

Cite as 2010 Ark. App. 590

ARKANSAS COURT OF APPEALS

DIVISION III

No. CA10-357

TIFFANY AND ANTHONY JACKSON
APPELLANTS

V.

ARKANSAS DEPARTMENT OF
HUMAN SERVICES

APPELLEE

Opinion Delivered SEPTEMBER 15, 2010APPEAL FROM THE CRAIGHEAD
COUNTY CIRCUIT COURT,
[NO. JV-08-96]HONORABLE CINDY THYER,
JUDGEAFFIRMED; MOTION TO BE
RELIEVED AS COUNSEL GRANTED**ROBERT J. GLADWIN, Judge**

The Craighead County Circuit Court terminated the parental rights of Tiffany and Anthony Jackson in their three children: D.J., J.J., and C.J. The Jacksons' attorney has filed a no-merit brief and motion to be relieved as counsel, stating that the couple's appeal presents no meritorious grounds for reversal. *See Linker-Flores v. Ark. Dep't of Human Servs.*, 359 Ark. 131, 194 S.W.3d 739 (2004); Ark. Sup. Ct. R. 6-9(i) (2010). In accordance with Rule 6-9(i), our supreme court clerk mailed a copy of counsel's motion and brief to the Jacksons at their last known address and informed them of their right to file pro se points for reversal. The mailings were not claimed, and no pro se points were filed. For the following reasons, we affirm the termination order and grant counsel's motion to be relieved.

The Arkansas Department of Human Services (DHS) opened a protective-services case

Cite as 2010 Ark. App. 590

on the Jacksons in February 2008 after determining that J.J. was a failure-to-thrive baby. Shortly thereafter, DHS took emergency custody of J.J. and his sibling, D.J., based on environmental and medical neglect. (The youngest child, C.J., had not yet been born.) The affidavit in support of DHS's custody petition documented J.J.'s lack of weight gain and noted the unsanitary condition of the Jacksons' home. The circuit court granted custody to DHS and subsequently adjudicated both children dependent-neglected.

In the ensuing months, DHS provided household supplies to the Jacksons and meticulously instructed them on proper cleaning methods. DHS also made regular and unannounced visits to the home to monitor the couple's compliance. By November 2008, the circuit court returned the children to the Jacksons' custody with the proviso that DHS maintain a protective-services case. Several months later, Mrs. Jackson gave birth to a third child, C.J. Within a short time, the condition of the home severely deteriorated. DHS workers found not only a lack of cleanliness but flies swarming around the kitchen; laundry piled almost to the ceiling; and "roaches everywhere," including in the children's car seats and the baby's formula thickener. They also found eighteen-month-old J.J. asleep in a room where the temperature was approximately ninety degrees and gnats were buzzing around him. The boy's diaper was full and had not been changed in quite a while, and a loud stereo was playing in the room. D.J. and C.J. were also very dirty and had to be bathed upon arriving at the DHS office. Photographs from the DHS visit depict two of the children covered with insect bites. DHS workers also observed prescription medication on the floor of the home,

Cite as 2010 Ark. App. 590

a razor blade within a child's reach on the bathroom sink, and a full, open trash can in the bathroom. DHS learned the next day that the Jacksons had not kept prescriptions current for D.J. and C.J. and that J.J. was behind on his immunizations.

Based on these conditions, DHS sought emergency custody of all three children. The court granted custody to DHS and entered orders requiring the Jacksons to comply with all prior court directives. These directives included obtaining and maintaining stable employment and appropriate housing, submitting to psychological evaluations, and following the evaluator's recommendations. Once again, DHS provided the Jacksons with referrals for intensive family services. The Jacksons did not, however, follow up on their counseling referrals.

Thereafter, the court terminated the Jacksons' reunification services upon finding that the "tremendous amount of services" that DHS had offered did not result in the Jacksons' ability to be proper parents to their children. Following a termination hearing in January 2010, based on the above facts, the court entered an order terminating the Jacksons' parental rights in all three children.

Our review of the record in this case demonstrates that an appeal by the Jacksons would be wholly without merit. *See Blakes v. Ark. Dep't of Human Servs.*, 2010 Ark. App. 379, ___ S.W.3d ___. DHS established an appropriate permanent-placement plan for the children of termination of parental rights and adoption. *See Ark. Code Ann. § 9-27-341(b)(1)(A)* (Repl. 2009). DHS also presented proof that termination of parental rights was in the

Cite as 2010 Ark. App. 590

children's best interest, given that the children's foster parents were interested in adopting them; that the children were thriving in foster care; and that the hazardous and unsanitary condition of the parents' home created a potential harm. Ark. Code Ann. § 9-27-341(b)(3)(A)(i), (ii) (Repl. 2009); *Hay v. Ark. Dep't of Human Servs.*, 2009 Ark. App. 134. Finally, the evidence showed that the Jacksons maintained an increasingly unsafe and dangerous home, despite being provided with intensive services by DHS for almost two years. The proof on this point would support either of the grounds cited in the court's termination order: 1) that subsequent to the filing of the original dependency-neglect petition, other issues arose which demonstrated that returning the children to their parents' custody was contrary to the children's health, safety, or welfare and that, despite DHS's offer of appropriate family services, the parents manifested an incapacity or indifference to remedy the subsequent issues or rehabilitate their circumstances; and 2) that the parents subjected the children to aggravated circumstances, based on the court's determination that there was little likelihood of successful reunification. Ark. Code Ann. §§ 9-27-341(b)(3)(B)(vii)(a) and (ix)(a)(3)(B)(i) (Repl. 2009). We therefore conclude that the court's termination decision could not be deemed clearly erroneous.

As no other rulings occurred at the termination hearing that were adverse to the Jacksons, we affirm the termination order and grant counsel's motion to be relieved.

Affirmed; motion granted.

GLOVER and ABRAMSON, JJ., agree.