfered with his ability to care for his children. She recalled the court's orders for him to stay drug and alcohol free, noted his multiple positive alcohol screens, and described him as noncompliant with the court's orders. In sum, Bradley testified that Sturgeon had not demonstrated that he could take care of the children if they were allowed to go home with him.

Bridgett Rappold, the DCFS supervisor, testified that she had been involved with the case from the beginning. She recalled that Sturgeon's first drug and alcohol assessment recommended group and individual therapy, which he did not complete before the children came into care in March of 2020. She described the reasons for recommending that his unsupervised visitation be changed to supervised visitation, citing the incident in which Sturgeon was drinking with underage boys during a visit with his children. She said he was ordered to complete another drug and alcohol assessment in July 2021 because he had tested positive for alcohol during a visit. Sturgeon was unable to take the October 2021 drug and alcohol assessment because he tested positive––.20––on an alcohol swab because he had consumed alcohol with lunch before his assessment.

Rappold further testified that Sturgeon had been receiving services for four years. Those included regular counseling, PhD-level therapy, several drug and alcohol assessments, and two psychological evaluations, "but it doesn't seem that he has internalized the services. You can check off the boxes as many times as you need to check the boxes, but unless you

can benefit from those services, then you're not going to make progress." Asked why she said he had not benefited from services, Rappold said, "because he continues to test positive for alcohol." She explained that every time it seemed like they had gotten to a spot where it seemed they could move forward with the case, Sturgeon would test positive for alcohol. She said it was obvious he had an alcohol problem that he had not remedied, and that was problematic for his young children who needed a stable and consistent parent.

Rappold explained that Sturgeon had not worked diligently toward reunification with his children, despite DHS's desire to return the children to him. She said that DHS would not have gone through two permanency-planning hearings and two years of service "if we did not want to return the children to him. At this point, it's––we need to start looking at the children and stop looking at helping [Sturgeon]. These children need permanency . . . [but] they have been in limbo for two years." Rappold noted that there had been concerns about Sturgeon's drinking throughout the case, but he never admitted a drinking problem until around the time of the most recent hearing. She said that if he had been truthful from the beginning of the case and truthful in his drug and alcohol assessments, he could possibly have been referred for inpatient rehab and gotten help for his alcohol problem.

CASA volunteer Sharon Hicks testified that she had been on the case for almost two years. She said the children had recently changed foster parents and were doing very well. She recommended termination of parental rights as well, noting that Sturgeon had been given ample opportunities and time to make changes but he had not done so. She said that

"this case should've ended a long time ago . . . but he just continues to drink and that's the main thing."

After the court denied his motion to dismiss the petition, Sturgeon testified on his own behalf and discussed his "journey" with alcohol. He said he was seventeen days sober as of the date of the hearing and acknowledged that he turned to alcohol in times of stress; however, he said he was working with his therapist to develop better coping and decision-making skills. He had been attending AA meetings via Zoom after he unsuccessfully tried to "detox himself" after the previous hearings.

Sturgeon acknowledged that he had lied to the court about his October 2021 drug and alcohol assessment and further conceded that nearly a year after that hearing, he was only now beginning to address his alcohol problem. He also agreed that had he begun addressing his problems earlier in the proceedings, "things would have gone a lot smoother" and that it was not fair for the children to have gone through the process for four years.

At the conclusion of the hearing, the court found that it was not in the children's best interest to return them "to a man that has not taken it upon himself" to avail himself of services. The court noted that Sturgeon had been ordered to take three separate drug and alcohol assessments and answer truthfully so he could get some help, but by the time of the termination hearing, he was only seventeen days sober. The court also noted that there was no proof other than Sturgeon's word that he had ever been to rehab or that he was employed. The court specifically found that Sturgeon's testimony was not credible. The court ruled further as follows:

> The children have been dependent neglect[ed] for two years. Not one year, but two years. Subsequent to them coming in, we discovered the alcohol problem, which has not been corrected. . . . And I don't think there can be any more services given to Mr. Sturgeon that would make successful reunification. None at all. He's not internalized anything. We could sit here and we could go through these processes and we could raise the other two children, but I'm not willing to hold them in foster care. I don't think it's in their best interests to be held in foster care. I think it's their best interests for us to proceed on. There's clear and convincing evidence that he––he's not and has not followed the plan to get his children back. He can say whatever he wishes to say, but actions speak louder than words.

The court subsequently entered a written order terminating Sturgeon's parental rights on October 6, 2022. The court first found that the ad litem had proved the necessary statutory grounds by clear and convincing evidence, setting out detailed factual findings with respect to each ground.

For example, regarding the twelve-month failure-to-remedy ground, the court determined that although Sturgeon had had three drug-and-alcohol assessments, he still tests positive for alcohol. The court cited Sturgeon's own testimony that he has a long-term issue with alcohol and that he did not disclose in the drug-and-alcohol assessments the true extent of his alcohol use. The court specifically found that "alcohol abuse has been the problem all along and it is the problem that Mr. Sturgeon has not corrected." Likewise, in its aggravated-circumstances findings, the court determined that there was little likelihood that continued services would result in successful reunification, noting that Sturgeon had been "given every service multiple times over the past four years and he has not been able to internalize the skills taught in the services."

