

SUPREME COURT OF ARKANSAS

Reid v. Arkansas Department of Human Services

2011 Ark. 187 (Ark. 2011) · Decided April 28, 2011

SUMMARY

The Arkansas Supreme Court affirmed the termination of Alphonzo Reid’s parental rights to his daughter, C.R. The court rejected challenges based on religious freedom, upheld the admission of recorded telephone conversations, and concluded that clear and convincing evidence supported termination under Arkansas law. The court also held that the termination was in C.R.’s best interest based on adoptability and potential harm associated with returning her to the Tony Alamo Christian Ministry community.

CASE DETAILS

COURT	Supreme Court of Arkansas
WRITING FOR THE COURT	Courtney Hudson Henry, Justice
JURISDICTION	Arkansas
DECIDED	April 28, 2011
DISPOSITION	affirmed
PROCEDURAL POSTURE	Alphonzo Reid appealed the Miller County Circuit Court's order terminating his parental rights to C.R. The Arkansas Supreme Court exercised jurisdiction because the appeal required interpretation of the Arkansas Constitution.
STANDARD OF REVIEW	A termination-of-parental-rights finding based on clear and convincing evidence is reviewed for clear error. The appellate court gives a high degree of deference to the circuit court because it is in a superior position to observe the parties and judge witness credibility.
PRECEDENTIAL VALUE	Published Arkansas Supreme Court opinion; precedential.
PARTIES	Alphonzo Reid v. Arkansas Department of Human Services

TOPICS

- termination of parental rights
- parental rights
- free exercise clause
- evidence
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the case-plan requirements that Reid obtain housing and employment separate from the Tony Alamo Christian Ministry violated his rights to free exercise of religion under the First and Fourteenth Amendments and article 2, section 24 of the Arkansas Constitution.
2. Whether the circuit court erred by admitting taped telephone conversations between Tony Alamo and unidentified women.
3. Whether clear and convincing evidence supported termination of Reid's parental rights under Arkansas Code Annotated section 9-27-341.

HOLDINGS

1. The circuit court's ruling rejecting Reid's free-exercise challenge was affirmed. The case-plan requirements requiring safe housing and employment separate from TACM did not override the State's compelling interest in protecting children.
2. The circuit court's ruling admitting the taped telephone recordings was affirmed.
3. Termination was proper because DHS established that C.R. had been out of Reid's home for more than twelve months, DHS made meaningful efforts to remedy the conditions causing removal, those conditions had not been remedied, and termination was in C.R.'s best interest.

KEY QUOTATIONS

“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.” (at 923)

“Only one ground is necessary to terminate parental rights.” (at 923)

FACTUAL BACKGROUND

DHS removed C.R. and other minor girls from the Tony Alamo Christian Ministry compound after receiving information concerning severe physical abuse, sexual abuse, underage marriages, inadequate education and medical care, and involuntary fasting. The circuit court found that Reid had failed to protect his children and ordered him to comply with a case plan requiring, among other things, safe housing and employment separate from TACM. Reid completed some services but refused or failed to obtain housing and employment outside TACM and did not complete counseling. C.R. had been out of Reid's home for more than twelve months, and the circuit court found that termination was in her best interest and that she was adoptable.

PROCEDURAL HISTORY

DHS removed C.R. and other children from the Tony Alamo Christian Ministry compound and obtained dependency-neglect adjudications. After services and case-plan requirements were imposed, DHS petitioned to terminate Reid's parental rights to C.R. The circuit court terminated those rights, and Reid timely appealed.

DISPOSITION

affirmed

CASES CITED

- Reid v. Arkansas Department of Human Services, 2009 Ark. App. 784
- Reid v. Arkansas Department of Human Services, 2010 Ark. App. 156
- Thorne v. Arkansas Department of Human Services, 2010 Ark. App. 443, 374 S.W.3d 912
- Myers v. Arkansas Department of Human Services, 2011 Ark. 182, 380 S.W.3d 906
- Wisconsin v. Yoder, 406 U.S. 205, 92 S. Ct. 1526, 32 L. Ed. 2d 15 (1972)
- Wade v. Arkansas Department of Human Services, 337 Ark. 353, 990 S.W.2d 509 (1999)
- Lee v. Arkansas Department of Human Services, 102 Ark. App. 337, 285 S.W.3d 277 (2008)
- McFarland v. Arkansas Department of Human Services, 91 Ark. App. 323, 210 S.W.3d 143 (2005)
- Dinkins v. Arkansas Department of Human Services, 344 Ark. 207, 40 S.W.3d 286 (2001)

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