

COURT OF APPEALS OF VIRGINIA

Record No. 0009-26-3

ANGELA YOUNG

v.

FRANKLIN COUNTY DEPARTMENT OF SOCIAL SERVICES

Present: Judges Ortiz, Friedman and Raphael

Argued by videoconference

Opinion Issued August 18, 2026*

FROM THE CIRCUIT COURT OF FRANKLIN COUNTY

Stacey W. Moreau, Judge

William Edward Cooley for appellant.

(Brian R. Mangano; Law Office of Brian R. Mangano, P.C., on brief), for appellee. Appellee submitting on brief.

(Patrick Thomas Nix, on brief), Guardian ad litem for the minor child. Guardian ad litem submitting on brief.

MEMORANDUM OPINION BY JUDGE FRANK K. FRIEDMAN

Angela Young (Mother) appeals the Franklin County Circuit Court's decision to terminate her residual parental rights. The question presented is whether the circuit court erred by terminating Mother's residual parental rights, and more specifically, whether Mother could substantially correct or eliminate the conditions resulting in the neglect of K.Y.¹ within a reasonable time. The circuit court found that because of Mother's intellectual limitations, she

* This opinion is not designated for publication. *See* Code § 17.1-413(A).

¹ We use initials to protect the identity of minors.

would be unable to ever substantially correct the conditions resulting in K.Y.'s neglect and thus terminated her parental rights. Finding the circuit court made no error, we affirm.

BACKGROUND

“On appeal, ‘we view the evidence and all reasonable inferences in the light most favorable to the prevailing party below, in this case the Department.’” *Farrell v. Warren Cnty. Dep’t of Soc. Servs.*, 59 Va. App. 375, 386 (2012) (quoting *Jenkins v. Winchester Dep’t of Soc. Servs.*, 12 Va. App. 1178, 1180 (1991)).

This case involves the parental rights of Mother to K.Y. K.Y. is a 16-year-old female who is autistic, non-verbal, and suffers from epilepsy. The Franklin County Department of Social Services became involved in this case through a referral regarding Mother’s ability to care for K.Y. and K.Y.’s aggression towards Mother. The referral noted concerns about Mother’s unsteadiness on her feet, slurred speech, and ability to pay attention to conversations. There were also concerns regarding a traumatic brain injury (TBI) suffered by Mother in the mid-1990s and how the TBI affected her ability to parent K.Y.

On December 12, 2023, Jessica Dillion, a senior worker with Child Protective Services (CPS), spoke with Mother on the phone. During that conversation, Dillion found it difficult to follow Mother’s conversation and her speech slurred. Later that same day, Dillion visited Mother and K.Y.’s home; during that visit Mother was unsteady, had difficulty staying on topic, and tested positive for THC and benzodiazepines. Mother did not have a prescription for benzodiazepines. Mother explained to Dillion “that she did take a Valium that she had got [from] a friend because she was very overwhelmed with caring for [K.Y.]”

When a parent tests positive for illicit substances, the Department implements a safety plan in which they attempt to place the child with someone of the parent’s choosing. The Department was unable to find anyone with whom to place K.Y., so K.Y. was therefore placed in

the Department's custody. At the time Mother's rights were terminated, K.Y. had been in Department custody for over 23 months. During the pendency of the case, K.Y. was placed at Grafton Integrated Health Network (Grafton), a residential facility specializing in behavioral, emotional, and medical issues.

The Department initially offered Mother services with the goal of reunification but eventually the goal converted to adoption due to Mother's limited ability to care for K.Y. and Mother's inability to meet K.Y.'s specific and significant needs. While Mother was compliant with the Department's offered services, workers became increasingly concerned about Mother's ability to care for K.Y. throughout their interactions with her. Specifically, Karen Sutherland, a foster care worker for K.Y., began having concerns about Mother's ability to obtain and retain information. Ms. Sutherland testified that she would often have to repeat the same information to Mother a day or two later. Ms. Sutherland noted that she felt she "was having the very same conversation that we just had days ago." Similarly, Ronnika Davis, a student services case manager for K.Y. at Grafton, noted during her testimony that she had issues with repeating information to Mother and that the issues remained constant throughout her interactions with Mother and did not become better over time.

