

COURT OF APPEALS OF VIRGINIA

Record No. 1708-25-3

CAROLINE PARR

v.

AMHERST COUNTY DEPARTMENT OF SOCIAL SERVICES

Present: Judges Chaney, Callins and Bernhard

Argued by videoconference

Opinion Issued September 8, 2026

FROM THE CIRCUIT COURT OF AMHERST COUNTY

Jeffrey P. Bennett, Judge

Monica L. Mroz; Brittany M. Haddox (Monica Mroz Law, LLC; Haddox Law, PLLC, on briefs),
for appellant.

Michael J. Brickhill (David P. Mitchel; Michael J. Brickhill, P.C., on brief), for appellee.

PUBLISHED OPINION BY JUDGE DAVID BERNHARD

Caroline Parr appeals the dismissal of her petitions, brought under Code § 63.2-1514(D), for release of the investigative records underlying two unfounded complaints of child abuse arising from her employment as a public school teacher. The section releases those records only where the circuit court finds a “reasonable question of fact” as to whether the report or complaint was made in bad faith or with malicious intent. Parr contends the circuit court misconstrued that threshold and that her evidence of a pattern of employment retaliation satisfies it.

On an issue of first impression, this Court construes that phrase according to its plain and ordinary meaning: the question must be one capable of being answered by demonstration rather than a matter of unverifiable opinion, and one the circumstances reasonably raise. The connection the section requires is causal. Because the finding is directed to the making of the

report, something before the circuit court must bear on whether the bad faith alleged produced that making; a motive untethered to it raises no question of fact the section reaches. The threshold therefore does not require proof of bad faith; it does require more than supposition, and more than the belief every petition must assert. The report need not have been conveyed to the local department by the person alleged to have acted in bad faith; the inquiry is directed to the person alleged to have originated it, whether or not that person transmitted it.

The circuit court makes that determination from the reasons set forth in the petition, the evidence presented in support of it, and the investigative records furnished for in camera review. The records are not merely produced to the circuit court; that court weighs them against the reasons the petition sets forth. The circuit court may find an account unworthy of belief on a basis in the materials, but it may not choose between accounts that could each be believed. This opinion addresses only the first of the two conditions the subsection imposes for disclosure; the circuit court did not reach the second, which is directed to the safety of the person who made the report.

The meaning of the statutory phrase is reviewed de novo. Whether the materials raised such a question is the circuit court's determination, and it is upheld unless plainly wrong or without evidence to support it. Because the materials before the circuit court did not compel a finding that either complaint cleared that threshold, this Court affirms the judgment of the circuit court.

BACKGROUND¹

Parr was employed with Nelson County Public Schools beginning in August 1992, with a break from 1998 to 2002; she retired in December 2024. In her final years of teaching, Parr taught

¹ This opinion does not unseal any portion of the investigative records furnished for in camera review; the sealed record remains sealed in its entirety. *Cf. Levick v. MacDougall*, 294 Va. 283, 288 n.1 (2017) (unsealing only those facts mentioned in the opinion and leaving the

three- and four-year-olds for the Virginia Preschool Initiative (“VPI”) program at Tye River Elementary School. Because state regulation required two adults to be present in the classroom at all times, an instructional assistant was assigned to work with her. Parr met or exceeded performance expectations and received accolades, including the 2019-2020 Teacher of the Year award. She also held roles on the Superintendent’s Advisory Council for several years.

Parr was the subject of two complaints of child abuse in 2022 and 2024. Amherst County Department of Social Services (“ACDSS”) investigated each complaint and entered an “unfounded” disposition. Due to a conflict of interest, the Nelson County Department of Social Services (“NCDSS”) had transferred the complaints to ACDSS for investigation and disposition. Believing the complaints were made in bad faith and with malicious intent, Parr filed petitions, pursuant to Code § 63.2-1514(D), for the release of investigative records to “begin the process of pursuing . . . civil remedies to clear her name.” She filed one petition for each complaint, the first-filed petition concerning the more recent of the two. ACDSS took no position on the petitions, asserting in its responsive pleadings that the “only job” of a local agency is to produce the records for the court’s review. The court held a hearing on August 28, 2025.² Parr presented evidence concerning both petitions.

remainder of the record sealed). Amherst County Department of Social Services (“ACDSS”) took no position below and has no right under Code § 63.2-1514(D) to present evidence, though it has addressed the standard of review and the construction of the phrase on appeal. Because the materials the circuit court weighed include records this opinion does not describe, the facts are stated as that court could have found them. *Cf. Congdon v. Congdon*, 40 Va. App. 255, 258 (2003).

