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SUPREME COURT OF ARKANSAS

No. 10-691

CARLOS PARRISH and SOPHIA PARRISH

APPELLANTS

VS.

ARKANSAS DEPARTMENT OF HUMAN SERVICES

APPELLEE

Opinion Delivered April 28, 2011

APPEAL FROM THE MILLER COUNTY CIRCUIT COURT, NO. JV2008-323-1, HON. JOE EDWARD GRIFFIN, JUDGE,

AFFIRMED.

JIM HANNAH, Chief Justice

Carlos Parrish and Sophia Parrish appeal an April 16, 2010 order of the Miller County Circuit Court terminating their parental rights to their four minor children, G.P.1, G.P.2, G.P.3 and G.P.4. Relying on the analysis in the associated case of *Thorne v. Arkansas Department of Human Services*, 2010 Ark. App. 317, *substituted on denial of rehearing by* 2010 Ark. App. 443, 374 S.W.3d 912, the court of appeals in *Parrish v. Ark. Department of Human Services*, 2010 Ark. App. 327, affirmed a finding of dependency-neglect. The Parrishes assert in the present appeal that termination of their parental rights constitutes a violation of their and their children's right to free exercise of religion, that *Thorne* must be reversed for failure to apply the strict-scrutiny test to the constitutional issue of free exercise of religion, that it was reversible error to admit taped conversations between Tony Alamo and unidentified

women, and that the decision to terminate parental rights is not supported by clear and convincing evidence.

For the reasons set forth in *Myers v. Arkansas Department of Human Services*, 2011 Ark. 182, 380 S.W.3d 906, decided this same date, we affirm the circuit court's decision on the alleged violation of the right to the free exercise of religion and the decision to admit the taped conversations. As indicated in *Myers*, *Thorne* is reversed to the extent it is inconsistent with our opinions of this date.

This leaves the issue of whether the decision to terminate parental rights was supported by clear and convincing evidence. *See* Ark. Code Ann. § 9-27-341(b)(3) (Repl. 2009). Under our standard of review, a termination of parental rights must be supported by clear and convincing evidence and the decision of the circuit court will not be overturned unless it is clearly erroneous. *Lewis v. Ark. Dep't of Human Servs.*, 364 Ark. 243, 252, 217 S.W.3d 788, 794 (2005).

The Parrish children were found to be dependent-neglected based on the Parrishes' failure to provide the children a safe and stable home. This included that the Parrishes were raising their children in an environment where their children might be subjected to brutal physical beatings at the order of the leaders of their church. The environment in which the Parrish children lived was one where minor children were compelled to witness the public beatings of others, including minors. Beatings were administered by strikes of the hand as well as by the use of a three-foot-long wooden paddle. At the dependency-neglect hearing, G.P.1

testified that he was frightened of being beaten. The court found that the Parrishes failed to provide proper schooling required for their school-age child, physically abused their children by imposing fasts on them, and failed to have their children immunized. In *Thorne* it was noted that G.P.1, aged seven years, testified that his father had spanked him and two of his younger sisters with a paddle that had their names on it, and that both of his parents had slapped him on the face when he was six, leaving red marks. *Thorne*, 2010 Ark. App. 443, at 8, 314 S.W.3d at 916-17.

The Parrishes were ordered to submit to psychological evaluations, to attend counseling, to complete parenting classes, to obtain safe and stable housing separate and apart from the "Tony Alamo Ministry," and to obtain stable employment separate and apart from the "Tony Alamo Ministry," as well as to permit access to their home and otherwise comply with the case plan.[1] The Parrishes completed the parenting classes. They also completed the psychological evaluations; however, they ceased participating in the case plan, according to them, when they concluded that "no matter what they accomplished, the children would not be returned."