Moreover, the court found that termination was in the children's best interest, finding potential harm in the fact that Sturgeon "continues to have a substance abuse issue that interferes with his ability to care for the children." Sturgeon filed a timely notice of appeal, and he now argues that the circuit court clearly erred in its best-interest findings.

II. *Standard of Review*

We review termination-of-parental-rights cases de novo. *Lively v. Ark. Dep't of Hum. Servs.*, 2015 Ark. App. 131, 456 S.W.3d 383. Termination of parental rights is an extreme remedy and in derogation of the natural rights of parents. *Id.* In order to terminate parental rights, a circuit court must find by clear and convincing evidence the existence of at least one statutory ground for termination and that termination is in the best interest of the juvenile, taking into consideration (1) the likelihood that the juvenile 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. Ark. Code Ann. § 9-27-341(b)(3) (Supp. 2021).

Clear and convincing evidence is that degree of proof that will produce in the finder of fact a firm conviction as to the allegation sought to be established. *Dean v. Ark. Dep't of Hum. Servs.*, 2020 Ark. App. 286, 600 S.W.3d 136. The inquiry on appeal is whether the circuit court's finding that the disputed fact was proved by clear and convincing evidence is clearly erroneous; a finding is clearly erroneous when, although there is evidence to support it, the appellate court, on the entire evidence, is left with a definite and firm conviction that a mistake has been made. *Id.* However, we give a high degree of deference to the circuit court,

as it is in a far superior position to observe the parties before it and judge the credibility of the witnesses. *Id.*

III. *Discussion*

In his sole point on appeal, Sturgeon does not challenge the circuit court's determination that the ad litem presented sufficient proof in support of the statutory grounds for termination, nor does he argue that there was insufficient evidence regarding the adoptability prong of the court's best-interest finding. Therefore, these issues are waived, and our court must affirm those findings. *See, e.g.*, *Benedict v. Ark. Dep't of Hum. Servs.*, 96 Ark. App. 395, 242 S.W.3d 305 (2006).

Rather, Sturgeon argues that the circuit court erred in finding that there was potential harm in returning the children to his custody. Specifically, he contends that the ad litem failed to sufficiently prove that termination was in the children's best interest when the record was void of any therapeutic information or information regarding the sibling relationships. In addition, he asserts that the evidence failed to demonstrate that he posed a harm to his children, and he contends it was an error to terminate his parental rights and deny his request for additional time when he had made progress in the case, he was bonded with his children, and there was a lesser restrictive alternative to termination.

In making a best-interest determination, the circuit court is required to consider the likelihood of adoptability and the potential harm to the health and safety of the child that would be caused by returning him or her to the custody of the parent. Ark. Code Ann. § 9-27-341(b)(3)(A). Potential harm, however, is not an element of the cause of action and does

not need to be established by clear and convincing evidence; rather, after considering both adoptability and potential harm, the circuit court must find by clear and convincing evidence that termination of parental rights is in the children's best interest. *Benson v. Ark. Dep't of Hum. Servs.*, 2018 Ark. App. 65, 636 S.W.3d 342; *see also Ford v. Ark. Dep't of Hum. Servs.*, 2022 Ark. App. 367, at 9, 653 S.W.3d 515, 520 ("The potential harm to the child is a factor to be considered, but a specific potential harm does not have to be identified or proved by clear and convincing evidence."). Potential harm must be viewed in broad terms and a forward looking manner. *Myers v. Ark. Dep't of Hum. Servs.*, 2023 Ark. App. 46, 660 S.W.3d 357. In determining potential harm, the circuit court may consider past behavior as a predictor of likely potential harm should the child be returned to the parent's care and custody. *Prescott v. Ark. Dep't of Hum. Servs.*, 2022 Ark. App. 213, 644 S.W.3d 460.

We turn first to Sturgeon's overarching argument that the court erred in finding that he posed a threat of harm to his children. As noted above, the court found that Sturgeon had ongoing substance-abuse problems that interfered with his ability to care for the children. Our review of the record leads us to conclude that the circuit court did not clearly err in reaching this decision. This case has been ongoing since 2017; Sturgeon has been directed to take steps to address his alcohol use since at least 2019, when he was first ordered to attend AA/NA meetings and to undergo random drug-and-alcohol tests. Moreover, the record as a whole is replete with findings of Sturgeon's noncompliance with the case plan and its requirements for him to address his alcohol use.