² At the hearing, ACDSS, through counsel, stated, “I don’t think either the statute or the case law, interpreting it, really gives us much to do, other than produce the records and allow the Court to maturely consider the records in camera and then any evidence that the petitioner has to present”

I. The First Complaint

The June 18, 2025 petition outlined that Tanya Cook Carter became the principal at Tye River Elementary School during the 2021-2022 school year and that Parr “reported to Principal Cook Carter on more than one occasion, that under [her] leadership, the school was out of compliance with state regulation concerning the preschool program.” Parr testified that the principal would “repeatedly . . . pull [Parr’s] assistant for duties or sometimes to cover another teacher.” The violations allegedly persisted, prompting Parr to share her concerns with the Director of Instruction; the VPI Program Director; her school board member; and the interim superintendent. The petition indicated that Parr’s husband, a member of the Nelson County Board of Supervisors, discussed the matter with the superintendent, who “forcefully told [him] to ‘back off’” and ceased all communications thereafter. Her husband had served on the school board from 2003 to 2019, joining the Board of Supervisors on January 1, 2020. The petition alleged that Parr “began experiencing retaliation, which included the school system making bad faith and malicious reports of alleged abuse and neglect” against her.

In the spring of 2022, Parr was asked by a bus driver to speak with a student, whose sibling she previously taught, about his misbehavior on the bus.³ Parr saw the student in the hallway, “got down on his level,” and told him, “It is dangerous for the bus driver, it’s dangerous for the other children.” Parr testified that the student’s teacher spoke with the principal and then with the student’s grandmother, who came to the school because Parr had corrected her grandson, who was no longer in Parr’s class. The petition alleged that when the student’s guardian spoke to Principal Cook Carter about the verbal reprimand, “without any basis whatsoever, [the principal] advised the guardian to file a police report.”

³ The petition described the episode as involving two students.

The guardian allegedly “followed the [s]chool’s advice.” As a result, Parr was put on administrative leave for the remainder of the year while she underwent police and ACDSS investigations, both of which returned “unfounded.” Parr suspected that Principal Cook Carter instigated the complaint as a retaliatory act for Parr’s continued reports of regulatory violations. Parr alleged that the principal had prior access to video footage of the incident, showing no corroboration of abuse.

II. The Second Complaint

The May 2, 2025 petition recited the same history and described additional events leading up to the second complaint. Specifically, it alleged that Superintendent Amanda Hester “directed” Principal Heather Cofflin, who replaced Principal Cook Carter for the 2023-2024 school year, to “place . . . Parr on an unwarranted Plan of Improvement.” Parr explained that a principal commonly observes and works with a teacher before imposing such a plan and that Principal Cofflin had never supervised or observed her. Parr completed the plan, enabling her to return under continuing contract the following school year. Within the first month, however, Parr “was again placed on leave and reported to [NCDSS] for suspected abuse and neglect.”

Parr alleged the complaint stemmed from an incident where she verbally reprimanded a student for pushing another off a playground structure. Parr explained that she “bent down” to the student’s level, addressed him, and displayed visual cards to reinforce the correction. “Upset with the reprimand,” the student “flopped back” on the ground. Parr denied pushing the child.

The petition indicated that “[t]hree other school employees witnessed the incident in some part, and not a single one reported that they had seen . . . Parr push the child down.” Also, “Principal Cofflin reviewed video footage and found no conclusive evidence that . . . Parr had pushed the child down. Nevertheless, the [s]chool reported . . . Parr to [NCDSS].” ACDSS and police investigated the matter, resulting in determinations that the complaint was “unfounded.”