In the present proceeding, the circuit court found that the Parrishes' children had been living outside the parental home in excess of twelve months, that their parents had failed to

[1]In his psychological evaluation, it was noted that Carlos Parrish had a limited "frame of reference," and that "his perception of reality is largely filtered through his experiences in the church." The same evaluator noted that Sophia was "comfortable in the 'cocoon' of the ministry, which provides her with her needs without a great deal of stress and responsibility on her part."

obtain safe and stable housing separate and apart from the Tony Alamo Ministry, and failed to find stable employment separate and apart from the Tony Alamo Ministry. The circuit court further found that the Parrishes had willfully failed to provide significant support in accordance with their means or to maintain meaningful contact with the children. They were seven months in arrears on child support at the time the order was issued. Finally, the circuit court found that the Parrishes had abandoned their children.

The Parrishes argue that retention of their children may not be predicated upon dissociating themselves from their church. They acknowledge that the State has an interest in the safety of children, but they deny that their children were actually at risk. They assert that the circuit court terminated their parental rights when they refused to comply with the court's order to stop performing church missionary work.

With respect to housing, the environment in which the Parrishes chose to raise their children was one in which children were physically and emotionally abused, and no evidence was presented to show that the environment has improved. The Parrishes were ordered to provide a safe and stable home for their children and did not do so. We are particularly disturbed that Carlos denied knowledge of the public exhibitions of physical assaults carried out as examples to the members of their church, and we note that the circuit court specifically found that Carlos's testimony in this regard lacked credibility. At the dependency-neglect hearing, Carlos testified that he did not believe the beatings took place and that "he had no intention of moving away from the ministry's property." *Thorne*, 2010 Ark. App. 443, at 9,

374 S.W.3d at 917. Despite repeated offers of assistance from the state, the Parrishes refused to seek and obtain safe and stable housing for their children.

We next consider the order that the Parrishes obtain stable employment rather than obtain sustenance from their church. Although the Parrishes allege in their brief on appeal that they are employed in the ministry for their church, in his psychological evaluation, Carlos stated that "he is in the ministry of grounds care for the church [and] he could not tell me specifically what he does or how he was reimbursed." The evidence in this case reveals that members of the church carry out assigned tasks and are provided with housing, food, and the necessities of life at the discretion of the leaders of the church. Further, the evidence reveals that when a person disagrees with or otherwise challenges the church leadership, he or she may be put out on the street with little or no notice, money, or assets.

No evidence was offered to show that conditions have changed since the finding of dependency-neglect. If the Parrishes continued to obtain their support in life from what the church chose to provide them, then they did not have stable employment. In fact, it is not clear whether they had employment at all. It does not appear that they ever had funds in their possession by which they might have met their obligations to their children. The State made multiple offers to assist the Parrishes in obtaining stable employment, but they failed to do so. The Parrishes failed to comply with the court's order and failed to show that they could or would provide their children with a safe and stable environment:

> Parental rights are in the nature of a trust subject to their duty to care for and protect the child, and the law secures those parental rights only so long as parents discharge

> their obligations. *Pender v. McKee*, 266 Ark. 18, 582 S.W.2d 929 (1979). Further, while a parent has wide discretion and a duty under the law to rear and discipline his or her child, the discretion to discipline does not exceed the limits of reasonable parental care. *See Attwood v. Estate of Attwood*, 276 Ark. 230, 633 S.W.2d 366 (1982). Parental rights are not beyond limitation in the public interest. *McFarland v. McFarland*, 318 Ark. 446, 885 S.W.2d 897 (1994) (quoting *Davis v. Smith*, 266 Ark. 112, 583 S.W.2d 37 (1979)). The State's constitutional interest extends to the welfare of the child, and parental rights are not immune from interference by the State in its role of parens patriae. *Id.*

Dick v. State, 364 Ark. 133, 139, 217 S.W.3d 778, 782 (2005). The Parrishes did not comply with the trust placed in them as parents. The circuit court was not clearly erroneous in terminating their parental rights.

Affirmed.