TABLE OF APPEALS OF TERMINATION OF PARENTAL RIGHTS CASES
TO THE SUPREME COURT OF VIRGINIA AND THE COURT OF APPEALS OF VIRGINIA:
CASES DISPOSED FROM JANUARY 1, 1996 THROUGH JULY 9, 2024

by Court Improvement Program, Office of the Executive Secretary, Supreme Court of Virginia
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INTRODUCTION AND DISCLAIMER

This document was prepared under the aegis of the Court Improvement Program (CIP), located in the Office of the Executive Secretary of the Supreme Court of Virginia. CIP is not involved in any way in the appellate process of the Court. This document has neither been discussed with nor reviewed by any justice of the Supreme Court or judge of the Court of Appeals, nor any member of their staffs.

The table provides a list of termination of parental rights cases appealed to the Supreme Court of Virginia and the Court of Appeals of Virginia from January 1, 1996 through July 9, 2024, and decided by opinion. The editors of this document arranged the cases into fourteen categories based on their characterization of the legal and factual issues involved. It is possible for a case to have implicated more than one issue or factor bearing on the termination of parental rights (e.g., incarceration of the parent, domestic violence, mental illness, etc.); however, rarely will a case appear under more than one category heading, as determined by the editors.

Since this list is intended to be exhaustive for the Court of Appeals, it includes both the published and unpublished opinions of the Court of Appeals for this timeperiod. Due to space limitations, notes are only provided on published opinions. Full text unpublished opinions can be accessed by clicking on the hyperlinked case name in the left-hand column.

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Jordan Heath Joyce v. Botetourt Co. DSS; 0736-22-3	**Reversed, vacated, and remanded (Published opinion by Judge Robert J. Humphreys)** 11-9-22 Note: This is not about procedural errors by the parties but rather errors by the Department in not providing services and by the trial court determining that they were not required.	**Father (by counsel)**	**16.1-283 (C)(2)**	**Father argued that the circuit court erred in finding that the Botetourt County DSS ("Department") could not provide services to father because he was subject to a protective order for the first year that his child was in foster care. The protective order was in place when the child entered foster care and expired twelve months later. The protective order permitted father visitation with the child at a visitation and exchange center. The subsequent JDR court order transferring custody of the child to the Department provided for visitation between father and child at the discretion of the Department. Despite the temporary nature of the protective order and the possibility of visitation under the protective order and custody order, the evidence established that the Department offered no services to father and facilitated no visitation with the child. The Department proceeded on the grounds that the protective order rendered father unreachable and exempted the Department from offering any services to father. The circuit court's finding that the Department could not offer father services was based on the protective order in place against father. As in *Cain* and *Ferguson* regarding the mere fact of incarceration as a crime, the Court of Appeals rejects a per se rule that a protective order alone satisfies the evidentiary requirement of proving that the Department offered "reasonable and appropriate" services in accordordance with the termination of parental rights statute (Code § 16.1-283(C)(2)). On appeal, the Department argued that it was "not required to force its services upon an unwilling or disinterested parent," however the record showed father demonstrated interest in the child. When the Department provided no services to father, there was no way of knowing whether he would have been willing or interested in receiving services. Accordingly, because the Department provided no services to father, the order terminating his parental rights has been reversed and the case remanded to allow father an opportunity to show what progress he can make with the assistance of the Department and other agencies.**

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Dung Thi Thach and Carlos Mendoza v. Arlington Co. DHS – 1309-13-4	**Affirmed in part and reversed and final judgement in part (Published opinion by Judge Robert J. Humphreys) 3-18-14**	**Mother & Father (by counsel)**	**16.1-283 (C)(2)**	**Appeal of TPR of non-offending parent who is in the U.S. in violation of immigration laws. He complies belatedly with all agency program requests. Court of Appeals finds that " ...after (mother) moved out, DHS did not find any indication that it was an inappropriate place for children or anything but a loving and familial environment." Circuit Court, however, had found that "... (father) was unavailable to provide a stable home for ... and could not 'wait another six months or 60 days to figure it out'." Court of Appeals confirms that Circuit Court must find on clear and convincing evidence "... that (i) {termination} is in the best interests of the child *and* (ii) DHS met its burden of proving the requirements of subsection (C) (2)". The question presented to the Court of Appeals had not previously been considered. In sum, how could the non-offending parent "'...remedy the conditions which led to or required continuation of the child's foster care placement' if he was not the cause of those conditions or living in the home when the conditions occurred?" Court of Appeals reversed Circuit Court's decision on the basis of facts failing to establish termination by Clear and Convincing Evidence and entered final judgment for the father.**

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Patricia Tackett v. Arlington Co. DHS – 1519-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1471-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1520-12-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 8-13-13**	**Mother (by counsel)**	**16.1-266 (A) (E) (F); 16.1-283 (A)(1) (C)(1) (C)(2) (G); Rule 5A:18; 16.1-241 (A) and 16.1-244; 16.1-278.2; 16.1-282.1; Rule 5A:20**	***These three cases were consolidated on appeal because assignments of error were interrelated, and the factual background was common to all three cases*. A.O. was in the custody of her grandmother who had been given legal guardianship of her by a 2005 Maryland court order. A.O. first came to the attention of Arlington DHS in early 2009, and her grandmother was offered services before she disappeared with the child. A.O. was located in July 2010 when she was caught shoplifting, and grandmother was charged with contributing to the delinquency of a minor. A.O. was placed in foster care. Thereafter, services were offered to and declined by the mother and were again offered to grandmother who failed to cooperate with the court's directives and Arlington DHS assistance, all of which were aimed at returning the child to grandmother's custody. A.O. was almost 13 years of age at the time of the Circuit Court trials of the TPR petition and the grandmother's pro se custody petition. She testified that she desired to live with her mother and grandmother. A variety of legal issues were raised by the parties -** **1. Denial of counsel for A.O. in addition to her GAL** **2. A.O.'s age of discretion to object to the TPR** **3. Sufficiency of evidence for mother's TPR** **4. Due Process Claims** **5. Grandmother's standing to contest mother's TPR** **6. Grandmother's Guardianship** **7. The No Contact Order on mother and grandmother until the child turns 18 years of age** **8. Alleged errors by the court regarding grandmother's custody petition** **9. A variety of other errors claimed by the grandmother** **The Court of Appeals upholds the TPR and the denial of custody to the grandmother, addresses issues 1, 2, 4 and 5 above in this lengthy opinion.**

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Christopher Farrell v. Warren Co. DSS – 2282-10-4; Christopher Farrell v. Warren Co. DSS – 2283-10-4; Christopher Farrell v. Warren Co. DSS – 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**Mother and Father appeal Termination of Parental Rights (TPR) in separate cases. These opinions provide instructive detail on the court process in child welfare cases from the outset of case. Numerous Assignments of Error regarding the Circuit Court's decisions are denied on appeal. Decisions of Trial Court are affirmed. Cases involve removal and return of children followed by a 2nd removal. After second removal, DSS moved to TPR without providing additional services to the parents. Issues raised and decided on appeal include due process and Constitutional challenges to relevant Virginia Statutes, challenges to the manner in which the trial court heard the underlying child welfare cases, DSS refusal to provide services prior to TPR, the burden of proof required at different points of the cases, required court findings, procedural errors on appeal, the ability to terminate the parental rights to children who are "at risk" of abuse and neglect, sufficiency of evidence, conflicting evidence, expert testimony, parental substance abuse and domestic violence, and mother's failure to obtain prenatal care.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Fauquier Co. DSS v. Bethanee Ridgeway – 2490-10-4; Bethanee Ridgeway v. Fauquier Co. DSS – 2550-10-4	**Affirmed (Published opinion by Judge Sam W. Coleman, III) 12-6-11**	**Mother (by counsel)**	**16.1-283 (C)**	**Court terminates parental rights (TPR) of mother to two older children but denies TPR of two younger children. Mother had met many DSS requirements for return of children but not all. Oldest children had special needs that mother was unable to address thus TPR was appropriate for them. Her inability to parent a child with special needs does not infer that she cannot parent all children. As two younger children were not as impacted by father's acts as were older children, court concluded they were less of a parenting challenge. No evidence was presented to the court of mother's ability to parent less than four children. Therefore, there was not a sufficient factual basis to TPR the youngest two children. Court found that it was important to preserve the parent-child relationship and protect the child's best interest.**

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Russell Kilby v. Culpeper Co. DSS; 0446-09-4	**Affirmed (Published opinion by Judge William G. Petty) 10-27-09**	**Father (by counsel)**	**16.1-283 (C)**	**Father appeals Termination of Parental Rights based on his being convicted of "an offense … that constituted felony assault resulting in serious bodily injury or felony sexual assault of the child." DSS moved to TPR as parents, after learning of sexual abuse by son, failed to correct actions of son that lead to further abuse of daughter. Father claims a distinction that his conviction arose from "acts of omission" rather than affirmative acts. The Court of Appeals rejects that argument. Facts also support finding of "serious bodily injury" to child victim. Father also claims denial of "Due Process" because "… trial court did not specifically adjudicate him to be an unfit parent." Argument rejected on basis of "once the [trial] court finds [the factors in Code 16.1-283] are present, it need not make a further finding of parental unfitness."**
Akers v. Fauquier Co. DSS; 0182-04-4	**Affirmed (Published opinion by Frank) 11-9-04**	**Mother (by counsel)**	**16.1-283 (C)**	**Mother argued that DSS discontinued services after the foster care plan change of goal to adoption and that hindered her efforts to reunify with her child. The court found that DSS was not required to provide services after the goal was changed to adoption. Code § 16.1-283(G) does not establish a standard for admitting child testimony. The proper standard is whether the child is "competent." The court did not err in considering the child's preference but relied on evidence presented.**
C.S. v. Virginia Beach DSS; 3156-02-1	**Reversed & remanded (Published opinion by McClanahan) 09-30-03**	**Mother (by court-appointed counsel)**	**16.1-283 (C)(2)**	**Evidence is insufficient to terminate parental rights where appellant has substantially remedied, within 12 months, conditions that led to child's foster care placement. Appellant complied with a psychological evaluation and individual therapy, provided adequate furnishings for the child at issue and her other children, and met the requirements of the initial foster care service plan with the goal of returning the children to her home. Appellant is not required to comply with certain conditions that DSS did not make reasonable and appropriate efforts to provide. Prior to DSS intervention, mother was employed, had her own apartment, was not on welfare, and neither she nor any of the children were on antidepressants. Appellant's therapist described the behavior of DSS as "adversarial and judgmental and almost to the point of intimidating," and the guardian *ad litem* said the motives of DSS in this case were "disingenuous."**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Jeffrey Dylon Hardin v. Hopewell DSS; 1587-23-2; 7-9-24				
Heather K. L. Corpin v. City of Fredericksburg DSS v. Fernando Montero Laboy v. Fredericksburg DSS; 1210-23-2 & 1440-23-2; 7-2-24				
Willard Chapman v. Henrico Co. DSS; Record No. 2035-23-2; 6-25-24				

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Keely Howard v. Radford City DSS; 0095-23-3; 2-6-24
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Katherine Amanda Ferguson v. Roanoke City DSS; 1900-22-3; 12-28-23
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Deborah Swarray v. Alexandria DCHS; 0630-22-4; 6-27-23
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Kristen Inglese v. Albemarle Co. DSS; 0482-22-2; 4-25-23 – Affirmed and Remanded
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Alexandra Arambulo Ventura v. Winchester DSS; 1221-21-4; 10-18-22
Eugene Ellis v. Stafford Co. DSS; 0216-22-4; 9-27-22
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McGuire v. Frederick DSS; 0209-04-4; 10-26-04

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY
Newport News DSS v. Cooper; 1230-04-1; 10-26-04
Campbell Co. DSS v. Woodruff; 0416-04-3; 10-12-04
Harris v. Campbell DSS; 0741-04-3; 10-5-04
Nguyen v. Fairfax DSS; 0938-04-4; 9-28-04
Davis v. Lynchburg DSS; 0875-04-3; 9-14-04
Carr v. James City Co. DSS; 0499-04-1; 8-17-04
Featherstone v. DSS of the City of Danville; 2151-03-3; 5-25-04
McCutcheon v. Warren Co. DSS of the City of Danville; 0174-03-4; 3-30-04
Perry v. Hampton DSS; 2165-03-1; 2-17-04
K.H. v. Newport News DSS; 1800-03-1; 2-3-04
K.R. v. York Co. DSS; 1837-03-1; 2-3-04
Rollins v. Alexandria DSS; 1426-03-4; 1-28-04
Sanchez v. Richmond DSS; 1125-03-2 & 1677-03-2; 9-30-03
Baker v. Richmond DSS; 0598-03-2; 9-2-03
Gibson v. Newport News DSS; 0378-03-1; 8-12-03
Sales v. Alexandria DSS; 0250-03-4; 7-22-03
Stanley v. Amherst Co. DSS; 0039-03-3; 6-3-03
Chandler v. Staunton/Augusta Co. DSS; 2853-02-3 through 2856-02-3; 5-13-03
Michael Van Buren v. City of Richmond DSS; 2618-02-2 through 2621-02-2; 4-29-03
Cassie Van Buren v. City of Richmond DSS; 2622-02-2 through 2625-02-2; 4-15-03
Lynchburg DSS v. Fenimore; 0704-02-3; 10-1-02 – Reversed
Fitzgerald v. Montgomery Co. DSS; 0475-02-3; 7-30-02

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY
Woodward v. Greene Co. DSS; 1819-01-2; 3-26-02
Jenkins v. Richmond DSS; 1224-01-2; 1-29-02 – Reversed
Marston v. Fairfax Co. DFS; 1336-01-4; 1-22-02
Rayeford v. City of Portsmouth DSS; 1662-01-1; 9-25-01
Perkins v. Lynchburg DSS; 1080-01-3; 9-18-01
Woodall v. Fredericksburg DSS; 0483-01-2; 8-14-01
Beardslee v. Henrico DSS; 2721-00-2; 4-3-01
May v. Virginia Beach DSS; 0461-00-1; 12-28-00
Fayette v. Stafford Co. DSS; 1424-99-4; 8-15-00
Reid v. Loudoun Co. DSS; 3074-99-4; 7-18-00
Woolfolk v. Loudoun Co. DSS; 2715-99-4; 5-30-00
Sawyers, a.k.a. Sawayers v. Tazewell Co. DSS; 1605-99-3; 5-9-00
Lewis v. Fredericksburg DSS; 1121-99-2; 11-30-99
Lisa Allen, a.k.a. Lisa Allen Parlett Shaw v. Lynchburg DSS; 1209-98-3; 12-15-98
Whittaker v. Roanoke Co. DSS; 1650-98-3; 12-15-98
Conner v. Arlington Co. DSS; 0460-98-4; 9-8-98
Ruth L. Gentry v. Harrisonburg/Rockingham SSD and Amber Marie Presgraves, an Infant; 1340-97-3; 3-17-98
Agard v. Anthony L. Thompson, a minor, by Clay B. Blanton, Guardian ad Litem; 1247-97-2; 3-10-98
Braddock v. Fairfax Co. DFS; 2293-96-4; 11-18-97
Seidl v. Henrico Co. DSS; 0711-97-2; 11-10-97
Flores v. Richmond DSS; 0660-97-2; 9-16-97
Powers, n/k/a Evangelista v. Chesterfield/Colonial Heights DSS; 0249-97-2; 8-12-97

CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY
Pruden v. Fairfax Co. DHD, et al. [including child appellee by GAL]; 0949-96-4; 1-7-97 – Reversed and Remanded
Babb v. Scott Co. DSS; 1585-95-3; 1-23-96

CASES INVOLVING A PARENT'S FAILURE TO ESTABLISH A RELATIONSHIP WITH OR MAINTAIN CONTACT AND PLAN FOR THE CHILD'S FUTURE				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Patricia Tackett v. Arlington Co. DHS – 1519-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1471-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1520-12-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 8-13-13**	**Mother (by counsel)**	**16.1-266 (A) (E) (F); 16.1-283 (A)(1) (C)(1) (C)(2) (G); Rule 5A:18; 16.1-241 (A) and 16.1-244; 16.1-278.2; 16.1-282.1; Rule 5A:20**	**For a summary on the case, please see "Notes" for *Patricia Tackett v. Arlington Co. DHS* (1519-12-4)/ *Delores O'Brien Heffernan v. Arlington Co. DHS* (1471-12-4, 1520-12-4) under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Bradley Allen Roloson v. Carroll Co. DSS; 1157-23-3; 7-9-24				
George Thomasson, III v. Chesterfield Co. DSS; 0312-21-2; 11-9-21				
Richard Epps v. Portsmouth DSS; 0030-21-1; 6-29-21				
Haley Harris, Tammy Dawn Dauch and Herbert Dauch, Jr. v. Carroll Co.; 0356-20-3; 2-23-21				
Christopher Lee Hammock v. Halifax Co. DSS; 0160-19-2; 3-3-20				
Ashley Nicole Witcher v. City of Newport News DHS; 0244-20-1; 10-6-20				
Meghan Johnson v. Loudoun Co. DFS; 1616-18-4; 5-21-19				
Jennifer Dawn White v. City of Hopewell DSS; 1065-18-2 & 1372-18-2; 3-26-19				
Michael Allen Johnson v. Fairfax County DFS; 0628-18-4; 1-8-19 – Affirmed and Remanded				
Chyna Roxanne Reed v. Roanoke City DSS; 1514-17-3; 4-17-18				
Constance Brown v. Shenandoah Valley DSS; 1226-17-3; 3-20-18				
Jamie Cooks, Sr. v. Albemarle Co. DSS; 1270-17-2; 1-9-18				
Tonya J. Cogar v. Shenandoah Valley DSS; 0673-17-3; 12-27-17				