Parr testified that she later learned Kelly Woodson, her instructional assistant who was present during the incident, had told Principal Cofflin and others that Parr pushed the student. Parr, having accessed police records through a Virginia Freedom of Information Act request, deduced from the principal's statement that Woodson was the complainant. According to Parr, Woodson later told the police that she did not see Parr push the child. Parr claimed Woodson reported the push falsely, and did so because she expected to become the lead teacher. When Parr retired, Woodson filled in for the remainder of the school year, receiving a stipend rather than the salary the position carried; she was not licensed for it, and the school hired a licensed teacher the following year. The petition further alleged that "[t]he day that [AC]DSS disclosed that the report was unfounded, . . . Woodson left a note for the [p]rincipal stating, 'there is a weighted backpack in . . . Parr's closet. Signed, a concerned adult.'"⁴

At the hearing, Parr testified that she met with Superintendent Hester at the start of the school year to discuss the noncompliance issues; that Superintendent Hester was unreceptive to her concerns; and that thereafter, she noticeably shunned Parr at school meetings and social events and removed her from the Superintendent's Advisory Council. Parr further testified that a human resources official said, "Well, we have to do something to you," following the "unfounded" 2022 complaint, and that the school replaced her long-time instructional assistant with Woodson, whose prior experience had been working with fifth graders, making Parr's job more difficult. Parr retired, earlier than planned, on belief that the retaliation against her would continue.

Parr claimed the foregoing evidence established that the complaints were made in bad faith. She disclaimed any intent to use the records to act outside the law against the complainants, intending only to pursue the legal remedies available to her. The judge asked the parties questions,

⁴ Parr alleged that "[i]n preschool practice, a weighted backpack is a sensory tool that provides comfort to children with certain issues and helps them to settle down, particularly at naptime."

particularly about who served as a mandatory reporter in the school setting. On September 5, 2025, the circuit court issued a final order, stating, in pertinent part:

Upon consideration of the evidence and argument presented in open court on August 28, 2025, as well as an *in camera* review of all ACDSS records provided to the Court, the Court finds the Plaintiff has failed to meet her burden of establishing a reasonable question of fact as to whether the unfounded reports or complaints were made with bad faith or malicious intent.

The petitions were dismissed with prejudice. Parr appealed.

ANALYSIS

Parr disputes the circuit court’s determination that she failed to establish a reasonable question of fact as to whether the unfounded reports were made in bad faith or with malicious intent. Two standards govern that challenge. The meaning of “reasonable question of fact” is a question of statutory construction, reviewed de novo. *VACORP v. Young*, 298 Va. 490, 494 (2020). Whether the materials before the circuit court raised such a question, once the phrase is correctly construed, is a determination this Court does not make in the first instance; it is upheld unless it is plainly wrong or without evidence to support it. Code § 8.01-680. Part III below sets out how that review proceeds.⁵

“When construing a statute, [this Court’s] primary objective is ‘to ascertain and give effect to legislative intent,’ as expressed by the language used in the statute.” *Khan v. McAlister*, 87 Va. App. 458, 466 (2026) (alteration in original) (quoting *Cuccinelli v. Rector & Visitors of the*

⁵ Parr contends the determination is reviewed de novo in its entirety, and alternatively as a mixed question of law and fact. Review of a mixed question accords deference to the circuit court’s findings of historical fact while examining questions of law de novo. *Butler v. Stegmaier*, 77 Va. App. 115, 124-25 (2023). Whether the materials before the circuit court raised the question the section describes is not a question of law reviewed on those terms; the circuit court weighed the reasons, the evidence, and the records against one another, and its determination is reviewed as stated above. Relying on *In re Brown*, 289 Va. 343, 347 (2015), ACDSS contends the standard is abuse of discretion. But *Brown* concerned an application for a change of name under Code § 8.01-217 and does not construe this statute or any comparable provision; it does not supply the standard here.

