

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Beales and Senior Judge Annunziata

MISTY GIBSON

v. Record No. 0014-09-3

ROANOKE CITY DEPARTMENT
OF SOCIAL SERVICES

MEMORANDUM OPINION*
PER CURIAM
MAY 26, 2009

FROM THE CIRCUIT COURT OF THE CITY OF ROANOKE
William D. Broadhurst, Judge

(Thomas E. Wray, on brief), for appellant. Appellant submitting on brief.

(William M. Hackworth, City Attorney; Heather P. Ferguson, Assistant City Attorney, on brief), for appellee. Appellee submitting on brief.

(Marta J. Anderson, on brief), Guardian *ad litem* for the minor child. Guardian *ad litem* submitting on brief.

Misty Gibson (mother) appeals the trial court's order terminating her parental rights to her son, N.B., under Code § 16.1-283(C)(1), (C)(2) and (E). On appeal, mother challenges the proof of conditions necessary for termination pursuant to Code § 16.1-283(C)(1) and (C)(2), and does not challenge the proof of conditions necessary for termination under Code § 16.1-283(E). For the following reason, we affirm the trial court's decision.

In Fields v. Dinwiddie County Dep't of Soc. Servs., 46 Va. App. 1, 3, 614 S.E.2d 656, 657 (2005), a parent appealed to this Court from the trial court's decision to terminate her parental rights pursuant to Code § 16.1-283(C)(2) and Code § 16.1-283(E)(i). On appeal, she contended the evidence did not support the termination under Code § 16.1-283(C)(2), but she did

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

not challenge the sufficiency of the evidence to sustain the termination pursuant to Code § 16.1-283(E)(i). This Court found that, in light of the unchallenged termination pursuant to Code § 16.1-283(E)(i), it was not required to consider the sufficiency of the evidence to support the termination under Code § 16.1-283(C)(2). Fields, 46 Va. App. at 8, 614 S.E.2d at 659.

Here, likewise, mother does not challenge the termination pursuant to Code § 16.1-283(E). Accordingly, we need not consider mother's challenge to the termination under Code § 16.1-283(C)(1) and (C)(2).

Accordingly, we affirm the trial court's decision.

Affirmed.