CASES INVOLVING A PARENT'S FAILURE TO ESTABLISH A RELATIONSHIP WITH OR MAINTAIN CONTACT AND PLAN FOR THE CHILD'S FUTURE
April Dilaura v. Norfolk DHS; 0223-17-1; 11-21-17
Phillip M. Tallman v. Bristol DSS; 0080-17-3; 8-1-17
Jacklyn D. Stanley v. Bristol DSS and Jason M. Stanley v. Bristol DSS; 1189-16-3 & 1449-16-3; 3-28-17
Jonathan Burton, Sr. v. Norfolk DHS; 0958-16-1; 2-28-17
Timothy Allen Guill v. Campbell Co. DSS; 1028-15-3; 12-8-15
Andre Harris v. Henrico Co. DSS; 0627-15-2; 11-17-15
Cecil Moore v. Lee Co. DSS; 0756-15-3; 11-10-15
Ronald Perry v. Prince George DSS; 2350-14-2; 6-9-15
Carmen Alcazar v. Harrisonburg/Rockingham SSD; 1189-13-3 & 1190-13-3; 1-7-14
John Junior Martinez, Sr. v. City of Portsmouth DSS; 0739-13-1; 9-24-13
Shontia Leftwich v. Roanoke City DSS; 1708-12-3; 3-19-13
Jorge Alvarenga, Sr. v. Alexandria DCHS; 1642-12-4; 3-19-13
Nickey Daniel Hatcher v. Bristol DSS; 0470-12-3; 10-9-12
Kevin Logan, Jr., v. Fairfax Co. DFS and Jennifer Logan v. Fairfax Co. DFS; 2571-11-4 & 2608-11-4; 9-11-12
Alexi Saunders v. Richmond DSS; 1623-11-2; 2-7-12
Zachariah Harden, Sr., v. Richmond DSS; 1671-11-2; 2-7-12
David Anthony Brown v. Charlottesville DSS; 0843-11-2; 8-23-11
Tyhan Tillman v. Halifax Co. DSS; 0003-11-2; 6-7-11
Brittany N. Haskins v. City of Lynchburg DSS; 0054-11-3; 6-7-11
James Daniel Williams, Jr. v. Chesterfield DSS; 2389-10-2; 5-3-11
Joel Lannigan v. Virginia Beach DHS; 1973-10-1; 2-22-11
David Christian Parker, Sr. v. Harrisonburg/Rockingham SSD; 0999-10-3; 11-9-10
Laura Elena Davila v. Harrisonburg/Rockingham SSD; 0387-10-3; 11-9-10

CASES INVOLVING A PARENT'S FAILURE TO ESTABLISH A RELATIONSHIP WITH OR MAINTAIN CONTACT AND PLAN FOR THE CHILD'S FUTURE
Keisha D. Carr v. Fairfax Co. DFS; 0351-10-4; 8-10-10
Sheila Delaine Hamilton v. City of Roanoke DSS; 2707-09-3; 6-29-10
Kenneth Winn, Sr. v. Chesterfield Co. DSS; 1919-09-2; 3-02-10
Jamie Lynn Foster v. Madison DSS; 0469-08-2; 8-19-08
Keon McDonald v. Henrico Co. DSS; 2360-07-2; 3-11-08
Hart v. Arlington Co. DSS; 1653-06-4; 5-15-07
Jackson v. City of Portsmouth DSS; 2757-06-1; 5-15-07
Harris v. Harrisonburg/Rockingham SSD; 0784-06-3; 8-8-06
Williams v. Chesapeake DHS; 0023-06-1; 7-11-06
Northover and Ortiz v. Hampton DSS; 2535-04-1 & 2622-04-1; 12-13-05
Voage v. Spotsylvania DSS; 1984-03-2; 2-3-04
Robinson v. Williamsburg DSS; 2275-03-1; 1-20-04
Brazier v. Hampton DSS; 0856-03-1; 12-23-03
Kirby v. Richmond DSS; 1126-03-2; 9-30-03
Jones v. Petersburg DSS; 1543-01-2; 1-8-02
Miller v. Richmond DSS; 0320-00-2; 7-25-00
Tibbitts v. DSS for Henrico Co.; 2487-99-2; 4-11-00
Malave v. Fairfax Co. DFS; 2708-98-4; 10-19-99
Terry v. Franklin Co. DSS; 1527-99-3; 10-5-99
Padilla v. Norfolk DSS; 1388-98-1; 1-26-99
Jadeen and Susan Lowery v. Harrisonburg/Rockingham SSD; 0661-98-3; 9-29-98
Brandon v. City of Danville DSS; 2382-95-3; 10-1-96

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Toms v. Hanover DSS; 1869-04-2	**Affirmed (Published opinion by Kelsey) 8-09-05**	**Father (by counsel)**	**16.1-283 (B)**	**Termination of parental rights affirmed finding no arguments persuasive. § 16.1-B merely requires the court to "take into consideration the efforts made to rehabilitate parent." This 1998 amendment gives DSS initial discretion to abstain from reunification if it deems it to be inconsistent with the health and safety of the children. Evidence was presented that Ms. Toms went to a neighbor's home to state she was being held against her will and abused by her husband. Their 8 children ran into the woods when police arrived. The home was not habitable and full of trash and empty alcohol containers. The children had not received health care, education, social skills, or speech skills. Psychological testing revealed father suffered from delusional episodes, social phobias, paranoia, obsessive-compulsive disorder, depression, severe anxiety, and avoidant personality features. He had been abusing alcohol since 6 years old. Appellate court found no abuse of discretion with trial courts ruling that the father could not within a reasonable amount of time remedy the conditions placing the children into foster care.**

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
City of Newport News DSS v. Winslow; 2631-02-1	**Reversed and remanded (Published opinion by Humphreys) 5-20-03**	**Mother (by court-appointed counsel)**	**16.1-283 (B), (C)(2)**	**Winslow, who has bi-polar disorder and obsessive-compulsive personality disorder, refused to accept responsibility for the extremely poor condition of her home and resulting danger to her children. However, trial court failed to make factual findings required by § 16.1-283(C), the section under which DSS sought termination of parental rights. The judge's findings concerning the initial threat to the children's "life, health [and] development" and prospective determination that it was "not reasonably likely that" Winslow could substantially remedy those conditions pertinent to § 16.1-283(B) but not to § 16.1-283(C).**
Richmond DSS v. L.P.; 1737-00-2	**Reversed (Published opinion by Clements) 5-29-01**	**Mother (by court-appointed counsel)**	**16.1-283 (C)(2)**	**A mental deficiency that is of such severity that there is no reasonable expectation that the parent will be able, within a reasonable period of time befitting the child's best interests to undertake responsibility for the care needed by the child, does not constitute good cause for the parent's inability to timely cure the circumstances that led to the child's foster care placement. The mother was cooperative with services.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. **UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.**				
Heather K. L. Corpin v. City of Fredericksburg DSS v. Fernando Montero Laboy v. Fredericksburg DSS; 1210-23-2 & 1440-23-2; 7-2-24				
Teosha Haynesworth v. Henrico DSS; 1706-22-2 & 1720-22-2; 1-30-24				
Katherine Amanda Ferguson v. Roanoke City DSS; 1900-22-3; 12-28-23				
Amanda Marie Sprinkle v. Roanoke City DSS; 1273-22-3; 9-26-23				
En' Dayia Danielle Boler v. Fairfax Co. DFS; 1430-22-4; 9-12-23				
Russell Clinton Smith, Jr. v. Alexandria DCHS; 0894-22-4; 6-27-23 – Affirmed and Remanded				
Deborah Swarray v. Alexandria DCHS; 0630-22-4; 6-27-23				
Cy Bailey, Sr. v. City of Norfolk DHS; 1366-21-1; 5-30-23				
Kristen Inglese v. Albemarle Co. DSS; 0482-22-2; 4-25-23 – Affirmed and Remanded				
Latisa Danielle Hubbard v. Lynchburg DSS; 0007-22-3; 1-17-23				
William Swango Williams, II v. Lynchburg DSS; 1386-21-3; 11-29-22				
Steven Bernarde Odoms v. Fairfax Co. DFS; 0624-22-4; 12-6-22				

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR
Natasha V. Comer v. Henrico Co. DSS; 0999-21-2; 8-9-22
Christy Lee Payne v. Prince Edward Co. DSS; 0747-21-2; 7-19-22
Tamela Monique Tibbs v. Fairfax Co. DFS; 0288-21-4; 11-16-21
Cheyenne Leigh Gillaspy v. Harrisonburg/Rockingham SSD; 0320-21-3; 10-5-21
Tammy Anne Reinbold v. City of Newport News DHS; 0093-21-1; 9-21-21
Ebony Lashay Smith v. Fairfax Co. DFS; 0268-21-4; 9-21-21
Leslie Ann Sawyers v. Roanoke City DSS; 1320-20-3; 6-1-21
Kristopher LaFlamme v. Virginia Beach DHS; 1155-20-1; 4-13-21
Stacy L. Glass v. City of Manassas Park DSS; 0593-20-4; 3-2-21
Rukeyia Silver v. Norfolk DHS; 0830-20-1; 2-23-21
Teresa Marie Hall v. Lynchburg DSS; 0859-20-3; 12-22-20
Fathima Wilson v. Norfolk DHS; 0475-20-1; 11-10-20
Karen Juetta Roebuck v. Lynchburg DSS; 0667-20-3; 11-4-20
Carrie Pilenza v. Nelson Co. DSS; 0291-20-3; 9-8-20
Leonidas Dorestal, Jr. v. City of Fredericksburg DSS; 0123-20-2; 7-21-20
John R. Tyler, Jr. v. Culpeper Co. DSS; 1840-19-4; 5-26-20
Kathryn Koch v. Chesterfield-Colonial Heights DSS; 1833-19-2; 5-19-20
Carrie Pilenza v. Nelson Co. DSS; 0034-19-3; 3-17-20
Anita Simms v. Alexandria DCHS; 1357-19-4; 2-4-20
Angel Lee Parks v. Giles Co. DSS; 1106-19-3; 1-28-20
September R. Lynn v. Campbell Co. DSS; 0955-19-3, 0956-19-3, 0957-19-3 & 0958-19-3; 1-7-20
Roy Mitchell Darby v. City of Roanoke DSS; 0611-19-3; 12-3-19

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR
Deborah Wilson v. Hanover Co. DSS; 0883-19-2; 11-26-19
Stephanie Lee Taylor v. City of Alexandria DCHS; 0518-19-4; 10-1-19
Melissa Lephew v. Roanoke Co. DSS; 1822-18-3; 7-30-19
Thomasina Light v. Alexandria DCHS; 1996-18-4; 06-04-19
Shawnade Ricquale Richardson Mason v. Stafford Co. DSS; 0218-19-4; 06-04-19
Heaven Wilkes Rasheed v. Roanoke City DSS; 1569-18-3; 4-16-19
Nely Margarita Bonillas de Cordon v. Fairfax Co. DFS; 1536-18-4; 4-9-19
Laurel Ansell v. Harrisonburg/Rockingham SSD; 0765-18-3; 1-15-19
Georgia Hurst v. City of Roanoke DSS; 0657-18-3; 10-30-18
Anita Shana-Nicole Simms v. Alexandria DCHS; 1852-17-4; 4-24-18
Howard Allen Groffel v. New Kent DSS; 1397-17-2; 3-20-18
Elnora Moses v. Alexandria DCHS; 1749-17-4; 2-20-18
Shannita Jones v. Arlington Co. DHS; 0569-17-4; 12-12-17
Deanna Longerbeam v. Fauquier Co. DSS; 2126-16-4; 10-31-17
Holly Malone v. Dinwiddie DSS; 0472-17-2; 10-31-17
Sarah Swartwood-Davis v. Stafford Co. DSS; 2075-16-4; 8-8-17
Tiffany Custis v. Harrisonburg-Rockingham SSD; 0229-17-3; 8-8-17
Jacklyn D. Stanley v. Bristol DSS and Jason M. Stanley v. Bristol DSS; 1189-16-3 & 1449-16-3; 3-28-17
Ivy Edwina Mooney v. Newport News DHS; 0439-16-1; 9-20-16
Jody Chyenne Lambert v. Appomattox Co. DSS; 1926-15-2; 5-3-16
Ciara Malaine Grindle v. Virginia Beach DHS; 1241-15-1; 2-12-16
Lubna Aijaz v. Fairfax Co. DSS; 2247-14-4; 9-29-15

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR
Shirley Robinson-Miles v. Danville DSS; 1988-14-3; 9-15-15
Charlene Cole v. Henry-Martinsville DSS; 2207-14-3; 8-4-15
Hellen Bangura v. Alexandria DCHS; 2236-14-4; 6-9-15
Ronald Perry v. Prince George DSS; 2350-14-2; 6-9-15
Crystal Hareford v. Harrisonburg/Rockingham DSS; 1796-14-3; 4-7-15
Heather Amber French v. Roanoke City DSS; 1030-14-3; 2-18-15
Jennifer Dawn Carwile v. Campbell Co. DSS and Eric Eugene Black v. Campbell Co. DSS; 1310-14-3 & 1325-14-3; 1-13-15
Carla Bridget Torres-Lara v. Accomack Co. DSS; 0109-14-1; 12-16-14
Doneice Redd v. Loudoun Co. DFS; 1915-13-4; 4-29-14
James Dewberry and Tammy Dewberry v. Winchester DSS; 0923-13-4 & 0960-13-4; 12-10-13
Atia Elyass v. Fairfax DFS; 0667-13-4; 11-26-13
Kristoffer Michael Masch v. Roanoke City DSS; 0222-13-3; 7-23-13
Sania L. Mikhail v. Fairfax Co. DFS; 0215-13-4; 7-23-13
Krista Pinto v. Fairfax Co. DFS; 1581-12-4; 2-26-13
Faye Ferrell v. Alexandria DHS; 0155-12-4; 7-3-2012
Simone Scott v. Roanoke City DSS; 2214-11-3, 2215-11-3, 2216-11-3, 2217-11-3, 2218-11-3 & 2219-11-3; 4-3-12
Amanda M. Sutton v. Shenandoah Valley DSS; 1567-11-3; 2-7-12
Alexi Saunders v. Richmond DSS; 1623-11-2; 2-7-12
Neketia Jackson and Rodney Spradley v. City of Lynchburg DSS; 0472-11-3 & 0473-11-3; 9-6-11
Weldon A. Mongold v. Harrisonburg/Rockingham SSD; 1827-10-3; 3-1-11
Viviana Mayanes v. Shenandoah Valley DSS; 1508-10-3; 2-8-11
Kimberly Adkins v. Winchester DSS; 2277-09-4; 4-13-10

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR
Kenneth Winn, Sr. v. Chesterfield Co. DSS; 1919-09-2; 3-02-10
Florinda Perez v. Fairfax Co. DSS; 1644-09-4; 2-16-10
Shanina R. Horsley v. Lynchburg DSS; 1004-09-3; 12-1-09
Lisa Seiwell v. Harrisonburg/Rockingham SSD; 0908-09-3 & 0909-09-3; 11-10-09
Melinda Sponaugle-Cantrell v. Wise Co. DSS; 0355-09-3; 9-8-09
Shameca Jackson (mother) v. Roanoke City DSS and Robert Jackson, Sr. (father) v. Roanoke City DSS; 0320-09-3 & 0793-09-3; 9-1-09
Margaret Bailey v. Halifax DSS; 0728-07-2; 3-11-08
Aimee Battle (mother) v. Portsmouth DSS and Veto Battle (father) v. DSS; 2836-05-1 & 0593-06-1; 5-29-07
Kasey v. Roanoke City DSS; 2896-06-3; 4-10-07
Sylvia v. Hampton DSS; 1557-06-1; 3-20-07
Buchanan v. Bedford DSS; 2318-06-3; 1-30-07
Snead v. City of Hampton DSS; 1645-06-1; 1-16-07
Porterfield v. Roanoke City DSS; 2156-06-3; 12-12-06
Abbitt v. Lynchburg DSS; 1202-06-3; 10-31-06
Green v. Greene Co. DSS; 2692-05-2; 10-10-06
Gerri Oliver v. Roanoke City DSS; 0669-06-3; 10-10-06
Ronnie Oliver Sr. v. Roanoke City DSS; 0803-06-3; 9-19-06
Epps v. City of Newport News DSS; 2803-05-1; 8-15-06
Greenway v. Craig Co. DSS; 2650-05-3; 6-13-06
Willis v. Harrisonburg/Rockingham SSD; 1873-05-3 & 1874-05-3; 2-28-06
Hayes v. Petersburg DSS; 1166-05-2; 11-1-05
Abt-Barnett v. Chesterfield/Colonial Heights DSS; 2949-03-2; 4-27-04