Univ. of Va., 283 Va. 420, 425 (2012)). If the language is unambiguous, this Court applies its plain meaning, unless doing so would render an absurd result. *Norfolk Dep’t of Hum. Servs. v. Goldberg*, 81 Va. App. 667, 676 (2024). “[W]hen a particular word in a statute is not defined therein, a court must give it its ordinary meaning,” derived from its use in context. *Bista v. Commonwealth*, 78 Va. App. 391, 419 (2023) (en banc) (quoting *Moyer v. Commonwealth*, 33 Va. App. 8, 35 (2000) (en banc)); *Smith v. Commonwealth*, 85 Va. App. 483, 493-94 (2025) (quoting *Bista*, 78 Va. App. at 419). “[D]ictionary definitions may be consulted” to ascertain such meaning. *Peed v. Va. Dep’t of Transp.*, 72 Va. App. 686, 696 (2021). If the language is deemed ambiguous, that is, subject to multiple reasonable interpretations, then this Court “may consider factors other than the text itself, ‘such as the purpose, reason, and spirit of the law’ in determining the statute’s meaning.” *Goldberg*, 81 Va. App. at 676 (quoting *Eley v. Commonwealth*, 70 Va. App. 158, 164 (2019)).

I. The Statutory Framework

Reports of child abuse are generally confidential by statute. *Goldberg*, 81 Va. App. at 676; see Code § 63.2-104. Code § 63.2-1514(D) provides a narrow exception, allowing “the subject of an *unfounded* report or complaint made pursuant to this chapter *who believes* that such report or complaint was *made in bad faith or with malicious intent*” to petition the circuit court for the release of investigative records. Code § 63.2-1514(D) (emphases added). The petition “*shall* specifically set forth the reasons” of bad faith or malicious intent. *Id.* (emphasis added). Upon the filing of such petition, “the circuit court *shall* request and the local department *shall* provide to the circuit court its records . . . *for the circuit court’s in camera review.*” *Id.* (emphases added). The petitioner is entitled to present evidence to support the petition. *Id.*; see *Gloucester Cnty. Dep’t of Soc. Servs. v. Kennedy*, 256 Va. 400, 404 (1998) (holding the department has no identical right to present evidence under the predecessor statute). Code

§ 63.2-1514(D), in language materially identical to the statute in force at the time of *Gloucester*, states,

If the circuit court determines that there is a reasonable question of fact as to whether the report or complaint was made in bad faith or with malicious intent *and* that disclosure of the identity of the complainant would not be likely to endanger the life or safety of the complainant, *it shall provide to the petitioner a copy* of the records of the investigation or family assessment. The original records shall be subject to discovery in any subsequent civil action regarding the making of a complaint or report in bad faith or with malicious intent.

Id. (emphases added). *Cf. Gloucester*, 256 Va. at 402 (quoting former Code § 63.1-248.5:1(C)).

The statute therefore imposes two separate requirements for application of the exception. This opinion addresses only the first. The complainant to whom the second requirement refers is the person who made the report, not the petitioner who seeks the records; it is the complainant's identity that disclosure would reveal. Code § 63.2-1514(D). Because the circuit court did not reach that requirement, this opinion construes it no further.

The Supreme Court of Virginia has described the predecessor provision as “a summary procedure to enable a person wrongfully accused of child abuse or neglect to obtain the details of the accusation from the local social services department that investigated the ill-founded charge.” *Gloucester*, 256 Va. at 404. Read together with subsection (D)'s final sentence, the procedure is a step toward a civil action, not the action itself.

II. The Meaning of “Reasonable Question of Fact”

Parr contends the court misinterpreted the statutory standard, asserting that a “reasonable question of fact” is akin to reasonable suspicion, requiring the petitioner to present articulable facts and the court to examine the totality of the circumstances. Unaware of the contents of the records under seal, Parr claims her alleged facts demonstrate a pattern of employment retaliation sufficient to support a finding that the complaints of child abuse were made in bad faith and with

malice. ACDSS did not address the definitional question in its pleadings. At oral argument, it answered that the reasonable-suspicion standard Parr proposes is too low and that the court should examine both the evidence and the investigative file in determining whether a reasonable question of fact exists. Parr agreed that the court examines both, but disputed its authority to weigh the file against her evidence, a position addressed in Part III below.