Ms. Sutherland eventually referred Mother for a psychological evaluation with Dr. Angie Dahl, which included an evaluation of parenting capacity. Dr. Dahl consulted a neuropsychologist, Dr. Ryan Cooper, due to the attention and memory issues resulting from Mother's TBI. During the trial, both Dr. Dahl and Dr. Cooper were qualified as experts in psychology to discuss Mother's specific limitations directly resulting from her TBI. According to them, due to the TBI, Mother suffers from deficits in processing speed, memory retention, and both working and verbal memory. Dr. Cooper opined that the likelihood of Mother improving her cognitive deficits was low due to the time that had passed since Mother's TBI. Dr. Cooper

noted that Mother's processing speed was "very, very low" and that it would impact her ability to parent. Dr. Cooper further testified that Mother struggles with cognitive flexibility and due to the time since her TBI any improvement would be marginal, stating "[t]hat ship has really sailed."

Ms. Sutherland also testified about K.Y.'s improvement while at Grafton. When she arrived at Grafton, K.Y. had significant issues with physical aggression towards others and acts of self-harm. Ms. Sutherland testified that, although she has improved considerably, K.Y. still needs assistance with communication, interpreting her needs, and her daily routine. K.Y. largely communicates through gestures, vocalizations, and a communication device. K.Y. additionally needs help showering and cleaning, needs a structured environment, and observation for epileptic seizures. K.Y. will never live independently.

After hearing all the evidence from the experts and case workers, and after looking at the psychological examination, the circuit court found, by clear and convincing evidence, and pursuant to Code § 16.1-283(B), that K.Y. had been neglected and that the circumstances presented a serious substantial threat to K.Y.'s life, health, and development. The court further found that the circumstances leading to K.Y.'s neglect could not "be substantially corrected or eliminated so as to allow [K.Y.] safe return to [Mother] within a reasonable period of time." The court did note the special bond between K.Y. and Mother, speaking to Mother and stating that "everybody says you love your daughter. No doubt. And there is obvious affection, as indicated, between you and your daughter." The court went on to state K.Y. "excels on repetitive patterns, being able to stay in a structured environment, strict supervision, and . . . [K.Y. would] require . . . continual supervision on a regular basis, not to deviate." Despite the bond between Mother and K.Y., the court stated that Mother would not be able to provide the structure K.Y. needed, and that limitation was entirely due to the TBI, which is not

Mother's fault. After making these findings, and determining it was in K.Y.'s best interests, the court terminated Mother's residual parental rights to K.Y.

ANALYSIS

On appeal, Mother does not challenge the prior adjudication of abuse or neglect. Instead, Mother takes issue with the court's termination of her parental rights because, she argues, there were other remedies to her intellectual limitations besides termination. On appeal, Mother argues that the Department "failed to provide specific counseling to [Mother] to help her deal with her short term memory and processing speed problems although the parental assessment indicated such was possible." Mother asserts that "[t]his case could have been resolved with some additional counseling to provide method[s] to deal with [Mother]'s short term memory and processing and some in home support for [Mother] and K.Y."

"On review of a trial court's decision regarding the termination of parental rights, we presume the trial court 'thoroughly weighed all the evidence, considered the statutory requirements, and made its determination based on the child's best interests.'" *Norfolk Div. of Soc. Servs. v. Hardy*, 42 Va. App. 546, 552 (2004) (quoting *Logan v. Fairfax Cnty. Dep't of Hum. Dev.*, 13 Va. App. 123, 128 (1991)). "Accordingly, the trial court's decision will not be disturbed on appeal unless it committed an abuse of discretion, or unless its decision was plainly wrong or without evidence to support it." *Id.* (citation omitted) (citing *Peple v. Peple*, 5 Va. App. 414, 422 (1988)). "A circuit court's discretionary authority means it 'has a range of choice, and that its decision will not be disturbed as long as it stays within that range and is not influenced by any mistake of law.'" *Everett v. Tawes*, 298 Va. 25, 40 (2019) (quoting *Landrum v. Chippenham & Johnston-Willis Hosps., Inc.*, 282 Va. 346, 352 (2011)).