CASES IN WHICH A PARENT'S MENTAL HEALTH, MENTAL ILLNESS OR LIMITED INTELLECTUAL FUNCTIONING IS A FACTOR
Brown v. City of Norfolk DHS; 2529-03-1 & 2530-03-1; 3-2-04
B.W. v. Richmond DSS; 1659-03-2; 3-2-04
Singleton v. Richmond DSS; 0809-03-2; 10-28-03
Harvey v. Richmond DSS; 0637-03-2; 8-26-03
Hansberry v. Charlottesville DSS; 0117-03-2 through 0120-03-2; 6-17-03
Harper v. Virginia Beach DSS; 1385-02-1; 9-10-02
Terry v. Richmond DSS; 3322-01-2; 6-18-02
DeJesus v. Richmond DSS; 1061-01-2; 9-25-01
Cook v. Roanoke City DSS; 2930-00-3; 7-3-01
Walker v. Virginia Beach DSS; 0505-00-1; 12-19-00
Wright v. Alexandria DSS; 1513-00-4; 12-5-00
Ghasem v. Fairfax Co. DFS; 2537-99-4; 5-9-00
Ripley v. Charlottesville DSS; 2879-99-2; 4-25-00
Patterson v. Nottoway Co. DSS; 2528-99-2; 3-28-00
Harold Jackson v. Richmond DSS; 0648-99-2; 12-28-99
Mary Jackson v. Richmond DSS; 0226-99-2; 12-28-99
Murphy v. Norfolk DSS; 1474-99-1; 12-7-99
Elkins v. DSS for the Co. of Campbell; 1878-98-3; 1-26-99
Zavala v. Arlington Co. DHS; 1428-98-4; 10-6-98
Sheffey-Bey v. Arlington DHS; 0192-97-4; 10-28-97
Miles v. Fairfax Co. DHD; 1617-95-4; 5-21-96
Hughes v. Arlington Co. DHS; 2345-94-4; 2-6-96

CASES INVOLVING A YOUNG PARENT				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
L.G. v. Amherst Co. DSS; 2443-02-3	**Reversed and remanded (Published opinion by Coleman) 6-10-03**	**Mother (by court-appointed counsel)**	**16.1-283 (C)(2)**	**Appellant with background of sexual abuse was 13 years old when she gave birth to child. Child was removed from custody and placed in foster care in November 1999 based on finding of neglect. Evidence showed appellant was placed in successive homes or facilities due to unacceptable behavior and/or problems with her caretakers and had exhibited irresponsible and unstable behavior and total lack of commitment to properly parenting her child. However, trial court erred in refusing to consider significant relevant evidence, including testimony of counselors concerning the "tremendous" and "remarkable" progress appellant made in her education, social skills, and life skills, and her maturation into a responsible young adult from November 2000 to date of *de novo* hearing. The time limit given in § 16.1-283(C)(2) does not "temporally restrict the trial court's consideration to events that occurred… only during that discrete 12-month time period to the exclusion of what may have occurred before and after those dates." Case remanded to trial court to consider appellant's progress, not only during 21-month period prior to *de novo* hearing but also through the time of the remand hearing.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. **UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.**				
Sophia Marquita Shadley v. Norfolk DHS; 1582-14-1; 2-24-15				
Tania Granados Benitez v. Arlington Co. DHS; 1839-12-4; 5-21-13				
DeHart v. Richmond DSS; 0057-03-2; 10-28-03				
Marlowe v. Chesterfield/Colonial Heights DSS; 1913-99-2; 2-15-00				
Harvey v. Lynchburg DSS; 2691-98-3; 10-5-99				

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Bristol DSS v. Maggie S. Welch – 0532-14-3; Patricia E. Smith, Guardian Ad Litem for minor child v. Maggie S. Welch – 0558-14-3	**Affirmed in part and dismissed in part (Published opinion by Judge William G. Petty) 11-4-14**	**Mother (by counsel)**	**16.1-283 (C)(1) (C) (2)**	**DSS and GAL appeal denial of TPR. Arguments raised include the trial court's delaying its decision, ignoring the statutory time frame for the parent to remedy conditions that led to foster care, and failing to protect the best interests of the child. DSS removed the child who is subject to this appeal along with four other children in the care of appellee. Two of those four were also her biological children. Trial court terminated her parental rights to those two biological children but withheld its decision as to this child for a period of over a year and then ordered the child returned to the mother. DSS had filed motions asking court to make a decision on TPR for this child during the above time frame. Court of Appeals determines that delay issue is moot as trial court made a decision. There is extensive discussion on the law regarding child's best interests and the broad authority that courts have. Trial court must find by clear and convincing evidence that termination is in the best interest of the child and that the parent has not maintained a relationship with the child or remedied conditions that led to the foster care placement. Proving one of the two is not sufficient to overcome the rights of parents.**
Haugen v. Shenandoah Valley DSS; 060869	**Reversed and remanded (Published opinion by Chief Justice Hassell, Sr.,) 6-8-07**	**Mother and father (by separate court appointed counsel)**	**Continuation Request**	**Termination of parental rights reversed. The Supreme Court of Virginia held that the circuit court abused its discretion by failing to grant a continuance to an incarcerated parent when she was required to terminate her telephonic participation in the TPR hearing. Court history notes that Mother's request to be transported to Virginia through a writ of habeas corpus was denied. Mother's phone conference began at 9:26a.m. and ended at 3:49p.m. The circuit court denied her motion for continuance and proceeded to hear from two more witnesses before legal argument. In reversing the TPR decision the opinion notes that termination renders parents a legal stranger to their child.** **Dissent: The continuance issue was not preserved properly for appeal and therefore the appeal should be dismissed.**

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Richmond DSS v. Crawley; 1220-05-2	**Affirmed (Published opinion by Benton) 1-31-06**	**Mother (by court appointed counsel)**	**16.1-283 (C)**	**Appellate court affirms that DSS did not prove with clear and convincing evidence that terminating mother's rights were in the children's best interests. DSS argues that evidence of mother's unstable housing, criminal acts, unemployment, and the children's inappropriate behaviors upon entering into foster care; establish termination criteria. Trial court concluded that mother's "…desperate poverty, hospitalization, and marital circumstances precipitated the children's placement into foster care." At time of circuit court hearing mother was incarcerated and had approx. 9 months remaining on her active sentence of 2 years and 2 months. Mother calls the children almost daily and has participated in jail's substance abuse program. Court found that mother's continued contact with her children and her positive relationship with them afford her the opportunity to remedy the housing and parenting situation upon her release from incarceration.**
Harrison v. Tazewell Co. DSS; 0897-03-3	**Affirmed (Published opinion by Humphreys) 01-06-04**	**Father (by court-appointed counsel)**	**16.1-283 (C)**	**Termination of parental rights is upheld where father of Down's Syndrome child had long history of drug use, sold and used drugs from his home and allowed minors to use drugs in his home while the child was present, was incarcerated for various drug offenses including cocaine distribution, and will not be released from prison until just before child turns 18. Father refused to take advantage of services offered by DSS prior to his incarceration. Trial court acknowledged father's love for child – he had maintained primary custody of child from 1993 to 1999 and wrote to her once a week from prison – but child had made great strides in her education and basic living skills while in foster care. There was no evidence that breaking bond with father would jeopardize child's emotional and/or physical well-being.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Jeffrey Dylon Hardin v. Hopewell DSS; 1587-23-2; 7-9-24				
Bradley Allen Roloson v. Carroll Co. DSS; 1157-23-3; 7-9-24				
Holland Windell Butler, III v. James City Co. DSS; 1152-22-1; 7-5-23				
Janie Marie Jarels v. Roanoke Co. DSS; 0162-22-3; 11-1-22				
Orayl Dale Vonte Ingram v. Fairfax Co. DSS; 1289-20-4; 5-10-22				
Ryan Berry v. Roanoke City DSS; 0705-21-3; 4-12-22				
Keeley Reid v. Warren Co. DSS; 0985-21-4; 4-12-22				
Barrick L. McLemore, Jr. v. Richmond DSS; 0731-21-2; 12-7-21				

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE
Oliver Wade v. City of Hampton DSS; 0005-21-1; 11-23-21
Vanessa Caison v. Culpeper Co. DSS; 1436-20-4 & 1437-20-4; 10-12-21
Cheyenne Leigh Gillaspy v. Harrisonburg/Rockingham SSD; 0320-21-3; 10-5-21
Charles Kenny Huff, Jr. v. City of Fredericksburg DSS; 0843-20-2; 2-2-21
William Richard Allen, Jr. v. Prince Edward Co. DSS; 0476-20-2; 10-6-20
Erick Smith v. Chesterfield-Colonial Heights DSS; 1821-19-2; 5-19-20
Christopher Lee Hammock v. Halifax Co. DSS; 0160-19-2; 3-3-20
Eugene Jeffrey McNeil v. City of Roanoke DSS; 0504-19-3; 08-20-19
Octavious Person v. City of Norfolk DHS; 0764-18-1; 3-26-19
Michael Allen Johnson v. Fairfax County DFS; 0628-18-4; 1-8-19 – Reversed and Remanded
Robert Earl Smith v. City of Norfolk DHS; 0883-18-1; 12-11-18
Meredith Horton v. Petersburg DSS; 0275-18-2; 12-4-18
Steven Whiting v. Gloucester DSS; 0401-18-1; 7-17-18
Shannon Strother v. Harrisonburg/Rockingham SSD; 1229-17-3; 7-3-18
Joel East Davis, II v. Charlotte Co. DSS; 1777-17-2; 6-26-18
Hameen Irvin v. Roanoke Co. DSS; 1719-17-3; 6-12-18
Lisa Marie Groffel v. New Kent DSS; 1427-17-2; 3-20-18
Lakeisha Dorothy Crump v. Portsmouth DSS; 0898-17-1; 11-7-17
Alfonso Renoid Mason v. Harrisonburg-Rockingham SSD; 0149-17-3; 7-25-17
Ronald Redman, Jr. v. Roanoke City DSS; 1900-15-3; 6-7-16
Brian Hale v. Russell Co. DSS; 0510-15-3; 3-29-16
Larry Darnell Borden v. Roanoke Co. DSS; 1548-15-3; 2-23-16
Ciara Malaine Grindle v. Virginia Beach DHS; 1241-15-1; 2-12-16

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE
Timothy Allen Guill v. Campbell Co. DSS; 1028-15-3; 12-8-15
Cory Aubrey Swisher v. Albemarle Co. DSS; 0755-15-2 & 0758-15-2; 11-17-15
Andre Harris v. Henrico Co. DSS; 0627-15-2; 11-17-15
Cecil Moore v. Lee Co. DSS; 0756-15-3; 11-10-15
Joshua Eugene Andrews v. Roanoke Co. DSS; 1795-14-3; 5-5-15
Michael Sean Eskridge v. Washington Co. DSS; 1676-14-3; 3-3-15
Clifton Lewis Flora, III v. Shenandoah Co. DSS; 2217-14-4; 3-3-15
Shonda Renee Lindsey v. Stafford DSS; 1271-14-4; 1-20-15
Christina Maxson v. Stafford Co. DSS; 0455-14-4; 12-16-14
Lori Dennis v. York-Poquoson DSS; 0576-14-1; 7-29-14
Kenneth Sturgill v. Wise Co. DSS; 0336-14-3; 7-8-14
Joshua Sexton v. Dickenson Co. DSS; 2115-13-3; 4-15-14
City of Norfolk DHS v. Octavious Person; 0936-13-1; 1-14-14
Maggie S. Welch v. Bristol DSS; 2076-12-3; 5-21-13
Nickey Daniel Hatcher v. Bristol DSS; 0470-12-3; 10-9-12
Richard Ellis v. Harrisonburg/Rockingham SSD; 0857-12-3; 10-2-12
Daniel Burnette v. Bristol DSS; 0942123; 8-28-12
Norma Saenz-Romero v. Arlington Co. DHS; 1110-11-4; 3-6-12
Dorothy M. Stilley v. Newport News DHS; 1686-11-1; 1-31-12
Janice Kent v. Virginia Beach DHS; 1104-11-1; 1-17-12
Jose Gregorio Romero v. Alexandria DHS; 1083-11-4; 12-28-11
David Anthony Brown v. Charlottesville DSS; 0843-11-2; 8-23-11
Tyhan Tillman v. Halifax Co. DSS; 0003-11-2; 6-7-11

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE
Brittany N. Haskins v. City of Lynchburg DSS; 0054-11-3; 6-7-11
James Daniel Williams, Jr. v. Chesterfield DSS; 2389-10-2; 5-3-11
Stephanie Gayle McMillian v. Chesterfield DSS; 2177-10-2 & 2436-10-2; 5-3-11
Michael Wingo v. Tazewell Co. DSS; 1758-10-3; 2-22-11
Jermaine Ridgley v. Fairfax Co. DFS; 2560-09-4; 11-30-10
David Christian Parker, Sr. v. Harrisonburg/Rockingham SSD; 0999-10-3; 11-9-10
Tiffany Spears v. Roanoke City DSS; 0914-09-3; 9-29-09
Scotty Dameron, Sr. v. Albemarle Co. DSS; 3084-08-2; 6-2-09
Shelly M. Martin v. Norfolk DHS; 2464-08-1; 3-24-09
Sharon Welch v. Newport News DSS; 0538-08-1; 8-19-08
Blackard v. Danville DSS; 0827-07-3; 10-30-07
Shepard v. Portsmouth DSS; 2881-06-1; 10-9-07
Timothy Jones v. City of Richmond DSS; 0192-07-2; 7-17-07
Watkins v. City of Hampton DSS; 3191-06-1 through 3194-06-1; 6-26-07
Wooten v. Henrico Co. DSS; 0604-06-2; 3-13-07 – Reversed
Shallcross v. Hanover Co. DSS; 1861-06-2; 3-13-07
Varrick aka Varick v. Newport News DSS; 0993-06-1; 10-24-06
Ratcliff v Dickenson Co. DSS; 0462-06-3; 9-26-06
Watkins v. City of Hampton DSS; 0342-06-1, 0364-06-1, 0365-06-1 & 0366-06-1; 9-19-06
Willis v. City of Portsmouth DSS; 1844-05-1; 2-7-06
Miller v. Page Co. DSS; 1742-05-4; 1-24-06
Scott v. Spotsylvania DSS; 0458-05-2; 8-23-05
Quesenberry v. Richmond DSS; 2637-04-2; 4-12-05

CASES IN WHICH INCARCERATION OF THE PARENT IS AN ISSUE
Burns v. Charlottesville DSS; 2523042; 3-8-05
Walker v. Chesterfield Co. DSS; 1175-03-2; 10-14-03
Williams v. Chesterfield Co. DSS; 1152-03-2; 10-14-03
Wilson v. James City Co. DSS; 0270-02-1; 9-10-02
Lushbaugh v. Richmond DSS; 0174-02-2; 6-11-02
Dehaney v. City of Winchester DSS; 2910-01-4; 3-19-02
Wilson v. Petersburg DSS; 1514-01-2; 1-8-02
Shaw v. City of Newport News DSS; 2670-00-1; 7-31-01
Carmon v. Richmond DSS; 0036-01-2; 5-8-01
Lefler v. Smyth Co. DSS; 2706-00-3 & 2707-00-3; 5-8-01
Turner v. Fredericksburg DSS; 2532-00-2; 3-27-01
Jones v. Richmond DSS; 2110-00-2; 2-13-01
Fairfax Co. DFS v. Ibrahim; 0821-00-4
Cook v. Mecklenburg Co. DSS; 2256-99-2; 6-20-00
Terry v. Roanoke City DSS; 3091-99-3; 6-6-00
Fisher v. Warren Co. DSS; 2860-99-4; 5-30-00
Howard v. Charlottesville DSS; 1275-99-2; 5-16-00
Baker v. Fredericksburg DSS; 1089-99-2; 3-21-00
Stergiou v. Frederick Co. DSS; 0156-99-4; 3-21-00
Fields v. Hopewell DSS; 1936-99-2; 2-8-00
Foreman v. Fairfax Co. DFS; 1432-99-4; 12-14-99
Bivins v. New Kent Co. DSS; 0304-99-2; 11-2-99
Eaton v. DSS for the Co. of Bedford; 0868-99-3; 7-20-99

CASES IN WHICH DOMESTIC VIOLENCE IS AN ISSUE				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Atlas Barrow v. City of Norfolk DHS; 0963-21-1, 0964-21-1, 0966-21-1, & 0967-21-1; 6-21-22				
Leslie Ann Sawyers v. Roanoke City DSS; 1320-20-3; 6-1-21				
Rukeyia Silver v. Norfolk DHS; 0830-20-1; 2-23-21				
Robert C. Macias v. Hopewell DSS; 0392-20-2, 0394-20-2 & 0395-20-2; 11-4-20				
Nicole M. Johnson v. Hopewell DSS; 0567-20-2; 11-4-20				
Valerie Baldwin v. Harrisonburg/Rockingham DSS; 1994-19-3; 7-14-20				
Erick Smith v. Chesterfield-Colonial Heights DSS; 1821-19-2; 5-19-20				
Kathryn Koch v. Chesterfield-Colonial Heights DSS; 1833-19-2; 5-19-20				
Shelby Marie Finley v. Radford City DSS; 1664-19-3; 4-21-20				
Christopher Lee Hammock v. Halifax Co. DSS; 0160-19-2; 3-3-20				