The statute does not define a “reasonable question of fact.” The plain and ordinary meaning of the text controls. A “question of fact” is “[a]n issue capable of being answered by way of *demonstration*, as opposed to a question of *unverifiable opinion*.” *Question of Fact, Black’s Law Dictionary* (12th ed. 2024) (emphases added). That definition governs here. The dictionary also gives a further sense of “[a] disputed issue to be resolved by . . . the judge,” *id.*, but that sense describes only the allocation of a contested issue to a factfinder; Code § 63.2-1514(D) presupposes that allocation and asks instead what quality of question suffices: one subject to demonstration, not mere supposition. The provision conditions disclosure not just on any question of fact but on a *reasonable* one. “Reasonable” denotes “[r]eflecting good judgment; fair and proper under the circumstances; rational, sound, and sensible.” *Reasonable, Black’s Law Dictionary, supra*⁶; see *Miller v. Commonwealth*, 64 Va. App. 527, 541 (2015) (“The word ‘reasonable,’ in ordinary usage, ‘means “fair; just; ordinary or usual; not immoderate . . . ; not capricious or arbitrary.”’” (quoting *Sydnor Pump & Well Co. v. Taylor*, 201 Va. 311, 317-18 (1959))).

Considering the full statutory language of the required finding, a “reasonable question of fact as to whether the [unfounded] report or complaint was made in bad faith or with malicious intent,” the circuit court is directed to determine whether the circumstances reasonably raise that

⁶ “In one sense the word [reasonable] describes the proper use of the reasoning power, and in another *it is no more than a word of assessment*.” *Reasonable, Black’s Law Dictionary, supra* (emphasis added) (quoting Patrick Devlin, *The Judge* 134 (1979)). The word carries the first sense here: the section directs the circuit court to a determination about the materials before it, not to an unguided assessment.

question. Code § 63.2-1514(D). Two features of the text fix the object of that inquiry. The required finding is that the report or complaint “was *made* in bad faith or with malicious intent,” and the subsection’s final sentence describes the civil action it contemplates as one “regarding the *making* of a complaint or report in bad faith or with malicious intent.” *Id.* (emphases added). The connection the section requires is causal. It reaches bad faith in the causing of the report, not bad faith in the circumstances surrounding it: the alleged motive must bear on the decision that a report be made, not merely have been present in the same institution, at the same time, in the same people. The materials need not establish that the motive produced the report; they must raise a reasonable question whether it did.

The threshold does not require proof. A petitioner need not establish bad faith or malicious intent to obtain the records; were it otherwise, the summary procedure would require what it exists to make possible. But neither is the threshold satisfied by the assertion of belief alone, which every petition must contain. Code § 63.2-1514(D).

The surrounding chapter supplies the content of those terms. A person making a report or complaint of suspected abuse is immune from civil and criminal liability unless it is proven that the person acted in bad faith or with malicious intent. Code § 63.2-1512. One who makes or causes to be made a knowingly false report of child abuse or neglect is guilty of a Class 1 misdemeanor for a first offense. Code § 63.2-1513(A). Bad faith or malicious intent thus refers to a report advanced with knowledge of its falsity, *id.*, or for a controlling purpose other than the protection of a child. *Cf. Hudson v. Lanier*, 255 Va. 330, 333 (1998) (defining malice, in the malicious prosecution context, “as any *controlling* motive other than a good faith desire to further the ends of justice, enforce obedience to the criminal laws, suppress crime, or see that the guilty are punished”). The section states the two disjunctively, and this opinion does not decide whether they describe distinct states of mind; on these materials the inquiry is the same under

either. This Court does not draw from Code § 63.2-1513 the negative implication rejected in *Goldberg*⁷; these sections are consulted for the content of the statutory terms, not for the scope of the exception. Part IV draws on Code § 63.2-1513(A) for the same purpose: to identify whose bad faith the terms describe, not to enlarge or contract the class of petitioners the exception serves.

