

COURT OF APPEALS OF VIRGINIA

Present: Judge McClanahan, Senior Judges Coleman and Annunziata

DERRICK HORTON

v. Record No. 0063-06-1

CITY OF HAMPTON  
DEPARTMENT OF SOCIAL SERVICES

MEMORANDUM OPINION\*  
PER CURIAM  
JUNE 27, 2006

FROM THE CIRCUIT COURT OF THE CITY OF HAMPTON  
William C. Andrews, III, Judge

(M. Woodrow Griffin, Jr., on brief), for appellant.

(Rachel F. Allen, Assistant City Attorney; Tonya Henderson–Stith,  
Guardian *ad litem* for the infant child; McDermott, Roe & Walter, on  
brief), for appellee.

Derrick Horton appeals the trial court’s decision terminating his parental rights to T.H. pursuant to Code §§ 16.1-283(C)(1) and (2). Horton contends (1) the evidence failed to prove termination was justified and (2) his incarceration was an insufficient basis to terminate his parental rights.

The trial court terminated Horton’s residual parental rights based upon Code §§ 16.1-283(C)(1) and (2). On appeal, Horton presents no argument that the trial court erred in terminating his parental rights pursuant to Code § 16.1-283(C)(1) (i.e., that he “failed to maintain continuing contact with and to provide or substantially plan for the future of the child for a period of six months after the child’s placement in foster care”). When termination of parental rights under one subdivision of Code § 16.1-283 is upheld or not contested, we need not consider termination under alternative subdivisions. See Fields v. Dinwiddie County Dep’t of Soc. Servs.,

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

46 Va. App. 7, 8, 614 S.E.2d 656, 659 (2005). Accordingly, because Horton fails to contest termination pursuant to Code § 16.1-283(C)(1), we summarily affirm the decision of the trial court. See Rule 5A:27.

Affirmed.