CASES IN WHICH DOMESTIC VIOLENCE IS AN ISSUE
Timothy Wayne Wooddell, Jr. v. Harrisonburg-Rockingham SSD; 0316-16-3 & 0338-16-3; 10-11-16
Jennifer Dawn Carwile v. Campbell Co. DSS and Eric Eugene Black v. Campbell Co. DSS; 1310-14-3 & 1325-14-3; 1-13-15
Richard Ragsdale/Tomeka Beasley v. Lunenburg DSS; 0089-14-2 & 0658-14-2; 10-7-14
Otis Lee Douglas, Sr. v. Lynchburg DSS; 2176-13-3; 5-6-14
Xochitl Gomez v. Loudoun Co. DFS; 1683-13-4; 4-15-14
Joshua Sexton v. Dickenson Co. DSS; 2115-13-3; 4-15-14
James Dewberry and Tammy Dewberry v. Winchester DSS; 0923-13-4 & 0960-13-4; 12-10-13
Atia Elyass v. Fairfax DFS; 0667-13-4; 11-26-13
Arthur Barnett v. Richmond DSS; 2400-11-2 & 2401-11-2; 6-12-12
Jasmine Anderson v. Lynchburg DSS; 2166-11-3; 3-27-12
Tonya Annette Taylor v. City of Roanoke DSS; 0700-10-3; 12-7-10
Roman Lee Taylor v. City of Roanoke DSS; 0672-10-3; 12-7-10
Rothgeb, Jennifer v. Harrisonburg/Rockingham SSD; 1399-06; 1-23-07
Rothgeb, William v. Harrisonburg/Rockingham SSD; 1396-06-3; 12-28-06
Wright v. Roanoke City DSS; 1030-03-3; 12-23-03
Barnes v. Norfolk DSS; 0916-03-1; 8-19-03
Atkins v. Richmond DSS; 3398-02-2, 3399-02 & 3399-02-2; 5-27-03
Ingram v. Richmond DSS; 1890-01-2; 1-8-02
DiMauro v. Va. Beach DSS; 1533-99-1; 4-11-00
Eckley v. City of Virginia Beach DSS; 1863-99-1; 2-8-00
Wilson v. Alexandria DSS; 1839-99-4; 2-8-00
Knight v. Bedford Co. DSS; 1841-99-3; 11-23-99
Smith v. Roanoke City DSS; 0830-99-3; 10-5-99

CASES IN WHICH DOMESTIC VIOLENCE IS AN ISSUE
Gallupe v. Roanoke City DSS; 0515-98-3; 12-15-98
Kamal Datt v. Alexandria DSS; 2276-97-4; 4-21-98
Vijay Datt v. Alexandria DSS; 2413-97-4; 4-21-98

CASES INVOLVING DUTY TO INVESTIGATE RELATIVES				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Katrina Bagley v. Richmond DSS; 1251-11-2	**Affirmed (Published opinion by Judge D. Arthur Kelsey) 1-31-12**	**Mother (by counsel)**	**16.1-283 (A)**	**Sole argument on appeal is the claim that RDSS failed to consider granting custody of child to Mr. and Mrs. Davis, who were put forward as "relatives" of the child. RDSS asserts that Davis' are not "relatives" under the law. "Under common law, a *relative* means someone related by consanguinity or affinity. Consanguinity is a 'relation by blood'… Affinity, on the other hand, 'is the relation of one spouse to the other spouse's kindred'…. To this common law definition of relative, Virginia statutes add children legally adopted." Davis' were not related by marriage or adoption nor by blood and are, therefore, not "relatives" under VA Code 16.1-283 (A) and as a matter of law.**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Lynchburg DSS v. James Cook, et. al; 071964	**Reversed and remanded (Published opinion by G. Steven Agee) 9-12-08**	**Father (by counsel)**	**16.1-278.2 (A1); 16.1-281 (C1); 16.1-282 (D1) and 16.1-282.1 (A1)**	**Trial court and Court of Appeals erred in awarding custody of subject child to maternal grandparents without first meeting the finding requirements of § 16.1-278.2(A1). Virginia Supreme Court determines that it was error to find that the general 'best interests oFdue [rpcessf the child' determination required under §§ 20-124.2 and 20-124.3 supersedes and replaces the findings required under the foster care statutes, when a § 16.1-241 (A3) custody petition is before the court. Foster care statutes are not "subordinate" to the general custody and visitation provisions of Title 20. Where there are competing petitions for custody and foster care before the court, the trial court must make the four findings required under § 16.1-278.2(A1) based on a preponderance of the evidence, before it can enter "any order transferring custody of the child to a relative other than the child's prior family."**

CASES INVOLVING DUTY TO INVESTIGATE RELATIVES				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Debra J. Hawthorne and Daniel H. Hawthorne v. Smyth Co. DSS; 1309-99-3	**Affirmed, (Published opinion by Annunziata) 8-01-00**	**Mother and Father (by same counsel)**	**16.1-283 (A)**	**Trial court erred in holding that the 1998 revision to Code § 16.1-283 (A) eliminated the duty of DSS to investigate placing the child with a relative before appellants' parental rights were terminated. "The [1998] amendment simply makes clear that termination proceedings and concomitant placements short of adoption may proceed in the absence of DSS' identification of an adoptive family." However, the error is harmless. Case law "requires that the court 'give a consideration to granting custody to relatives of the child' prior to terminating parental rights and placing the child in the custody of social services." The statute requires two orders issued at the same time: one with regard to the termination of parental rights, and the other, custody. An investigation of relatives is relevant to the entry of both of these orders. However, where the trial court is presented with evidence for its consideration as to the suitability of placing the child with relatives before ordering the termination of parental rights, the requirement that the Department investigate relatives prior to termination is satisfied. (Parents' problems: alcohol abuse, domestic violence, inadequate supervision and parenting skills, irregular employment and unstable home.)**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Jeffrey Dylon Hardin v. Hopewell DSS; 1587-23-2; 7-9-24				
Heather K. L. Corpin v. City of Fredericksburg DSS v. Fernando Montero Laboy v. Fredericksburg DSS; 1210-23-2 & 1440-23-2; 7-2-24				
Jamie Lee Campbell Woodson v. Lynchburg DSS; 0200-22-3; 11-1-22				
Edna Michelle Napier v. Wise Co. DSS; 0518-21-3; 3-1-22				
Danielle Coker v. City of Hampton DSS; 0048-21-1; 2-8-22 – Affirmed and Remanded for Correction				
Tamela Monique Tibbs v. Fairfax Co. DFS; 0288-21-4; 11-16-21				
Lisa Michelle Whitmer v. Spotsylvania Co. DSS and Robert Allen Whitmer v. Spotsylvania Co. DSS; 0882-20-2 & 0903-20-2; 3-30-21 – Affirmed and Remanded				
Charles Kenny Huff, Jr. v. City of Fredericksburg DSS; 0843-20-2; 2-2-21				
Steve Ernest Wade, Jr. v. Amherst Co. DSS; 0183-20-3; 10-27-20				
Valerie Baldwin v. Harrisonburg/Rockingham DSS; 1994-19-3; 7-14-20				
Alice Shaquita Thompson v. Richmond DSS; 1599-19-2; 5-5-20				

CASES INVOLVING DUTY TO INVESTIGATE RELATIVES
Julius Edward Hughes v. Richmond DSS; 2017-19-2; 5-5-20
Evan Sonberg v. City of Virginia Beach DHS; 1655-18-1; 6-25-19
Michelle Hobson v. City of Virginia Beach DHS; 1980-18-1 & 0260-19-1; 6-25-19
Paula Daywalt v. Harrisonburg/Rockingham SSD; 0399-18-3; 7-10-18
David Duane Davis v. Stafford Co. DSS; 2074-16-4; 8-22-17
Jacklyn D. Stanley v. Bristol DSS and Jason M. Stanley v. Bristol DSS; 1189-16-3 & 1449-16-3; 3-28-17
Sharnice Cromartie v. Hopewell DSS; 1943-15-2; 5-31-16
Jasmine Harper v. Alexandria DCHS; 2237-14-4; 6-23-15
Joshua Eugene Andrews v. Roanoke Co. DSS; 1795-14-3; 5-5-15
Shonda Renee Lindsey v. Stafford DSS; 1271-14-4; 1-20-15
Doneice Redd v. Loudoun Co. DFS; 1915-13-4; 4-29-14
Daniel Hensley v. Harrisonburg/Rockingham SSD; 2351-13-3; 3-18-14
Gina Gibson v. Wise Co. DSS; 2309-12-3; 6-11-13
Jorge Alvarenga, Sr. v. Alexandria DCHS; 1642-12-4; 3-19-13
Shannon Gore v. Gloucester Co. DSS; 2363-11-1; 5-22-12
Alexi Saunders v. Richmond DSS; 1623-11-2; 2-7-12
Zachariah Harden, Sr., v. Richmond DSS; 1671-11-2; 2-7-12
Jose Gregorio Romero v. Alexandria DHS; 1083-11-4; 12-28-11
Rebecca Dunn v. Commonwealth of Virginia DSS; 0671-10-1; 1-18-11
Laura Elena Davila v. Harrisonburg/Rockingham SSD; 0387-10-3; 11-9-10
Antonio Osorio v. Harrisonburg/Rockingham SSD; 0340-10-3; 11-9-10
Keisha D. Carr v. Fairfax Co. DFS; 0351-10-4; 8-10-10
Linda Saifi v. Fairfax Co. DFS; 0736-10-4; 8-10-10

CASES INVOLVING DUTY TO INVESTIGATE RELATIVES
Kimberly Nelson v. Washington Co. DSS; 2662-09-3; 6-22-10 (See also "Gardner v. Washington Co. DSS")
James Amos Andrew Gardner v. Washington Co. DSS; 2661-09-3; 6-22-10
Jonathan Seward v. Mecklenburg Co. DSS; 1551-09-2; 12-22-09
Quiana Summers v. Alexandria DHS; 1923-08-4; 6-23-09
Grinsis Yasmin Rivera v. Fairfax Co. DFS; 2319-08-4; 3-10-09
Michelle Adams, A/K/A Michelle Adams Pulley v. Richmond DSS; 2362-07-2; 7-8-08
Garrett v. Warren Co. DSS; 1007-06-4; 8-28-07
Angela Tarantini and Toni Ann Tarantini v. Rockbridge Co. DSS; 1620-05-3; 5-9-06
Baker v. Frederick Co. DSS; 1828-05-2; 1-24-06
Holmes v. Richmond DSS; 1011-05-2; 1-17-06
Rouse v. Russell Co. DSS, Gibson and Castle; Cody (GAL) v. Rouse, Russell Co. DSS, Gibson and Castle; 0944-04-3, 1057-04-3 & 1074-04-3; 2-15-05 - Reversed and Remanded
Hogue v. Alexandria DSS; 3063-03-4; 10-5-04
Giles v. Richmond DSS; 0445-03-2; 7-15-03
Ange and Williams* v. Chesapeake DHS; 0676-97-1; 2-3-98

CASES INVOLVING AGGRAVATED CIRCUMSTANCES, PRIOR TERMINATION OF RIGHTS, OR CONVICTIONS OF CERTAIN CRIMINAL OFFENSES				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Adam Yafi v. Stafford Co. DSS; 0529-18-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 11-27-18**	**Father (by counsel)**	**16.1-283 (E)(iii); 16.1-283 (E)(iv)**	**Child Y.Y. found at home by Deputy Sheriff with multiple severe injuries that are further recognized by medical personnel at two hospitals. Later exam also indicates significant mental health and psychological injuries. Also, in home is a second child L.Y. who did not appear to be injured. Subsequent to CPS incident father of the children attempts suicide and is hospitalized. After in depth investigation and multiple inconsistent stories from Y.Y.'s stepmother, who is also mother of L.Y., it is determined that she failed to protect the child Y.Y. from the father or obtain medical treatment after he had been injured. Y.Y. was placed in custody of his mother. Father of Y.Y. charged with Malicious Wounding and Child Abuse. Father and Stepmother enter Alford Pleas to criminal charges regarding Y.Y. Circuit Court decision that services for reunification of both children not required due to the nature of the injuries to Y.Y. and convictions of father and stepmother is affirmed by Court of Appeals.**
Braulio M. Castillo v. Loudoun City DFS; 1499-17-4	**Affirmed (Published opinion by Judge Glen A. Huff) 4-3-18**	**Father (by counsel)**	**16.1-283 (B); 16.1-283 (E)(ii)**	**On appeal, appellant challenges certain of the circuit court's evidentiary rulings; the circuit court's decision to consider the abuse and neglect issue during the same proceeding as the termination issue; its decision to hold evidence open pending the final sentencing order in appellant's criminal trial; and the sufficiency of the evidence to support both the abuse and neglect and termination rulings. Appellant was convicted in death of the mother of the children. A variety of evidentiary issues were raised by appellant during trial and in 10 assignments of error on appeal. Court finds no error, harmless error, or decisions within the trial court's discretion with regard to trial court rulings on: Former Testimony Exception - Waiver of Attorney Client Privilege - Evidence admitted for limited purpose - Consideration of Relative Placements - Holding Evidence Open - Holding Combined Hearings.**
Russell Kilby v. Culpeper Co. DSS; 0446-09-4	**Affirmed (Published opinion by Judge William G. Petty) 10-27-09**	**Father (by counsel)**	**16.1-283 (E)**	**Father appeals Termination of Parental Rights based on his being convicted of "an offense … that constituted felony assault resulting in serious bodily injury or felony sexual assault of the child." DSS moved to TPR as parents, after learning of sexual abuse by son, failed to correct actions of son that lead to further abuse of daughter. Father claims a distinction that his conviction arose from "acts of omission" rather than affirmative acts. The Court of Appeals rejects that argument. Facts also support finding of "serious bodily injury" to child victim. Father also claims denial of "Due Process" because "… trial court did not specifically adjudicate him to be an unfit parent." Argument rejected on basis of "once the [trial] court finds [the factors in Code § 16.1-283] are present, it need not make a further finding of parental unfitness."**

CASES INVOLVING AGGRAVATED CIRCUMSTANCES, PRIOR TERMINATION OF RIGHTS, OR CONVICTIONS OF CERTAIN CRIMINAL OFFENSES				
Fields v. Dinwiddie Co. DSS; 1716-04-2	**Affirmed (Published opinion by Overton) 6-21-05**	**Mother (by court-appointed counsel)**	**16.1-283 (E) (i)**	**Termination of parental rights upheld. Mother's rights were terminated by trial court under §§ 16.1-283(C)(2) and 16.1-283(E)(i). On appeal appellant raised insufficiency arguments solely on § 16.1-283(C)(2). Mother made no objection to termination based on § 16.1-283(E)(i) and the record supports that she did have her rights previously terminated when her now adult child, was six years old. Appellate court noted mother's severe life-long mental illness, her inability to care for self or her child, and her inability to bond with her child, when affirming that the child's best interest required termination of parental rights. Mother initially believed she became pregnant by eating a tomato seed. Appellant court ruled that mental health letters admitted by DSS were inadmissible hearsay. However, decision of trial court is not reversed because there was other admissible evidence in the record that clearly established the evidence required for termination.**
Brown V. Spotsylvania; 1961-03-2	**Affirmed (Published opinion by Annunziata) 6-08-04**	**Father (by court-appointed counsel)**	**16.1-281 (B)(3); 40.1-103 and 16.1-283 (A)**	**DSS was relieved of its duty to make reasonable efforts to reunite appellant with his son after appellant was convicted of felony child abuse of another child (not related to appellant) in his home. The court found the term "felony assault" as used in Code § 16.1-281(B)(3) to mean "any felonious crime that results in serious bodily injury to a child of the parent or a child who lives with the parent," including crimes other than common law assault that result in serious bodily injury. The record also shows that DSS did not fail to meet the statutory requirement to investigate relatives as possible placements for the child.**
Fields v. Dinwiddie Co. DSS; 0230-03-2	**Affirmed (Published opinion by Elder) 07-22-03**	**Mother (by court-appointed counsel)**	**5A:6(a), (d); 16.1-283 (E)(iii)**	**Failure to comply with Rule 5A:6(d)'s provisions regarding the contents of the certificate of the notice of appeal is not jurisdictional: appellant's failure to certify that she mailed or delivered a copy of the notice of appeal to the children's guardian ad litem does not necessarily compel that her case be dismissed. The cover letter accompanying the notice of appeal, signed by appellant's guardian ad litem, provided sufficient information so as to satisfy the requirements of Rule 5A:6(a).** **Evidence showed appellant's prison sentence and probation conditions upon release made it unlikely that she would be able to resume her parental responsibilities in the near future and termination of her parental rights served the children's best interests. Her federal conviction for "abusive sexual contact" constituted a conviction for "felony sexual assault" as the term is used in § 16.1-283(E)(iii) and may be used as a predicate for termination of parental rights once trial court entered the final order, regardless of her right to appeal. Thus, trial court did not err in denying appellant's motion for a continuance pending her appeal of the federal conviction.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. **UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.**				
Bradley Allen Roloson v. Carroll Co. DSS; 1157-23-3; 7-9-24				
Nathaniel Wade Lawson v. Wise Co. DSS; 0619-22-3; 5-30-23				

