

COURT OF APPEALS OF VIRGINIA

Present: Chief Judge Felton, Judges Kelsey and McClanahan  
Argued at Salem, Virginia

JOSHUA THOMAS WILLIAMS

v. Record No. 0634-10-3

DEPARTMENT OF SOCIAL SERVICES  
FOR THE COUNTY OF CAMPBELL

MEMORANDUM OPINION\* BY  
JUDGE ELIZABETH A. McCLANAHAN  
FEBRUARY 1, 2011

FROM THE CIRCUIT COURT OF CAMPBELL COUNTY  
John T. Cook, Judge

Dion F. Richardson for appellant.

David W. Shreve, Campbell County Attorney, for appellee.

Grady W. Donaldson, Jr. (Schenkel & Donaldson, P.C., on brief),  
Guardian *ad litem* for the minor child.

Joshua Thomas Williams appeals the circuit court's order terminating his parental rights to his daughter, H.W., pursuant to Code § 16.1-283(B) and 16.1-283(C)(2). In his assignments of error, however, Williams references Code § 16.1-283(B), but not Code § 16.1-283(C)(2). Nor does he provide any analysis in his brief addressing that part of the court's order in which it based the termination ruling on Code § 16.1-283(C)(2). Instead, Williams focuses his analysis solely on Code § 16.1-283(B).

As this Court has explained, subsections B and C of Code § 16.1-283 “set forth individual bases upon which a petitioner may seek to terminate residual parental rights.” Toms v. Hanover Dep't of Soc. Servs., 46 Va. App. 257, 269, 616 S.E.2d 765, 771 (2005) (quoting

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\* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

City of Newport News Dep't of Soc. Servs. v. Winslow, 40 Va. App. 556, 563, 580 S.E.2d 463, 466 (2003)).

[S]ubsection B “speaks prospectively” and requires the circuit court to make a judgment call on the parent’s ability, following a finding of neglect or abuse, to substantially remedy the underlying problems. In contrast, subsection C termination decisions hinge not so much on the magnitude of the problem that created the original danger to the child, but on the demonstrated failure of the parent to make reasonable changes.

Id. at 270-71, 616 S.E.2d at 772 (internal citation and footnote omitted).

Therefore, Williams’ challenge on appeal to the circuit court’s decision to terminate his parental rights under subsection B of the statute does not amount to a challenge to the court’s alternative ruling to terminate under subsection C, as occurred in this case. Absent such a challenge to the circuit court’s subsection C ruling, that ruling stands. Whether the circuit court erred in terminating Williams’ parental rights under subsection B, as he asserts on appeal, is thus rendered moot, so this Court need not review the issue. See Fields v. Dinwiddie County Dep’t of Soc. Servs., 46 Va. App. 1, 8, 614 S.E.2d 656, 659 (2005) (termination of parental rights upheld under one subsection of Code § 16.1-283 negates need to consider termination under alternative subsection).

For these reasons, we affirm the judgment of the circuit court.

Affirmed.