The circuit court terminated Mother's parental rights under Code § 16.1-283(B), which authorizes the court to terminate a parent's parental rights to a child if the child has been previously abused or neglected, and:

1. The neglect or abuse suffered by such child presented a serious and substantial threat to his life, health or development; and
2. It is not reasonably likely that the conditions which resulted in such neglect or abuse can be substantially corrected or eliminated so as to allow the child's safe return to his parent or parents within a reasonable period of time. In making this determination, the court shall take into consideration the efforts made to rehabilitate the parent or parents by any public or private social, medical, mental health or other rehabilitative agencies prior to the child's initial placement in foster care.

Code § 16.1-283(B) provides three circumstances that constitute "prima facie evidence of the conditions set forth in subdivision B 2," including cases where:

The parent or parents have a mental or emotional illness or intellectual disability of such severity that there is no reasonable expectation that such parent will be able to undertake responsibility for the care needed by the child in accordance with his age and stage of development[.]

Code § 16.1-283(B)(2)(a).

Mother is arguing for more time to remedy the issues leading to K.Y.'s neglect in the first place, which include her mental limitations. "A parent's residual parental rights cannot be terminated '[i]n the absence of evidence indicating that "reasonable and appropriate efforts" were taken by social agencies to remedy the conditions leading to foster care'" *Joyce v. Botetourt Cnty. Dep't of Soc. Servs.*, 75 Va. App. 690, 701 (2022) (alterations in original) (quoting *Weaver v. Roanoke Dep't of Hum. Res.*, 220 Va. 921, 928-29 (1980)). This Court has "held that the 'reasonable and appropriate' efforts of the Department can only be judged with reference to the circumstances of a particular case and that 'a court must determine what constitutes reasonable and appropriate efforts given the facts before the court.'" *Id.* (quoting

Harrison v. Tazewell Cnty. Dep't of Soc. Servs., 42 Va. App. 149, 163 (2004)). Despite these requirements, “[i]t is clearly not in the best interests of a child to spend a lengthy period of time waiting to find out when, or even if, a parent will be capable of resuming his [or her] responsibilities.” *Richmond Dep't of Soc. Servs. v. L.P.*, 35 Va. App. 573, 584 (2001) (second alteration in original) (quoting *Kaywood v. Halifax Cnty. Dep't of Soc. Servs.*, 10 Va. App. 535, 540 (1990)).

While all parties agree that Mother loves K.Y.,² it is not in K.Y.’s best interest to keep her “[w]aiting indefinitely to find out if [Mother] might someday remedy the conditions that resulted in [K.Y.]’s foster care placement.” *Id.* at 585. Nothing in the record suggests Mother will ever be able to remedy the issues caused by her TBI. In fact, an expert qualified to testify on the subject stated that any improvement Mother could make would “be marginal.” Additionally, Dr. Cooper testified that if any work could be done to help Mother it would be to treat “the secondary issues” but that any hope of significant improvement was lost due to the time that had passed since the TBI.

The circuit court in this case considered all of the evidence presented before it and determined that K.Y. would be better served by having her mother’s parental rights terminated. This was in the best interests of K.Y., considering the unique facts of the case, and therefore we affirm the circuit court’s decision.

CONCLUSION

For the foregoing reasons, we affirm the circuit court’s judgment.

Affirmed.

² Nothing in the record suggests Mother and K.Y. cannot maintain their bond despite the termination of parental rights. In fact, Mother’s counsel stated at oral argument that Grafton continues to facilitate visits between Mother and K.Y. We find this practice commendable.