CASES INVOLVING AGGRAVATED CIRCUMSTANCES, PRIOR TERMINATION OF RIGHTS, OR CONVICTIONS OF CERTAIN CRIMINAL OFFENSES
Martin Maurice Yates v. Buckingham Co. DSS; 1206-22-2; 5-30-23
Loretta Lynn Carr v. Buckingham Co. DSS; 1186-22-2; 4-11-23
Alvin Franklin, III v. Newport News DHS; 1061-21-1; 4-26-22
Vanessa Renee Caison v. Culpeper Co. DSS; 0674-21-4; 12-14-21
Tamela Monique Tibbs v. Fairfax Co. DFS; 0288-21-4; 11-16-21
Hank Smith, Jr. v. Harrisonburg/Rockingham SSD; 0541-21-3; 11-16-21
Mereisa Cleveland McDaniel v. Harrisonburg/Rockingham SSD; 1341-20-3 & 1342-20-3; 7-20-21
Haley Harris, Tammy Dawn Dauch and Herbert Dauch, Jr. v. Carroll Co.; 0356-20-3; 2-23-21
Ashley Nicole Witcher v. City of Newport News DHS; 0244-20-1; 10-6-20
Carrie Pilenza v. Nelson Co. DSS; 0291-20-3; 9-8-20
Anita Simms v. Alexandria DCHS; 1357-19-4; 2-4-20
Angel Lee Parks v. Giles Co. DSS; 1106-19-3; 1-28-20
Michelle Hobson v. City of Virginia Beach DHS; 1980-18-1 & 0260-19-1; 6-25-19
Shawnade Ricquale Richardson Mason v. Stafford Co. DSS; 0218-19-4; 06-04-19
Hayat Benfaraj v. Stafford DSS; 0597-18-4; 11-27-18
Daniel Lee Brooks v. Roanoke City DSS; 0437-17-3; 8-8-17
Felicia Elizabeth Feaster v. Harrisonburg-Rockingham SSD; 0135-17-3; 7-25-17
Robinique Scott Cruse v. Alexandria DCHS; 0643-17-4; 7-18-17
Merley Jean Dorestal v. Spotsylvania Co. DSS; 0128-17-2; 10-10-17
Marc Louis v. Spotsylvania Co. DSS; 0127-17-2; 10-10-17
Kyle Crews v. Halifax Co. DSS; 1272-16-2; 2-28-17
Davitta Robinson v. City of Alexandria DCHS; 1397-16-4; 1-10-17

CASES INVOLVING AGGRAVATED CIRCUMSTANCES, PRIOR TERMINATION OF RIGHTS, OR CONVICTIONS OF CERTAIN CRIMINAL OFFENSES
Kathy Fitzgerald Harwood v. Buckingham Co. DSS; 1732-15-2; 7-19-16
Sharnice Cromartie v. Hopewell DSS; 1943-15-2; 5-31-16
Deljuan Curry v. Hopewell DSS; 1930-15-2; 4-12-16
Charlene Cole v. Henry-Martinsville DSS; 2207-14-3; 8-4-15
Octavila Garcia v. Loudoun Co. DFS; 2285-13-4 & 2286-13-4; 11-12-14
Richard Ragsdale/Tomeka Beasley v. Lunenburg DSS; 0089-14-2 & 0658-14-2; 10-7-14
Velma Shante Chambers Ayres v. Cumberland Co. DSS; 0206142; 7-22-14
Kenneth Sturgill v. Wise Co. DSS; 0336-14-3; 7-8-14
Candice Wallach v. Prince George DSS; 0656-13-2; 1-28-14
Shannon Gore v. Gloucester Co. DSS; 2363-11-1; 5-22-12
Simone Scott v. Roanoke City DSS; 2214-11-3, 2215-11-3, 2216-11-3, 2217-11-3, 2218-11-3 & 2219-11-3; 4-3-12
Dorothy M. Stilley v. Newport News DHS; 1686-11-1; 1-31-12
Jose Gregorio Romero v. Alexandria DHS; 1083-11-4; 12-28-11
Thomas Copeland v. Newport News DSS; 1012-11-1; 12-20-11
Tiffany N. Hobson v. Petersburg DSS; 1560-10-2; 12-7-10
NancyRose P. Clark v. Richmond DSS; 0191-10-2; 12-7-10
Jermaine Ridgley v. Fairfax Co. DFS; 2560-09-4; 11-30-10
Antonio Osorio v. Harrisonburg/Rockingham SSD; 0340-10-3; 11-9-10
Wilson v. Fairfax Co. DFS; 2413-06-4; 3-27-07
Caddell v. Spotsylvania DSS; 2307-06-2; 3-13-07
King v. Carroll Co. DSS; 2075-05-3 & 2415-05-3; 4-4-06
Hargrove v. City of Hampton DSS; 2317-05-1 & 2318-05-1; 3-21-06

CASES INVOLVING AGGRAVATED CIRCUMSTANCES, PRIOR TERMINATION OF RIGHTS, OR CONVICTIONS OF CERTAIN CRIMINAL OFFENSES
Wimmer v. Roanoke DSS; 2424-05-3; 1-17-06
Slade v. Hampton DSS; 0677-05-1; 1-10-06
Canter v. City of Bristol DSS; 0507-05-3; 12-13-05
Charlton v. Tazewell Co. DSS; 2448-03-3; 12-23-03
Jenkins v. City of Newport News DSS; 0428-03-1; 9-2-03
Johnson v. Roanoke City DSS; 0604-00-3; 6-27-00
Pennybacker v. Spotsylvania Co. DSS; 2599-99-2; 4-11-00

ENTRUSTMENTS				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Keith Boatright v. Wise Co. DSS – 0789-14-3	**Affirmed (Published opinion by Judge Glen A. Huff) 11-12-14**	**Father (by counsel)**	**16.1-281 and -283**	**The basis of this decision involves a number of procedural issues raised by the appellant at the trial court regarding continuances, entrustment agreements, time within which the circuit court heard an appeal from JDR court and filing a foster care plan seeking termination prior to filing a petition to terminate parental rights. The Court of Appeals found the trial court complied with the law regarding each of these issues and affirmed the termination of parental rights.**
Butler v. Culpeper Co. DSS; 3176-05-4	**Affirmed (Published opinion by Humphreys) 8-15-06**	**Mother (by court appointed counsel)**	**16.1-283 (B); 63.2-1223**	**Termination of parental rights affirmed on her two children. There are 4 issues in case. 1. Continuance request by mother was correctly denied because no prejudice shown. 2. Mother was found to have not complied with terminating the entrustment agreement in writing according to Code § 63.2-1223; therefore, entrustment agreement final. 3. Mother procedurally defaulted on appeal regarding child A.L. Appeal solely challenges Code § 16.1-283(B) and court also terminated rights as to A.L. under Code § 16.1-283 (C). 4. After finding entrustment agreement final as to V.L. The court considered the mother's continued drug abuse after A.L. was removed, her non-compliance with drug treatment and services made available by DSS, her drug use before V.L.'s birth and entering into an entrustment agreement and leaving the hospital without taking the child as factors for termination. Court affirms termination in child's best interest, the abuse or neglect presents a serious and substantial threat to the child's life, health or development and cannot be corrected within a reasonable amount of time.**
Fredericksburg DSS Clyde Brown & Joyce Williams; 1952-99-2, 1969-99-2 (Mother) & 2008-99-2 (Father)	**Affirmed, in part, and reversed, in part (Published opinion by Annunziata) 8-29-00**	**Mother (by court-appointed counsel); Father (by court-appointed counsel)**	**63.1-56; 16.1-266 and 16.1-241**	**Circuit court's denial of petitions to terminate parental rights to 4 children is affirmed on different grounds. The jurisdiction of the circuit court to hear and decide the issues raised in DSS' petition is wholly derivative of that of the J&DR court. A valid and effective entrustment agreement that meets the requirements of Code § 63.1-56 must be executed before the court may adjudicate a petition for termination of parental rights. This statutory requirement is mandatory and jurisdictional, not merely directory and procedural. The requirement therefore cannot be waived by the parties for proper exercise by the court of its subject matter jurisdiction. Therefore, the validity of the entrustment agreements was properly before the circuit court, even assuming the parents had entered an agreed order approving the execution of the challenged agreements. Code § 63.1-56 provides that only a parent or guardian may execute a valid entrustment agreement. After denying the petitions to terminate parental rights in the appeal de novo, the trial court did not have jurisdiction to grant custody to DSS under the facts of this case. The proper status of the child's custody is what it was prior to the execution of the invalid entrustment agreement: the aunt has legal custody, and the mother, physical custody, of the children. Remanded with instruction to remand to JDR court.**

ENTRUSTMENTS
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. **UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.**
Gilbert Harrison Berger (as Guardian Ad Litem) v. Nathaniel Harris, Jennifer Leigh Rose and Orange Co. DSS; 1588-11-2; 5-22-12
Norton v. Catholic Charities of the Diocese of Arlington, Inc.; 1815-06-4; 11-13-07 – Reversed and Remanded
Wheless v. Commonwealth Catholic Charities; 2939-06-2; 11-6-07
Lassiter v. Children's Home Society of Virginia; 1005-06-2; 10-10-06
Tazewell Co. DSS v. Boothe; 1388-01-3; 3-5-02 – Reversed and Remanded
McMillon v. Carroll Co. DSS; 2565-01-3; 2-26-02
Calloway v. Bedford Co. DSS; 2687-99-3; 3-21-00

AGE OF DISCRETION; BEST INTEREST OF CHILD FINDINGS				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Bristol DSS v. Maggie S. Welch – 0532-14-3; Patricia E. Smith, Guardian Ad Litem for minor child v. Maggie S. Welch – 0558-14-3	**Affirmed in part and dismissed in part (Published opinion by Judge William G. Petty) 11-4-14**	**Mother (by counsel)**	**16.1-283 (C)(1) (C)(2)**	**DSS and GAL appeal denial of TPR. Arguments raised include the trial court's delaying its decision, ignoring the statutory time frame for the parent to remedy conditions that led to foster care, and failing to protect the best interests of the child. DSS removed the child who is subject to this appeal along with four other children in the care of appellee. Two of those four were also her biological children. Trial court terminated her parental rights to those two biological children but withheld its decision as to this child for a period of over a year and then ordered the child returned to the mother. DSS had filed motions asking court to make a decision on TPR for this child during the above time frame. Court of Appeals determines that delay issue is moot as trial court made a decision. There is extensive discussion on the law regarding child's best interests and the broad authority that courts have. Trial court must find by clear and convincing evidence that termination is in the best interest of the child and that the parent has not maintained a relationship with the child or remedied conditions that led to the foster care placement. Proving one of the two is not sufficient to overcome the rights of parents.**
Dinwiddie DSS v. Renee Bagley Nunnally, et al. – 1947-12-2, 1948-12-2, 1949-12-2	**Affirmed (Published opinion by Justice Millette) 10-31-14**	**Mother and father (by separate counsel)**	**25 U.S.C. §§ 1901-1963**	**This is an affirmation of a decision regarding the interpretation of the Indian Child Welfare Act (ICWA) from an unpublished opinion of the Court of Appeals in case numbers 1947-12-2, 1948-12-2, and 1949-12-2. See that opinion and the opinion of Justice Millette for more details. The issue decided had to do with the request to transfer these cases at the trial level to a tribal court. The Court of Appeals overturned the trial court decision to keep the cases in the state court and the Supreme Court of Virginia affirmed the decision of the Court of Appeals.**
Patricia Tackett v. Arlington Co. DHS – 1519-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1471-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1520-12-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 8-13-13**	**Mother (by counsel)**	**16.1-266 (A) (E) (F); 16.1-283 (A)(1) (C)(1) (C)(2) (G); Rule 5A:18; 16.1-241 (A) and 16.1-244; 16.1-278.2; 16.1-282.1; Rule 5A:20**	**For a summary on the case, please see "Notes" for *Patricia Tackett v. Arlington Co. DHS* (1519-12-4)/ *Delores O'Brien Heffernan v. Arlington Co. DHS* (1471-12-4, 1520-12-4) under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**

AGE OF DISCRETION; BEST INTEREST OF CHILD FINDINGS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Akers v. Fauquier Co. DSS; 0182-04-4	**Affirmed (Published opinion by Frank) 11-9-04**	**Mother (by counsel)**	**16.1-283 (C)**	**Mother argues that DSS discontinued services after the foster care plan change of goal to adoption and that hindered her efforts to reunify with her child. The court found that DSS was not required to provide services after the goal was changed to adoption. "The fact that the trial court made no finding that the child had reached the age of discretion is of no moment. Code § 16.1-283(G) does not establish the standard for admitting a child's testimony. The proper standard is whether the child is competent." The court did not err in considering the child's preference but relied on evidence presented.**
Norfolk DSS v. Hardy; 0931-03-1	**Affirmed (Published opinion by Annunziata) 3-02-04**	**Mother (by counsel)**	**16.1-283 (B), (C)**	**Even though the mother failed to follow through with the agency's recommendations and remedy the conditions that led to foster care placement, termination of parental rights and adoption were not in the children's best interest: evidence showed the children had a very strong bond with the foster mother, Mrs. B., who could not adopt the children because her husband was ill. The children became "sad and withdrawn" when adoption was discussed with them, and during the time they were placed with another foster parent, they experienced severe behavioral problems that were remedied only upon return to Mrs. B. They also had a strong bond with their brother, who was also living with Mrs. B. "[T]he best interests of the child is the court's paramount concern and therefore governed the ultimate resolution of the issue." The agency's argument that the court order termination and permanent foster care was properly denied because DSS never presented the trial court with a petition for permanent foster care.**

AGE OF DISCRETION; BEST INTEREST OF CHILD FINDINGS
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE.
UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.
Bradley Allen Roloson v. Carroll Co. DSS; 1157-23-3; 7-9-24
Heather K. L. Corpin v. City of Fredericksburg DSS v. Fernando Montero Laboy v. Fredericksburg DSS; 1210-23-2 & 1440-23-2; 7-2-24
Kristen Bowes v. Franklin Co. DSS; 0716-23-3; 6-4-24
Angelia Grose v. Franklin Co. DSS; 0404-23-3; 2-13-24
Jake Wajed Inam v. Roanoke City DSS; 1379-22-3; 11-8-23
Paris C. Graves v. Roanoke City DSS; 1339-22-3; 11-8-23
Elaine Renee Shampine v. Roanoke City DSS; 1448-22-3; 8-29-23
Nathaniel Wade Lawson v. Wise Co. DSS; 0619-proc22-3; 5-30-23
Desiree Valencia Osby (Lucas) v. DSS of Alleghany Co.; 0305-22-3 & 0306-22-3; 5-30-23
Martin Maurice Yates v. Buckingham Co. DSS; 1206-22-2; 5-30-23
Kristen Inglese v. Albemarle Co. DSS; 0482-22-2; 4-25-23 – Affirmed and Remanded
Jamie Lee Campbell Woodson v. Lynchburg DSS; 0200-22-3; 11-1-22
Alexandra Arambulo Ventura v. Winchester DSS; 1221-21-4; 10-18-22
Eugene Ellis v. Stafford Co. DSS; 0216-22-4; 9-27-22
Latrice Curtis v. Stafford Co. DSS; 0080-22-4; 9-27-22
Harold Jerry v. Henrico Co. DSS; 1304-21-2; 8-9-22
Crystal Lynn Olmstead v. City of Newport News DHS; 1076-21-1; 8-2-22
Christy Lee Payne v. Prince Edward Co. DSS; 0747-21-2; 7-19-22
Ryan Berry v. Roanoke City DSS; 0705-21-3; 4-12-22
Ebony Lashay Smith v. Fairfax Co. DFS; 0268-21-4; 9-21-21
Leslie Ann Sawyers v. Roanoke City DSS; 1320-20-3; 6-1-21
Haley Harris, Tammy Dawn Dauch and Herbert Dauch, Jr. v. Carroll Co.; 0356-20-3; 2-23-21

AGE OF DISCRETION; BEST INTEREST OF CHILD FINDINGS
Rukeyia Silver v. Norfolk DHS; 0830-20-1; 2-23-21
Rachel Emily Jenkins v. Tazewell Co. DSS; 0789-20-3; 12-29-20
Teresa Marie Hall v. Lynchburg DSS; 0859-20-3; 12-22-20
William Richard Allen, Jr. v. Prince Edward Co. DSS; 0476-20-2; 10-6-20
Stephanie Lee Taylor v. City of Alexandria DCHS; 0518-19-4; 10-1-19
Bashir Altamimi v. City of Alexandria DCHS; 0858-19-4; 10-1-19
Kenneth Davis v. City of Hampton DSS; 0272-17-1; 1-30-18
Martin Houston, Sr. v. City of Newport News DHS; 1532-16-1; 7-11-17
Crystal Houston v. City of Newport News DHS; 1456-16-1; 7-11-17
Sharnice Cromartie v. Hopewell DSS; 1943-15-2; 5-31-16
Larry Darnell Borden v. Roanoke Co. DSS; 1548-15-3; 2-23-16
Lubna Aijaz v. Fairfax Co. DSS; 2247-14-4; 9-29-15
Jasmine Harper v. Alexandria DCHS; 2237-14-4; 6-23-15
Kiva Williams-Kemp v. Prince Edward Co. DSS; 1979-14-2; 2-10-15
Octavila Garcia v. Loudoun Co. DFS; 2285-13-4 & 2286-13-4; 11-12-14
Candice Sullivan v. Fredericksburg DSS; 0809-13-2; 4-1-14
Shannon Gore v. Gloucester Co. DSS; 2363-11-1; 5-22-12
Simone Scott v. Roanoke City DSS; 2214-11-3, 2215-11-3, 2216-11-3, 2217-11-3, 2218-11-3 & 2219-11-3; 4-3-12
Mendel Tyson v. City of Virginia Beach DHS and Danielle Kintner-Tyson v. City of Virginia Beach DHS; 1687-11-1 & 2005-11-1, 2006-11-1, 2007-11-1, 2008-11-1, 2009-11-1; 3-20-12
NancyRose P. Clark v. Richmond DSS; 0191-10-2; 12-7-10
Ajary Roberts, Sr. v. Harrisonburg/Rockingham SSD; 0338-10-3; 8-31-10
Tanisha Kelly v. Hopewell DSS; 0426-09-2; 12-15-09
Annabelle Wright v. Lynchburg DSS; 2326-08-3; 3-10-09