We have repeatedly held that a parent's failure to comply with a circuit court's orders is evidence of potential harm. *Black v. Ark. Dep't of Hum. Servs.*, 2018 Ark. App. 518, 565 S.W.3d 518 (citing *L.W. v. Ark. Dep't of Hum. Servs.*, 2011 Ark. App. 44, 380 S.W.3d 489). Partial or even full completion of the case plan is not determinative of the outcome of the termination proceeding. *Id.* What matters is whether completion of the case plan achieved the intended result of making a parent capable of caring for the child; mere compliance with the orders of the court and DHS is not sufficient if the roots of the parent's deficiencies are not remedied. *Lee v. Ark. Dep't of Hum. Servs.*, 102 Ark. App. 337, 345–46, 285 S.W.3d 277, 282–83 (2008).

We have upheld termination of parental rights when the parent was found to be unfit because of alcohol usage but did not enter alcohol treatment until shortly before the termination hearing. *See Lewis v. Ark. Dep't of Hum. Servs.*, 2012 Ark. App. 154, at 12, 391 S.W.3d 695, 703 (affirming termination of parental rights even though mother's attitude and compliance with the case plan had improved in the month prior to termination hearing because her "last-minute efforts do not outweigh the remaining evidence supporting termination"). Here, the statutory-grounds portions of the circuit court's termination order set out in detail Sturgeon's persistent failure to remedy his ongoing alcohol problems, and the same evidence used to support statutory grounds––which Sturgeon does not challenge on appeal––can also support potential harm. *See Miller v. Ark. Dep't of Hum. Servs.*, 2017 Ark. App. 396, 525 S.W.3d 48. Accordingly, we hold that the circuit court did not err in finding

generally that the children would be exposed to potential harm if returned to Sturgeon's custody.

Having addressed Sturgeon's overarching "potential harm" claims, we turn to the more specific arguments he also raises in his brief. First, he argues that there was no evidence "regarding the therapeutic needs of the children or the therapeutic progress made within this case." He complains that no one from DHS sought updates from his therapist regarding his progress relative to his alcohol issues and that no one sought input or updates from the children's therapists. However, as in *Phillips v. Arkansas Department of Human Services*, Sturgeon "does not cite any authority for the proposition that testimony from therapists . . . is required, and we know of no such authority." 2020 Ark. App. 169, at 8, 596 S.W.3d 91, 97 (citing *McKinney v. Ark. Dep't of Hum. Servs.*, 2018 Ark. App. 140, 544 S.W.3d 101).

Next, Sturgeon argues that the best-interest analysis was flawed because there was no mention about the impact that the termination decision would have on MC1 and MC2 and their relationships with their older siblings. We have repeatedly held that evidence of a genuine sibling bond is required to reverse a best-interest finding based on the severance-of-a-sibling-relationship argument. *See Price v. Ark. Dep't of Hum. Servs.*, 2023 Ark. App. 140; *Minchew v. Ark. Dep't of Hum. Servs.*, 2023 Ark. App. 95, 660 S.W.3d 909; *Dejarnette v. Ark. Dep't of Hum. Servs.*, 2022 Ark. App. 410, 654 S.W.3d 83; *Martin v. Ark. Dep't of Hum. Servs.*, 2020 Ark. App. 192, at 6, 596 S.W.3d 98, 102 (holding that keeping siblings together is an important consideration but is not outcome determinative because the best interest of each child is the polestar—and evidence of a genuine sibling bond is required to reverse a best-

interest finding based on the severance of a sibling relationship). Because no evidence was presented regarding the bond between the siblings, this argument does not warrant reversal.

Finally, Sturgeon argues that he and the children were bonded, and the circuit court should have afforded him more time to demonstrate that he could maintain his sobriety. This court has held, however, that termination of parental rights will not be reversed on the basis of a parent's bond with the child. *See Holdcraft v. Ark. Dep't of Hum. Servs.*, 2019 Ark. App. 151, 573 S.W.3d 555. In *Hickman v. Arkansas Department of Human Services*, 2021 Ark. App. 457, 636 S.W.3d 815, we rejected a similar "parent-child bond" argument when the evidence showed the mother was still testing positive for illegal substances and had failed significantly to follow the case plan or the orders of the circuit court. We have further noted that "[a]lthough recent progress and efforts to comply in the months and weeks leading up to a termination hearing may and should be taken into consideration, it is not a bar to termination of parental rights when a parent fails to demonstrate an ability to remain sober in an unstructured environment for a significant period of time." *Goforth v. Ark. Dep't of Hum. Servs.*, 2023 Ark. App. 233, at 28 (citing *Moore v. Ark. Dep't of Hum. Servs.*, 2015 Ark. App. 87).

The question this court must answer is whether, in our de novo review of the record, the circuit court's potential-harm finding was clearly erroneous. Given the four-year history of this case, Sturgeon's noncompliance throughout, his dishonesty with the court, and his only-recent attempts at sobriety, we cannot say the court's finding was clearly erroneous. We therefore affirm the order terminating Sturgeon's parental rights to MC1 and MC2.

Affirmed.

BARRETT and WOOD, JJ., agree.

Tabitha McNulty, Arkansas Commission for Parent Counsel, for appellant.

Kaylee Wedgeworth, Ark. Dep't of Human Services, Office of Chief Counsel, for appellee.

Dana McClain, attorney ad litem for minor children.