

Cite as 2010 Ark. App. 725

**ARKANSAS COURT OF APPEALS**

DIVISION IV

No. CA10-434

HEATHER TAYLOR AND SID  
TAYLOR  
APPELLANTS

V.

ARKANSAS DEPARTMENT OF  
HUMAN SERVICES  
APPELLEE

**Opinion Delivered** November 3, 2010

APPEAL FROM THE PULASKI  
COUNTY CIRCUIT COURT,  
ELEVENTH DIVISION  
[NO. JN-2009-2059]

HONORABLE MELINDA GILBERT,  
JUDGE

APPEAL DISMISSED

**JOHN MAUZY PITTMAN, Judge**

Appellant Heather Taylor is the mother of the four children involved in this case. Appellant Sid Taylor is the father of two of those children. This appeal nominally is from an order adjudicating the children dependent-neglected<sup>1</sup> and from a subsequent disposition order approving the removal of the children from the custody of their mother and directing that all four children be placed together in a foster home other than that of their grandparents, maternal or paternal. Heather Taylor argues that sufficient evidence was lacking for the initial ex parte order of removal and the order, a few days later, finding probable cause to continue the removal (the “probable-cause order”). She also argues that the trial court erred in directing

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<sup>1</sup>It is not the adjudication order that appellants actually take issue with. Instead, they complain about the earlier probable-cause hearing and order. *See Masters v. Arkansas Department of Human Services*, 95 Ark. App. 375, 237 S.W.3d 125 (2006).

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that the children be removed from the care of the maternal grandparents. Sid Taylor argues that the trial court erred in holding the initial probable-cause hearing because he was not given notice of it and in not placing his two children with the paternal grandparents.

With regard to the arguments that the trial court erred in holding the probable-cause hearing and in finding probable cause to remove the children from Heather Taylor's custody, we note that probable-cause orders are not appealable. *Masters v. Arkansas Department of Human Services*, 95 Ark. App. 375, 237 S.W.3d 125 (2006). Therefore, there is nothing before us to review. In any event, the record shows that Heather Taylor and her four children were already subject to supervision by the Arkansas Department of Human Services because of her controlled-substance abuse when her subsequent arrest on drug charges led to removal of the children, and that the youngest child tested positive for cocaine and methamphetamine in hair-follicle tests performed after the children were taken into protective custody. *See Johnston v. Arkansas Department of Human Services*, 55 Ark. App. 392, 393–94, 935 S.W.2d 589, 590 (1996). Furthermore, Sid Taylor had notice of and attended, with counsel, the subsequent adjudication hearing, and he makes no argument assigning any error to that hearing or the trial court's findings relative to it.

Next, both appellants argue that the trial court erred in the disposition proceeding by ordering that their children should not be placed with either appellant's parents, asserting that the trial court's order disqualifying both sets of grandparents was tantamount to ordering a particular provider for foster care in violation of Ark. Code Ann. § 9-27-355(b)(2) (Repl.

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2009). These issues, too, are not properly before us. Arkansas Supreme Court Rule 6-9(a)(1)(B) allows an appeal from a dependency-neglect disposition order only if the trial court certifies that there is no reason for delay of an appeal in accordance with Arkansas Rule of Civil Procedure 54(b). However, there is no Rule 54(b) certification in either the transcript or addendum before us. In the absence of such certification, the disposition order is not final and appealable under Ark. Sup. Ct. R. 6-9(a)(1)(B).

Appeal dismissed.

VAUGHT, C.J., and HART, J., agree.