AGE OF DISCRETION; BEST INTEREST OF CHILD FINDINGS
Horton v. City of Hampton DSS; 2076-05-1; 2-28-06
Brown v. Norfolk DSS; 1398-04-1 through 1402-04-1; 8-2-05
Corprew v. Norfolk DSS; 0375-04-1; 9-7-04
Arnold v. Winchester DSS; 1600-03-4; 2-10-04
R.W. and P.W. v. Chesapeake DHS; 1313-03-1; 11-25-03
Harmon v. Richmond Co. DSS; 0895-00-2; 2-20-01 – Affirmed in part, Reversed in part
Keator v. Luthran Social Services; 1883-00-4; 1-30-01
Cook v. Petersburg DSS; 1385-99-2; 3-7-00; 3-7-00
Fuller v. City of Virginia Beach DSS; 2610-97-1; 7-7-98
Kenny v. Richmond DSS; 1483-97-2; 6-30-98

REVERSIBLE ERRORS INVOLVING PROCEDURE				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Jordan Heath Joyce v. Botetourt Co. DSS; 0736-22-3	**Reversed, vacated, and remanded (Published opinion by Judge Robert J. Humphreys)** 11-9-22 Note: This is not about procedural errors by the parties but rather errors by the Department in not providing services and by the trial court determining that they were not required.	**Father (by counsel)**	**16.1-283 (C)(2)**	**Father argued that the circuit court erred in finding that the Botetourt County DSS ("Department") could not provide services to father because he was subject to a protective order for the first year that his child was in foster care. The protective order was in place when the child entered foster care and expired twelve months later. The protective order permitted father visitation with the child at a visitation and exchange center. The subsequent JDR court order transferring custody of the child to the Department provided for visitation between father and child at the discretion of the Department. Despite the temporary nature of the protective order and the possibility of visitation under the protective order and custody order, the evidence established that the Department offered no services to father and facilitated no visitation with the child. The Department proceeded on the grounds that the protective order rendered father unreachable and exempted the Department from offering any services to father. The circuit court's finding that the Department could not offer father services was based on the protective order in place against father. As in *Cain* and *Ferguson* regarding the mere fact of incarceration as a crime, the Court of Appeals rejects a per se rule that a protective order alone satisfies the evidentiary requirement of proving that the Department offered "reasonable and appropriate" services in accordordance with the termination of parental rights statute (Code § 16.1-283(C)(2)). On appeal, the Department argued that it was "not required to force its services upon an unwilling or disinterested parent," however the record showed father demonstrated interest in the child. When the Department provided no services to father, there was no way of knowing whether he would have been willing or interested in receiving services. Accordingly, because the Department provided no services to father, the order terminating his parental rights has been reversed and the case remanded to allow father an opportunity to show what progress he can make with the assistance of the Department and other agencies.**
Haugen v. Shenandoah Valley DSS; 060869	**Reversed and remanded (Published opinion by Chief Justice Hassell, Sr.,) 6-8-07**	**Mother and father (by separate court appointed counsel)**	**Continuation request**	**Termination of parental rights reversed. The Supreme Court of Virginia held that the circuit court abused its discretion by failing to grant a continuance to an incarcerated parent when she was required to terminate her telephonic participation in the TPR hearing. Court history notes that Mother's request to be transported to Virginia through a writ of habeas corpus was denied. Mother's phone conference began at 9:26a.m. and ended at 3:49p.m. The circuit court denied her motion for continuance and proceeded to hear from two more witnesses before legal argument. In reversing the TPR decision the opFrelatinion notes that termination renders parents a legal stranger to their child. Dissent: The continuance issue was not preserved properly for appeal and therefore the appeal should be dismissed.**

REVERSIBLE ERRORS INVOLVING PROCEDURE				
Lewis v. Culpeper Co. DSS; 2575-06-4	**Reversed (Published opinion by Elder) 7-31-07**	**Father (by court appointed counsel)**	**8.01-380; 16.1-241**	**Order for termination of parental rights vacated and dismissed. The Court of Appeals concludes that the Circuit Court did not have jurisdiction over the termination of parental rights petition. Court history is as follows: August 23, 2005, JDR court granted termination of parental rights towards V.L. Father appealed. January 3, 2006, DSS moved to nonsuit the petition. On February 9, 2006, DSS filed a new petition to terminate parental rights in Circuit Court. Father argued Circuit Court did not have jurisdiction and Circuit Court denied motion and terminated parental rights. Court of Appeals opines the Circuit Court did not have jurisdiction under 16.1-241 to hear case after nonsuit. "Thus, absent some controlling authority to the contrary, where a plaintiff who prevailed in the district court takes a nonsuit in the defendant's *de novo* appeal in circuit court, the combined effect of the principles applicable to nonsuits and *de novo* appeals is to nullify the entire suit as if it had never existed in either court." *See Lewis v. Sharman, GAL., No. 1198-06-4, (Va. Ct. App. Dec. 12, 2006) for unpublished opinion regarding father's reversal of termination of parental rights for sibling to V.L.; separate issues.***

REVERSIBLE ERRORS INVOLVING PROCEDURE				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Ange v. York/Poquoson DSS; 0925-01-1	**Reversed and remanded (Published opinion by Clements) 3-12-02**	**Mother (by court-appointed counsel)**	**16.1-136**	**The trial court abused its discretion by summarily resolving 4 cases by terminating parental rights to 3 children and approving placement of a 4th child in permanent care without benefit of a hearing on the merits based on a determination that the mother had not complied with pretrial orders. Less drastic sanctions would have served the purpose of punishing the mother for her noncompliance without short-circuiting the legal process and depriving mother of her day in court on the merits of the case. While the pretrial orders were intended to promote the orderly administration of justice, a trial date was never set despite the requirement to hold a hearing on the merits of a Code § 16.1-183 case within 90 days of the perfecting of the appeal. The record does not substantiate DSS' argument that the trial court considered recommendations of the GAL and CPS history before making its findings. "…the record is devoid of any indication that the guardian ad litem presented testimony, a report, or recommendations to the trial court, other than…[concurring] with the court's ultimate rulings."**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Richmond DSS v. Jazlene Wells and Damien Roane; 0510-21-2; 12-6-22 – Reversed and Remanded				
Daniela Sternberg v. Spotsylvania Co. DSS; 1506-17-2; 5-8-18 – Reversed and Remanded				
Christina Robinson v. Madison Co. DSS; 0778-14-2; 12-23-14 – Reversed and Remanded				
Hudson v. Franklin Co. DSS; 0576-06-3; 2-13-07 – Reversed and Remanded				
Lewis v. J. Michael Sharman, GAL; 1198-06-4; 12-12-06 – Reversed				
Greene County DSS v. George Green; 2522-05-2; 10-10-06 – Dismissed				
Joseph v. Portsmouth DSS; 2261-05-1; 6-13-06 – Reversed and Remanded				
Paris v. Virginia Beach DSS; 2009-04-1; 1-25-05				
Holley v. Amherst Co. DSS; 3397-02-3; 6-10-03				
Patterson v. Fauquier Co. DSS; 1232-00-4; 3-20-01 – Reversed and Remanded				

PROCEDURAL ERRORS BY APPELLANT				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Patricia Tackett v. Arlington Co. DHS – 1519-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1471-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1520-12-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 8-13-13**	**Mother (by counsel)**	**16.1-266 (A) (E) (F); 16.1-283 (A)(1) (C)(1) (C)(2) (G); Rule 5A:18; 16.1-241 (A) and 16.1-244; 16.1-278.2; 16.1-282.1; Rule 5A:20**	**For a summary on the case, please see "Notes" for *Patricia Tackett v. Arlington Co. DHS* (1519-12-4)/ *Delores O'Brien Heffernan v. Arlington Co. DHS* (1471-12-4, 1520-12-4) under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Najera v. Chesapeake DSS; 1714-05-1	**Dismissed (Published opinion by Judge Kelsey) 5-23-06**	**Father (by court appointed counsel)**		**Appellant appeals the approval of the foster care plan recommending termination of parental rights and adoption. However, appellant's unappealed JDR order terminating his parental rights has rendered moot the question whether DSS' foster care plan should have recommended termination.**

PROCEDURAL ERRORS BY APPELLANT				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Watkins v. Fairfax Co. DSS; 1938-03-4	**Dismissed (Published opinion by Humphreys) 4-13-04**	**Mother (by court-appointed counsel)**	**5A:6; 5A:3**	**Appeal was not properly perfected because appellant failed to name the guardian *ad litem*, an "indispensable" or "necessary" party, in her notice of appeal and accompanying certificate of service within the 30-day mandatory filing period. The Court of Appeals does not have the requisite jurisdiction over an indispensable party not named in the notice of appeal or certificate of service.**
Hughes v. York Co. DSS; 1642-00-1	**Dismissed (Published opinion by Overton) 7-03-01**	**Mother (by counsel)**	**5A:6; 5A:19**	**An appellate court cannot adjudicate an appeal unless all necessary parties are before the court, which include those whose interests are likely to be defeated or diminished by a successful appeal. The guardian ad litem representing the child is an indispensable party to the appeal of the final decree terminating parental rights. The definition of appellee in Rule 5A:1 includes any indispensable party to the appeal. In this case, the guardian ad litem constituted an appellee and "opposing counsel" for purposes of Rules 5A:6 and 5A:19. When the appellant failed to provide the guardian ad litem for the two subject children with a copy of the notice of the appeal and the opening brief, a necessary party was not made a party to the appeal and the appeal is dismissed.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Jeffrey Dylon Hardin v. Hopewell DSS; Record No. 1587-23-2; 7-9-24 (*See footnote 7 on page 6 for details.*)				
Willard Chapman v. Henrico Co. DSS; 2035-23-2; 6-2-24				
Angelia Grose v. Franklin Co. DSS; 0404-23-3; 2-13-24				
Keely Howard v. Radford City DSS; 0095-23-3; 2-6-24				
Amanda Marie Sprinkle v. Roanoke City DSS; 1273-22-3; 9-26-23				
Darlin Yulitza Rivas Martinez v. Arlington Co. DSS; 1162-22-4; 7-25-23				
Latisa Danielle Hubbard v. Lynchburg DSS; 0007-22-3; 1-17-23				
Hayley Callaghan v. City of Virginia Beach DHS; 0372-22-1; 12-29-22				
Richmond DSS v. Jazlene Wells and Damien Roane; 0510-21-2; 12-6-22				
Christy Lee Payne v. Prince Edward Co. DSS; 0747-21-2; 7-19-22				
Katie Furbee v. Virginia Beach DHS; 0125-22-1; 6-28-22				
Atlas Barrow v. City of Norfolk DHS; 0963-21-1, 0964-21-1, 0966-21-1, & 0967-21-1; 6-21-22				

PROCEDURAL ERRORS BY APPELLANT
Selena Garibaldi v. Fauquier Co. DSS; 1113-21-4, 1374-21-4, & 1375-21-4; 5-24-22
Mickey Wilson v. Russell Co. DSS; 0986-21-3; 5-10-22
Tiffany Byrd Ellis v. Sussex DSS; 0397-21-2; 4-26-22
Jessica Margaret Sites-Long v. Radford City DSS; 0755-21-3; 3-1-22
Travis Wilton Radford v. Bedford Co. DSS; 0743-21-3; 3-1-22
Danielle Coker v. City of Hampton DSS; 0048-21-1; 2-8-22 – Affirmed and Remanded for Correction
Marvin Patrick Bryson v. Grayson Co. DSS; 0721-21-3; 1-18-22
Hank Smith, Jr. v. Harrisonburg/Rockingham SSD; 0541-21-3; 11-16-21
Tammy Anne Reinbold v. City of Newport News DHS; 0093-21-1; 9-21-21
Adnan Saeed v. City of Fredericksburg DSS; 1292-20-2; 5-11-21
Stacy L. Glass v. City of Manassas Park DSS; 0593-20-4; 3-2-21
Teeshia Justice Potts v. Buchanan Co. DSS; 1067-20-3; 3-2-21
Haley Harris, Tammy Dawn Dauch and Herbert Dauch, Jr. v. Carroll Co.; 0356-20-3; 2-23-21
Teresa Marie Hall v. Lynchburg DSS; 0859-20-3; 12-22-20
Ashley Nicole Witcher v. City of Newport News DHS; 0244-20-1; 10-6-20
William Richard Allen, Jr. v. Prince Edward Co. DSS; 0476-20-2; 10-6-20
Anita Simms v. Alexandria DCHS; 1357-19-4; 2-4-20
Deborah Wilson v. Hanover Co. DSS; 0883-19-2; 11-26-19
Evan Sonberg v. City of Virginia Beach DHS; 1655-18-1; 6-25-19
Meghan Johnson v. Loudoun Co. DFS; 1616-18-4; 5-21-19
Nely Margarita Bonillas de Cordon v. Fairfax Co. DFS; 1536-18-4; 4-9-19
Jennifer Dawn White v. City of Hopewell DSS; 1065-18-2 & 1372-18-2; 3-26-19
Lela Weiford v. City of Hampton DSS; 0311-18-1; 3-5-19

PROCEDURAL ERRORS BY APPELLANT
Harry Lee Walker v. City of Hampton DSS; 0312-18-1; 3-5-19
Robert Earl Smith v. City of Norfolk DHS; 0883-18-1; 12-11-18
Alonzo Troy Roane v. Halifax Co. DSS; 0058-18-2; 12-4-18
Valerie Michelle Green v. Halifax Co. DSS; 1525-17-2; 9-18-18
Hameen Irvin v. Roanoke Co. DSS; 1719-17-3; 6-12-18
Christina Lynn Stewart v. Harrisonburg/Rockingham SDD; 1353-17-3; 4-10-18
Ralph Curtis Moore v. Dickenson Co. DSS; 1167-17-3; 3-13-18
Lakeisha Dorothy Crump v. Portsmouth DSS; 0898-17-1; 11-7-17
Dominique Tiara Nash v. Arlington Co. DHS; 0455-17-4; 11-28-17
April Dilaura v. Norfolk DHS; 0223-17-1; 11-21-17
Tamera S. Gilbert v. Wise Co. DSS; 1771-16-3; 7-18-17
Jacklyn D. Stanley v. Bristol DSS and Jason M. Stanley v. Bristol DSS; 1189-16-3 & 1449-16-3; 3-28-17
Clarissa Gregory v. City of Hampton DSS; 0657-16-1; 4-11-17
Jessica D. Gilley v. Patrick Co. DSS; 1601-16-3; 1-31-17
Rodney D. Brady, Jr. v. Patrick Co. DSS; 1600-16-3; 1-31-17
Kathy Fitzgerald Harwood v. Buckingham Co. DSS; 1732-15-2; 7-19-16
Deslannee Barksdale v. Manassas City DFS; 1054-15-4; 2-9-16
La'Mann Abbott v. Culpeper Co. DSS; 0090-15-4; 8-11-15
Gretchen McDorman Burkett v. Harrisonburg/Rockingham SSD; 0360-15-3 & 0361-15-3; 7-28-15
Opal Brock v. Wise Co. DSS; 0265-15-3; 7-14-15
Jennifer Lynn Wilks v. Fairfax Co. DFS; 1758-14-4; 6-16-15
William A. Woodard, Jr. v. Dinwiddie DSS; 0319-15-2; 6-16-15
Amanda J. Carroll Brammer v. Craig Co. DSS; 1777-14-3; 6-9-15

PROCEDURAL ERRORS BY APPELLANT
Joshua Eugene Andrews v. Roanoke Co. DSS; 1795-14-3; 5-5-15
Salena Nichole Showers v. Shenandoah Valley DSS; 1782-14-3, 1783-14-3, 1784-14-3 & 1785-14-3; 1-20-15
Octavila Garcia v. Loudoun Co. DFS; 2285-13-4 & 2286-13-4; 11-12-14
Amirah Alfarqui v. Newport News DSS; 0469-14-1, 0470-14-1, 0471-14-1 & 0473-14-1; 9-23-14
Willetta Blount Holmes v. City of Richmond DSS; 0282-14-2; 9-9-14
Shannon Hough v. Mathews DSS; 2405-13-1; 9-9-14
Ricardo Esteban Astudillo v. Farfax Co. DFS: 0106-14-4; 7-15-14
Kathleen M. Fabian-Cerda v. Fairfax Co. DFS; 2055-13-4; 7-1-14
Corneilius Jerome Johnson v. Fairfax Co. DFS; 2257-13-4; 5-6-14
Candace O'Reilly v. Norfolk DHS; 2007-13-1; 4-8-14
Donald Jackson v. Shenandoah Valley DSS; 1529-13-3; 2-25-14
Ricardo Estaban Astudillo v. Fairfax Co. DFS; 1364-13-4; 12-17-13
Jonathan Gabriel Daniels v. Culpeper DSS; 1133-13-4; 11-12-13
Sharon M. Jackson v. Hopewell DSS; 0438-13-2; 8-20-13
James Ganthier v. Frederick Co. DSS; 0338-13-4; 7-23-13
Gina Gibson v. Wise Co. DSS; 2309-12-3; 6-11-13
Tania Granados Benitez v. Arlington Co. DHS; 1839-12-4; 5-21-13
Shontia Leftwich v. Roanoke City DSS; 1708-12-3; 3-19-13
Jorge Alvarenga, Sr. v. Alexandria DCHS; 1642-12-4; 3-19-13
Deatra Burch v. City of Alexandria DHS; 1269-12-4; 1-29-13
Zaskecha Washington v. Fredericksburg DSS; 091612-2; 1-15-13
Andrea Michelle Lofton v. Norfolk DHS; 0961121; 1-15-13
Crystal Marie Lewis v. Pulaski Co. DSS; 0670-12-3; 1-8-13

