

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Annunziata and Overton

TAYLOR WALKINGSHIELD
AND
RICHARD MARLOWE

v. Record No. 1048-95-4

CULPEPER COUNTY DEPARTMENT
OF SOCIAL SERVICES

MEMORANDUM OPINION*
PER CURIAM
FEBRUARY 20, 1996

FROM THE CIRCUIT COURT OF CULPEPER COUNTY
John R. Cullen, Judge

(Monica J. Chernin, on brief), for appellants.

No brief for appellee.

Taylor Walkingshield and Richard Marlowe appeal the decision of the circuit court denying their petition to vacate and hold void the October 19, 1994 consent order of the juvenile and domestic relations district court. The appellants challenged the district court order because no guardian ad litem had been appointed for their minor child at the time of the order. Upon reviewing the record and opening brief, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

"On appeal, the judgment of the trial court is presumed to be correct; its findings will not be overturned by this Court except in cases of manifest error. The burden is upon the party

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

alleging trial court error to show by the record that the judgment was erroneous." Steinberg v. Steinberg, 11 Va. App. 323, 326, 398 S.E.2d 507, 508 (1990). The circuit court found that the district court order from which the appeal was taken was "an interlocutory order which made no findings and was not dispositive," and was "a temporary order, did not adjudicate the issues or render a final disposition, and is not void for failure of the court to appoint a Guardian ad litem" prior to the entry of the order.

Under Code § 16.1-296, an appeal to the appropriate circuit court may be taken from "any final order or judgment of the juvenile court." The record supports the circuit court's findings, and demonstrates that the district court order was not a final order. Accordingly, the decision of the circuit court is summarily affirmed.

Affirmed.