PROCEDURAL ERRORS BY APPELLANT
Tai Sharrock v. Shenandoah Valley DSS; 1033-12-3; 10-9-12
Sybil Moody v. Shenandoah Valley DSS; 0574-12-3; 8-28-12
Lisa Dolak v. Virginia Beach DHS; 0064-12-1; 7-31-12
Jarrod Dolak v. Virginia Beach DHS; 0065-12-1; 7-31-12
Michael Gearing v. Shenandoah Valley DSS; 2569-11-3; 7-3-12
Faye Ferrell v. Alexandria DHS; 0155-12-4; 7-3-2012
Rose Schroeder v. Wise Co. DSS; 2443-11-3; 5-15-12
Tiffany Saroyce Johnson v. Arlington Co. DHS; 1602-11-4; 2-28-12
Amanda M. Sutton v. Shenandoah Valley DSS; 1567-11-3; 2-7-12
Crystal D. Birchfield v. Scott Co. DSS and Robert K. Birchfield v. Scott Co. DSS; 0938-11-3 & 0940-11-3; 11-29-11
Dale Warren Dover, Guardian *Ad Litem* for the Minor Children v. Victoria Walker; 2531-10-4; 6-14-11
Crystal Donahue v. Roanoke City DSS; 2602-10-3; 5-17-11
Faith P. Loftin v. City of Lynchburg DSS; 2509-10-3; 4-19-11
Tynesha Chavis v. Hopewell DSS; 1762-10-2; 4-5-11
Jose L. Bernabe Hernandez v. Shenandoah Valley DSS; 1232-10-3 through 1233-10-3; 3-1-11
Joshua Thomas Williams v. Campbell Co. DSS; 0634-10-3; 1-1-11
Teresa Grimes Guynn and Steven D. Guynn v. Pulaski Co. DSS; 1370-10-3; 12-28-10
Tiffany N. Hobson v. Petersburg DSS; 1560-10-2; 12-7-10
Ronald Artis v. City of Portsmouth DSS; 1188-10-1; 11-9-10
Laura Elena Davila v. Harrisonburg/Rockingham SSD; 0387-10-3; 11-9-10
Anna Larrick v. Clarke Co. DSS; 0670-10-4; 11-2-10
Tina Horner v. Norfolk DHS; 0161-10-1; 9-7-10
Brian C. Tharrington v. Norfolk DHS; 0218-10-1 through 0220-10-1; 08-24-10

PROCEDURAL ERRORS BY APPELLANT
Velma Shante Chambers Ayers v. Buckingham Co. DSS; 0802-10-2; 7-27-10
Kimberly Nelson v. Washington Co. DSS; 2662-09-3; 6-22-10 (See also "Gardner v. Washington Co. DSS")
Misty Gibson v. Roanoke City DSS; 0014-09-3; 5-26-09
Brandi Peters v. Roanoke City DSS; 2789-08-3; 5-19-09
Sarah Dickenson v. Michael Clark; 2712-08-3; 5-12-09
William Scott Mollette v. Roanoke Co. DSS; 2963-08-3; 4-28-09
Frederick A. Wright v. Lynchburg DSS; 2241-08-3; 3-10-09
James Spencer Carr v. Pulaski DSS; 0153-08-3; 7-22-08
Latoya Powell v. Arlington DSS; 0286-07-4; 4-29-08 – Dismissed
Nancy Henness v. Roanoke City DSS; 1400-07-3; 1-8-08
Clinton-Williams v. Newport News DSS; 0978-07-1; 10-2-07
Keith v. Roanoke City DSS; 0981-07-3; 10-2-07
Stewart v. Hopewell DSS; 0710-07-2; 8-28-07
Ridley v. Chesapeake DHS; 1881-06-1; 4-24-07
Cox v. Wise Co. DSS; 0569-06-3; 9-26-06
Young v. Chesapeake DHS; 0550-06-1; 8-22-06
Horton v. City of Hampton DSS; 0063-06-1; 6-27-06
Brown v. Roanoke DSS; 2587-05-3; 4-25-06
Scott v. Charlotte Co. DSS; 2543-05-2; 3-21-06
Taylor v. Norfolk DSS; 0658-05-1; 11-22-05
Claypoole v. Petersburg DSS; 0867-05-2; 10-25-05
Norfolk DHS v. Harris and Lee; 0733-05-1 through 0738-05-1; 8-2-05
Green v. Fairfax Co. DFS; 2774-04-4; 7-19-05

PROCEDURAL ERRORS BY APPELLANT
Eubank v. Chesterfield/Colonial Heights DSS; 1357-04-2; 2-15-05
Forte v. Hampton DSS; 1422-04-1; 12-14-04
Rivera v. City of Hampton DSS; 1857-03-1; 5-11-04
Nelson v. Petersburg DSS; 0683-03-2; 10-28-03
Swearengin v. DSS of the City of Staunton; 1798-00-3; 6-26-01
Arsenault v. Isle of Wight Co. DSS; 2609-00-1; 5-29-01
Suffolk DSS v. Ellis; 1705-00-1; 3-13-01
Royal Bandy v. Buchanan Co. DSS; 1463-97-3; 3-10-98
Rainwater v. Roanoke City DSS; 1877-96-3; 4-29-97

CASES INVOLVING DUE PROCESS ISSUES				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Keith Boatright v. Wise Co. DSS – 0789-14-3	**Affirmed (Published opinion by Judge Glen A. Huff) 11-12-14**	**Father (by counsel)**	**16.1-281 and -283**	**The basis of this decision involves several procedural issues raised by the appellant at the trial court regarding continuances, entrustment agreements, time within which the circuit court heard an appeal from JDR court and filing a foster care plan seeking termination prior to filing a petition to terminate parental rights. The Court of Appeals found the trial court complied with the law regarding each of these issues and affirmed the termination of parental rights.**
Patricia Tackett v. Arlington Co. DHS – 1519-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1471-12-4; Delores O'Brien Heffernan v. Arlington Co. DHS – 1520-12-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 8-13-13**	**Mother (by counsel)**	**16.1-266 (A) (E) (F); 16.1-283 (A)(1) (C)(1) (C)(2) (G); Rule 5A:18; 16.1-241 (A) and 16.1-244; 16.1-278.2; 16.1-282.1; Rule 5A:20**	**For a summary on the case, please see "Notes" for *Patricia Tackett v. Arlington Co. DHS* (1519-12-4)/ *Delores O'Brien Heffernan v. Arlington Co. DHS* (1471-12-4, 1520-12-4) under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**

CASES INVOLVING DUE PROCESS ISSUES				
Betty Leona (Anderson) (Ritchie) Layne v. Donald Lee Layne – 2175-11-3	**Affirmed (Published opinion by Judge Jere M.H. Willis, Jr.) 10-23-12**	**Mother and father (by separate court appointed counsel)**	**20-124.1; 5A:18; 16.1-283; 20-121.1**	**This is not a child welfare case but a dispute involving child custody, visitation and support as between biological parents. However, the Court finds that § 16.1-283 governs termination of parental rights, and parents may not, as between themselves, agree to terminate one parent's rights as to custody and visitation and obligations concerning support. Such agreements are void and against public policy.**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**

CASES INVOLVING DUE PROCESS ISSUES				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for *Christopher Farrell v. Warren Co. DSS* (2282-10-4, 2283-10-4 and 2284-10-4), under *CASES INVOLVING A PARENT'S DENIAL OF OR FAILURE TO CORRECT PROBLEMS; OR FAILURE TO MAKE THE CHILD'S NEEDS A PRIORITY*.**
Fauquier Co. DSS v. Bethanee Ridgeway; Bethanee Ridgeway v. Fauquier Co. DSS; 2490-10-4 & 2550-10-4	**Affirmed (Published opinion by Judge Sam W. Coleman, III) 12-6-11**	**Mother (by counsel)**	**16.1-283 (C)**	**Court terminates parental rights (TPR) of mother to two older children but denies TPR of two younger children. Mother had met many DSS requirements for return of children but not all. Oldest children had special needs that mother was unable to address thus TPR was appropriate for them. Her inability to parent a child with special needs does not infer that she cannot parent all children. As two younger children were not as impacted by father's acts as were older children, court concluded they were less of a parenting challenge. No evidence was presented to the court of mother's ability to parent less than four children. Therefore, there was not a sufficient factual basis to TPR the youngest two children. Court found that it was important to preserve the parent-child relationship and protect the child's best interest.**
Lucretia Putnam Copeland v. Leslie Todd; 100929	**Affirmed, in part, and reversed, in part (Published opinion by Lemons) 9-16-11**	**Mother (by court appointed counsel)**	**63.2-1202 (H); 63.2-1203-1205**	**The facts of this case and the focus of most of the legal issues raised are important but are not related to child welfare. They deal with custody and adoption issues under Code §§ 63.2-1202 and -1205. Ms. Todd, however, raises an equal protection of the law argument claiming that "… an adoption initiated by a private party under Code § 63.2-1205 does not receive the same protections for the child or its natural parents as an adoption…under Code § 16.1-283." The Supreme Court of Virginia denies this claim, as "adoption under Code section 16.1-283, where children are in the custody of the state and parental rights are in jeopardy of being terminated under Virginia's foster care statutes," is different from the facts of this case where Ms. Todd had "voluntarily relinquished custody of the child." She, therefore, "is not similarly situated to a person whose parental rights are involuntarily terminated by the state under Code § 16.1-283" and her equal protection claim fails.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Angelia Grose v. Franklin Co. DSS; 0404-23-3; 2-13-24				
Cy Bailey, Sr. v. City of Norfolk DHS; 1366-21-1; 5-30-23				
Desiree Valencia Osby (Lucas) v. DSS of Alleghany Co.; 0305-22-3 & 0306-22-3; 5-30-23				
Kristen Inglese v. Albemarle Co. DSS; 0482-22-2; 4-25-23 – Affirmed and Remanded				

CASES INVOLVING DUE PROCESS ISSUES
Willie J. Cannon, Jr. v. Chesterfield-Colonial Heights DSS; 0344-22-2; 2-28-23
Richmond DSS v. Jazlene Wells and Damien Roane; 0510-21-2; 12-6-22
Suzanne Shelton v. Norfolk DHS; 0990-20-1; 2-2-21
Tameka Johnston v. City of Alexandria DCHS; 1128-19-4; 12-27-19
Victoria Herrera v. City of Roanoke DSS; 0617-19-3; 10-1-19
Eugene Jeffrey McNeil v. City of Roanoke DSS; 0504-19-3; 08-20-19
Nasir Sabir v. Roanoke City DSS; 1866-18-3; 5-28-19
Ciara M. Vargas v. Arlington Co. DHS; 0530-18-4; 11-13-18
Ivan Rucker v. Alexandria DCHS; 0931-17-4; 4-24-18
Ralph Curtis Moore v. Dickenson Co. DSS; 1167-17-3; 3-13-18
Sheri Reddick v. Virginia Beach DHS; 1321-17-1; 2-13-18
Deanna Longerbeam v. Fauquier Co. DSS; 2126-16-4; 10-31-17
Monique Montrice Franklin v. City of Lynchburg DSS; 2030-16-3; 9-26-17
Rayonda Richards v. Alexandria DCHS; 1702-16-4; 8-1-17
Tamera S. Gilbert v. Wise Co. DSS; 1771-16-3; 7-18-17
Martin Houston, Sr. v. City of Newport News DHS; 1532-16-1; 7-11-17
Crystal Houston v. City of Newport News DHS; 1456-16-1; 7-11-17
Ciara Malaine Grindle v. Virginia Beach DHS; 1241-15-1; 2-12-16
Christina Robinson v. Madison Co. DSS; 0778-14-2; 12-23-14 – Reversed and Remanded
Octavila Garcia v. Loudoun Co. DFS; 2285-13-4 & 2286-13-4; 11-12-14
Jose Luis Fuentes Ramos v. Pulaski Co. DSS; 0659-13-3; 9-17-13
Lisa Dolak v. Virginia Beach DHS; 0064-12-1; 7-31-12
Jarrod Dolak v. Virginia Beach DHS; 0065-12-1; 7-31-12

CASES INVOLVING DUE PROCESS ISSUES
Crystal D. Birchfield v. Scott Co. DSS and Robert K. Birchfield v. Scott Co. DSS; 0938-11-3 & 0940-11-3; 11-29-11
Faith P. Loftin v. City of Lynchburg DSS; 2509-10-3; 4-19-11
Rachel H. Slusser v. Giles Co. DSS; 2068-10-3 through 2069-10-3; 3-22-11
Tabitha Ann Harris v. City of Danville DSS; 1102-10-3; 12-21-10
Crystal Donahue v. Roanoke City DSS; 0888-10-3; 11-9-10
Ajary Roberts, Sr. v. Harrisonburg/Rockingham SSD; 0338-10-3; 8-31-10
Tina Horner v. Norfolk DHS; 0161-10-1; 9-7-10
Derrell M. White v. Petersburg DSS; 0720-09-2 through 0722-09-2; 10-27-09
Victor Perez-Velasquez v. Culpeper Co. DSS; 0360-09-4; 6-30-09
Bonnie Stroud Hernandez v. Chesterfield/Colonial Heights DSS; 2203-08-2; 5-12-09
Helen Brazell v. Fairfax DSS; 1347-06-4; 8-12-08
Josiah Beatty v. Alexandria DHS; 2686-07-4; 7-29-08
Rashida Clayton v. Alexandria DSS; 2819-07-4; 7-22-08
Campbell DSS v. William James Roberts, Jr.; 2349-07-3, and Ladonna Michelle Nowlin v. Campbell DSS; 2531-07-3; 5-6-08 – Reversed and Remanded

CASES INVOLVING PROCEDURAL ISSUES				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Adam Yafi v. Stafford Co. DSS; 0529-18-4	**Affirmed (Published opinion by Judge Robert J. Humphreys) 11-27-18**	**Father (by counsel)**	**16.1-283 (E)(iii); 16.1-283 (E)(iv)**	**Child Y.Y. found at home by Deputy Sheriff with multiple severe injuries that are further recognized by medical personnel at two hospitals. Later exam also indicates significant mental health and psychological injuries. Also, in home is a second child L.Y. who did not appear to be injured. Subsequent to CPS incident father of the children attempts suicide and is hospitalized. After in depth investigation and multiple inconsistent stories from Y.Y.'s stepmother, who is also mother of L.Y., it is determined that she failed to protect the child Y.Y. from the father or obtain medical treatment after he had been injured. Y.Y. was placed in custody of his mother. Father of Y.Y. charged with Malicious Wounding and Child Abuse. Father and Stepmother enter Alford Pleas to criminal charges regarding Y.Y. Circuit Court decision that services for reunification of both children not required due to the nature of the injuries to Y.Y. and convictions of father and stepmother is affirmed by Court of Appeals.**
Braulio M. Castillo v. Loudoun City DFS; 1499-17-4	**Affirmed (Published opinion by Judge Glen A. Huff) 4-3-18**	**Father (by counsel)**	**16.1-283 (B); 16.1-283 (E)(ii)**	**On appeal, appellant challenges certain of the circuit court's evidentiary rulings; the circuit court's decision to consider the abuse and neglect issue during the same proceeding as the termination issue; its decision to hold evidence open pending the final sentencing order in appellant's criminal trial; and the sufficiency of the evidence to support both the abuse and neglect and termination rulings. Appellant was convicted in death of the mother of the children. A variety of evidentiary issues were raised by appellant during trial and in 10 assignments of error on appeal. Court finds no error, harmless error, or decisions within the trial court's discretion with regard to trial court rulings on: Former Testimony Exception - Waiver of Attorney Client Privilege - Evidence admitted for limited purpose - Consideration of Relative Placements - Holding Evidence Open - Holding Combined Hearings.**

CASES INVOLVING PROCEDURAL ISSUES				
Bristol DSS v. Maggie S. Welch – 0532-14-3; Patricia E. Smith, Guardian Ad Litem for minor child v. Maggie S. Welch – 0558-14-3	**Affirmed in part and dismissed in part (Published opinion by Judge William G. Petty) 11-4-14**	**Mother (by counsel)**	**16.1-283 (C)(1) (C)(2)**	**DSS and GAL appeal denial of TPR. Arguments raised include the trial court's delaying its decision, ignoring the statutory time frame for the parent to remedy conditions that led to foster care, and failing to protect the best interests of the child. DSS removed the child who is subject to this appeal along with four other children in the care of appellee. Two of those four were also her biological children. Trial court terminated her parental rights to those two biological children but withheld its decision as to this child for a period of over a year and then ordered the child returned to the mother. DSS had filed motions asking court to make a decision on TPR for this child during the above time frame. Court of Appeals determines that delay issue is moot as trial court made a decision. There is extensive discussion on the law regarding child's best interests and the broad authority that courts have. Trial court must find by clear and convincing evidence that termination is in the best interest of the child and that the parent has not maintained a relationship with the child or remedied conditions that led to the foster care placement. Proving one of the two is not sufficient to overcome the rights of parents.**
Dung Thi Thach and Carlos Mendoza v. Arlington Co. DHS – 1309-13-4	**Affirmed in part and reversed and final judgement in part (Published opinion by Judge Robert J. Humphreys) 3-18-14**	**Mother & Father (by counsel)**	**16.1-283 (C)(2)**	**Appeal of TPR of non-offending parent who is in the U.S. in violation of immigration laws. He complies belatedly with all agency program requests. Court of Appeals finds that " ...after (mother) moved out, DHS did not find any indication that it was an inappropriate place for children or anything but a loving and familial environment." Circuit Court, however, had found that "... (father) was unavailable to provide a stable home for ... and could not 'wait another six months or 60 days to figure it out'." Court of Appeals confirms that Circuit Court must find on clear and convincing evidence "... that (i) {termination} is in the best interests of the child *and* (ii) DHS met its burden of proving the requirements of subsection (C) (2)". The question presented to the Court of Appeals had not previously been considered. In sum, how could the non-offending parent "'...remedy the conditions which led to or required continuation of the child's foster care placement' if he was not the cause of those conditions or living in the home when the conditions occurred?" Court of Appeals reversed Circuit Court's decision on the basis of facts failing to establish termination by Clear and Convincing Evidence and entered final judgment for the father.**
Katrina Bagley v. Richmond DSS; 1251-11-2	**Affirmed (Published opinion by Judge D. Arthur Kelsey) 1-31-12**	**Mother (by counsel)**	**16.1-283 (A)**	**Sole argument on appeal is the claim that RDSS failed to consider granting custody of child to Mr. and Mrs. Davis, who were put forward as "relatives" of the child. RDSS asserts that Davis' are not "relatives" under the law. "Under common law, a *relative* means someone related by consanguinity or affinity. Consanguinity is a 'relation by blood'… Affinity, on the other hand, 'is the relation of one spouse to the other spouse's kindred'…. To this common law definition of relative, Virginia statutes add children legally adopted." Davis' were not related by marriage or adoption nor by blood and are, therefore, not "relatives" under VA Code 16.1-283 (A) and as a matter of law.**

CASES INVOLVING PROCEDURAL ISSUES				
Keith Boatright v. Wise Co. DSS – 0789-14-3	**Affirmed (Published opinion by Judge Glen A. Huff) 11-12-14**	**Father (by counsel)**	**16.1-281 and -283**	**The basis of this decision involves a number of procedural issues raised by the appellant at the trial court regarding continuances, entrustment agreements, time within which the circuit court heard an appeal from JDR court and filing a foster care plan seeking termination prior to filing a petition to terminate parental rights. The Court of Appeals found the trial court complied with the law regarding each of these issues and affirmed the termination of parental rights.**
Christopher Farrell v. Warren Co. DSS - 2282-10-4; Christopher Farrell v. Warren Co. DSS - 2283-10-4; Christopher Farrell v. Warren Co. DSS - 2284-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Father (by counsel)**	**16.1-283 (B)**	**Mother and Father appeal Termination of Parental Rights (TPR) in separate cases. These opinions provide instructive detail on the court process in child welfare cases from the outset of case. Numerous Assignments of Error regarding the Circuit Court's decisions are denied on appeal. Decisions of Trial Court are affirmed. Cases involve removal and return of children followed by a 2nd removal. After second removal, DSS moved to TPR without providing additional services to the parents. Issues raised and decided on appeal include due process and Constitutional challenges to relevant Virginia Statutes, challenges to the manner in which the trial court heard the underlying child welfare cases, DSS refusal to provide services prior to TPR, the burden of proof required at different points of the cases, required court findings, procedural errors on appeal, the ability to terminate the parental rights to children who are "at risk" of abuse and neglect, sufficiency of evidence, conflicting evidence, expert testimony, parental substance abuse and domestic violence, and mother's failure to obtain prenatal care.**
Dawn Farrell v. Warren Co. DSS; 1872-10-4	**Affirmed (Published opinion by Judge Rossie D. Alston, Jr.) 1-10-12**	**Mother (by counsel)**	**16.1-283 (B)**	**For a summary on the case, please see "Notes" for Christopher Farrell v. Warren Co. DSS (2282-10-4, 2283-10-4 and 2284-10-4), under Cases Involving a Parent's Denial of or Failure to Correct Problems; or Failure to Make the Child's Needs a Priority.**
Fauquier Co. DSS v. Bethanee Ridgeway - 2490-10-4; Bethanee Ridgeway v. Fauquier Co. DSS - 2550-10-4	**Affirmed (Published opinion by Judge Sam W. Coleman, III) 12-6-11**	**Mother (by counsel)**	**16.1-283 (C)**	**Court terminates parental rights (TPR) of mother to two older children but denies TPR of two younger children. Mother had met many DSS requirements for return of children but not all. Oldest children had special needs that mother was unable to address thus TPR was appropriate for them. Her inability to parent a child with special needs does not infer that she cannot parent all children. As two younger children were not as impacted by father's acts as were older children, court concluded they were less of a parenting challenge. No evidence was presented to the court of mother's ability to parent less than four children. Therefore, there was not a sufficient factual basis to TPR the youngest two children. Court found that it was important to preserve the parent-child relationship and protect the child's best interest.**
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE. UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.				
Jake Wajed Inam v. Roanoke City DSS; 1379-22-3; 11-8-23				
Paris C. Graves v. Roanoke City DSS; 1339-22-3; 11-8-23				

CASES INVOLVING PROCEDURAL ISSUES
Amanda L. Reece v. Henrico Co. DSS; 0594-22-2; 10-24-23
En' Dayia Danielle Boler v. Fairfax Co. DFS; 1430-22-4; 9-12-23
Laura Gilman v. Lynchburg DSS | George Gilman v. Lynchburg DSS; 1455-22-3 & 1482-22-3; 8-29-23
Darlin Yulitza Rivas Martinez v. Arlington Co. DSS; 1162-22-4; 7-25-23
Russell Clinton Smith, Jr. v. Alexandria DCHS; 0894-22-4; 6-27-23 – Affirmed and Remanded
Deborah Swarray v. Alexandria DCHS**;** 0630-22-4; 6-27-23
Martin Maurice Yates v. Buckingham Co. DSS; 1206-22-2; 5-30-23
Hayley Callaghan v. City of Virginia Beach DHS; 0372-22-1; 12-29-22
Latrice Curtis v. Stafford Co. DSS; 0080-22-4; 9-27-22
Cheryl Jones v. Roanoke City DSS; Mariah Rodriguez Roberts v. Roanoke City DSS; 0687-21-3 and 0853-21-3; 5-31-22
Mickey Wilson v. Russell Co. DSS; 0986-21-3; 5-10-22
Edna Michelle Napier v. Wise Co. DSS; 0518-21-3; 3-1-22
Amanda Wade v. City of Hampton DSS; 1416-20-1; 11-23-21
Cheyenne Leigh Gillaspy v. Harrisonburg/Rockingham SSD; 0320-21-3; 10-5-21
Michael Allen Clark, Sr. v. Culpeper Co. DSS; 0301-21-4; 8-17-21
Lisa Michelle Whitmer v. Spotsylvania Co. DSS and Robert Allen Whitmer v. Spotsylvania Co. DSS; 0882-20-2 & 0903-20-2; 3-30-21 – Affirmed and Remanded
Tara Rayne (A/K/A Ashley Carter) v. Franklin Co. DSS; 0879-20-3; 3-16-21
Christopher Lee Hammock v. Halifax Co. DSS; 0160-19-2; 3-3-20
Tameka Johnston v. City of Alexandria DCHS; 1128-19-4; 12-27-19
Laurel Ansell v. Harrisonburg/Rockingham SSD; 0765-18-3; 1-15-19
Hayat Benfaraj v. Stafford DSS; 0597-18-4; 11-27-18
Ciara M. Vargas v. Arlington Co. DHS; 0530-18-4; 11-13-18
Crystal Santos v. Bedford Co. DSS; 0727-18-3; 10-30-18

CASES INVOLVING PROCEDURAL ISSUES
Robyn Sanette Musolff v. Roanoke Co. DSS; 0521-18-3; 9-25-18
Jacques Adam Beim v. Roanoke Co. DSS; 0506-18-3; 9-25-18
Joel East Davis, II v. Charlotte Co. DSS; 1777-17-2; 6-26-18
Daniela Sternberg v. Spotsylvania Co. DSS; 1506-17-2; 5-8-18 – Reversed and Remanded
Anita Shana-Nicole Simms v. Alexandria DCHS; 1852-17-4; 4-24-18
Ivan Rucker v. Alexandria DCHS; 0931-17-4; 4-24-18
Daniel Ray Essenmacher v. Lynchburg DSS; 0086-17-3 & 0087-17-3; 3-6-18
Carolyn Lane-Alvis v. Richmond DSS; 0609-17-2; 3-6-18
Tasheika Deshae Davis v. Lynchburg DSS; 0951-17-3; 2-13-18
Kenneth Davis v. City of Hampton DSS; 0272-17-1; 1-30-18
Christine McKinney v. Fairfax Co. DFS; 0897-17-4; 1-30-18
Tonya J. Cogar v. Shenandoah Valley DSS; 0673-17-3; 12-27-17
Marc Louis v. Spotsylvania Co. DSS; 0127-17-2; 10-10-17
Daniel Lee Brooks v. Roanoke City DSS; 0437-17-3; 8-8-17
Tamera S. Gilbert v. Wise Co. DSS; 1771-16-3; 7-18-17
Martin Houston, Sr. v. City of Newport News DHS; 1532-16-1; 7-11-17
Crystal Houston v. City of Newport News DHS; 1456-16-1; 7-11-17
Davitta Robinson v. City of Alexandria DCHS; 1397-16-4; 1-10-17
Melinda Marie Biby v. Shenandoah Valley DSS; 0266-16-3 & 0267-16-3; 8-23-16
Javonna Camp v. Fredericksburg DSS; 1526-15-2; 8-23-16
Miguel Angel Cabanez v. Prince William Co. DSS; 0878-15-4; 4-5-16
Lubna Aijaz v. Fairfax Co. DSS; 2247-14-4; 9-29-15
Andre Morman, Sr. v. Richmond DSS; 0545-15-2; 9-8-15

CASES INVOLVING PROCEDURAL ISSUES
Trevon Blake v. Norfolk DHS; 2027-14-1; 5-19-15
Nancy Lynn Glover v. Louisa Co. DHS; 2208-14-2; 4-28-15
Amirah Alfarqui v. Newport News DSS; 0469-14-1, 0470-14-1, 0471-14-1 & 0473-14-1; 9-23-14
Richard Ragsdale/Tomeka Beasley v. Lunenburg DSS; 0089-14-2 & 0658-14-2; 10-7-14
Doneice Redd v. Loudoun Co. DFS; 1915-13-4; 4-29-14
Candice Wallach v. Prince George DSS; 0656-13-2; 1-28-14
City of Norfolk DHS v. Octavious Person; 0936-13-1; 1-14-14
Jonathan Gabriel Daniels v. Culpeper DSS; 1133-13-4; 11-12-13
Nickey Daniel Hatcher v. Bristol DSS; 0470-12-3; 10-9-12
Gilbert Harrison Berger (as Guardian Ad Litem) v. Nathaniel Harris, Jennifer Leigh Rose and Orange Co. DSS; 1588-11-2; 5-22-12
Simone Scott v. Roanoke City DSS; 2214-11-3, 2215-11-3, 2216-11-3, 2217-11-3, 2218-11-3 & 2219-11-3; 4-3-12
Deatra A. Burch v. Alexandria DHS; 0888-11-4; 3-13-12
Norma Saenz-Romero v. Arlington Co. DHS; 1110-11-4; 3-6-12
Ava Catron Black v. Charlottesville DSS; 1873-11-2; 3-6-12
Faye Ferrell v. Alexandria DHS; 1705-11-4; 2-14-12
Tynesha Chavis v. Hopewell DSS; 1762-10-2; 4-5-11
Tabitha Ann Harris v. City of Danville DSS; 1102-10-3; 12-21-10
Rebecca Dunn v. Commonwealth of Virginia DSS; 0671-10-1; 1-18-11
Jermaine Ridgley v. Fairfax Co. DFS; 2560-09-4; 11-30-10
Angel Lee Parks v. Wythe DSS; 2039-07-3; 8-26-08
Amanda D. Lewis v. Vincent E. Hyman; 2133-07-4; 6-10-08
Taunya Chappell v. Alexandria DSS; 2663-07-4; 6-3-08
Melissa Butler v. City of Roanoke DSS; 2297-07-3; 5-13-08

CASES INVOLVING PROCEDURAL ISSUES
Norfolk DSS v. Serena Monroe; 1697-07-1; 4-29-08 – Reversed and Remanded
Barry Jackson, Sr. v. Lancaster DSS; 2546-07-2; 4-22-08
Karen Staples v. Chesapeake DHS; 2147-07-1; 3-11-08
Angela Segura v. Fairfax Co. DFS; 0858-07-4; 2-26-08
Dawn Branch v. Petersburg DSS; 2120-07-2; 2-12-08

CASES INVOLVING THE INDIAN CHILD WELFARE ACT (ICWA)				
PUBLISHED OPINIONS				
Case No.	**Disposition**	**Parent (rights at stake)**	**Code § or Rule**	**Notes**
Dinwiddie DSS v. Renee Bagley Nunnally, et al. – 1947-12-2, 1948-12-2, 1949-12-2	**Affirmed (Published opinion by Justice Millette) 10-31-14**	**Mother and father (by separate counsel)**	**25 U.S.C. §§ 1901-1963**	**This is an affirmation of a decision regarding the interpretation of the Indian Child Welfare Act (ICWA) from an unpublished opinion of the Court of Appeals in case numbers 1947-12-2, 1948-12-2, and 1949-12-2. See that opinion and the opinion of Justice Millette for more details. The issue decided had to do with the request to transfer these cases at the trial level to a tribal court. The Court of Appeals overturned the trial court decision to keep the cases in the state court and the Supreme Court of Virginia affirmed the decision of the Court of Appeals.**
Tyrus H. Thompson and Ja'Ree C. Thompson v. Fairfax Co. DFS - 2185-12-4; Jasmine Vanderplas v. Fairfax Co. DFS – 2216-12-4; Minh-Sang Nguyen v. Fairfax Co.DFS – 2217-12-4; Nancy J. Martin, as Guardian Ad Litem for the minor child v. Fairfax Co. DFS	**Reversed and remanded (Published opinion by Judge Stephen R. McCullough) 9-10-13**	**Mother and father (by separate counsel)**	**25 U.S.C. §§ 1901-1963**	**In a wide-ranging opinion deciding issues arising under the Indian Child Welfare Act (ICWA), the Court of Appeals remanded a termination of parental rights case to the Circuit Court to determine if the proceeding should be transferred to a tribal court. The Court held: 1) they would not adopt the Existing Indian Family Exception, which limits application of ICWA only to Indian children who are being removed from an existing Indian family. The Court adopted what appears to be the majority view amongst the states that this exception is clearly at odds with the clear language of ICWA and Congress' clearly stated intent to protect Indian children and tribes in general. 2) a party opposing transfer must establish good cause to deny the transfer by clear and convincing evidence; under ICWA, a state court must transfer a case to a tribal court if requested, unless a) either parent objects, b) the tribal court declines the transfer, or c) the state court finds "good cause to the contrary." 3) The tribal court can exercise jurisdiction over an Indian child's non-Indian parent, thus the claim it cannot is not a ground to deny the transfer. 4) The best interest of the child is not grounds to deny transfer; however, good cause exists if an opposing party can show by clear and convincing evidence that transfer would cause, or present a substantial risk of, immediate serious emotional or physical damage to the child. The damage must flow directly from the transfer itself; as otherwise, Congress has deemed the tribal court fully capable of deciding what is best for the child. Further good cause to not transfer does not exist if the tribal court agrees to maintain status quo until the case is decided, as then the transfer itself will not harm the child. 5) Seeking transfer at an advanced stage might be good cause but seeking transfer weeks before a *de novo* termination trial in Circuit Court is not an advanced stage. Further, the failure to the tribe to seek transfer or to intervene in foster care placement proceedings for months or even years after notice is irrelevant to the timeliness of their intervention in a termination proceeding, as these are separate proceedings, and the tribe might reasonably not see a need to intervene until termination becomes an issue.**

CASES INVOLVING THE INDIAN CHILD WELFARE ACT (ICWA)
UNPUBLISHED OPINIONS ARE IN ORDER BY DATE.
UNLESS OTHERWISE NOTED, THE COURT OF APPEALS AFFIRMED THE FINDING OF THE LOWER COURT.
Citizen Potawatomi Nation v. Dinwiddie DSS; 1713-12-2, 1724-12-2, 1725-12-2 & 1726-12-2; 9-10-13