An “unfounded” disposition does not itself show bad faith or malicious intent. The disposition means only that a review of the facts did not show abuse or neglect by a preponderance of the evidence, 22 VAC 40-705-10; it does not indicate that the report was advanced without a good faith basis. Because the section is available only to the subject of an unfounded report, the disposition is the circumstance that opens the procedure. It is not itself a circumstance bearing on bad faith.

III. The Materials Considered and the Scope of Review

In context, subsection (D) outlines the information with which the court is to make such a determination: (1) the “reasons” of bad faith or malicious intent “set forth” under the petition, (2) the records statutorily mandated to be inspected in camera by the court, and (3) any “evidence” presented in support of the petition. *See* Code § 63.2-1514(D).

The circuit court is not confined to the petition. The statute authorizes the court “to determine from its review of the records of investigation” whether the report or complaint was made in bad faith or with malicious intent. *Gloucester*, 256 Va. at 404. The records furnished under the section are thus not merely produced to the circuit court; that court weighs them

⁷ The department there argued that because Code § 63.2-1513(A) expressly reaches one who “causes to be made” a false report while Code § 63.2-1514(D) does not, the omission confined the exception to reports conveyed directly to a local department. *Goldberg* declined to draw that inference, reasoning that the two provisions serve different ends—one criminal liability, the other access to records—and that the purpose of the disclosure provision overcame the implication of its silence. *Goldberg*, 81 Va. App. at 682-85.

against the reasons the petition sets forth. Parr’s contrary position—that the circuit court may test the sufficiency of her stated reasons but may not measure them against the file—cannot be reconciled with that language, and would leave the mandatory production requirement without function. It follows that a petition adequate on its face may fail where the records foreclose the motive alleged and that the records may equally supply what the petitioner could not have known to allege.

Weighing is not resolving. The section asks whether the materials raise a reasonable question of fact, not which account of the report’s making is the better one. Records that merely supply an innocent explanation alongside the petitioner’s do not defeat the threshold, because competing accounts that could each be believed are what a question of fact consists of. The circuit court is not required, however, to take the petition as it finds it. The court may conclude that the reasons offered, or the evidence presented in support of them, are unworthy of belief—a conclusion that must rest on something in the materials rather than on the court’s preference among accounts—and an account the court does not believe on that basis raises no reasonable question. What the court may not do is choose between accounts that could each be believed; that choice is made in the civil action the final sentence of the subsection contemplates. The records defeat the threshold only where they leave no reasonable question as to whether the report was made in bad faith or with malicious intent, not merely because they disclose a basis for the report the petitioner did not allege. The circuit court determines whether such a question exists; it does not answer it.

On appeal, this Court examines the investigative records, which are part of the appellate record, together with the evidence, to assess whether the circuit court’s determination is supported. *Gloucester*, 256 Va. at 404. Where, as here, the determination is that the petitioner did not carry her burden, the finding is upheld unless it is plainly wrong or without evidence to

support it. Code § 8.01-680. *Cf. Hudson*, 255 Va. at 333-34 (applying that standard to a trial court's determination that a plaintiff failed to prove malice).

The circuit court did not explain how it understood the statutory phrase, and it was not required to. A court speaks through its orders, and its order recites the finding the section calls for: that the petitioner failed to establish a reasonable question of fact as to whether the unfounded reports or complaints were made in bad faith or with malicious intent. Absent clear evidence to the contrary in the record, its judgment comes to this Court with a presumption that the law was correctly applied to the facts. *Yarborough v. Commonwealth*, 217 Va. 971, 978 (1977); *see Wymer v. Commonwealth*, 12 Va. App. 294, 296 (1991). The record is consistent with that presumption: the court's questions at the hearing were directed to who bore mandatory-reporter duties in the school setting, an inquiry the section's focus on the making of the report makes relevant. That standard does not run in one direction only. Had the circuit court found the threshold met, its determination would be reviewed on the same terms.

A petitioner cannot see the materials on which she may lose—a feature of the procedure the General Assembly designed, not an oversight in it. Both parties observe that a petitioner in Parr's position argues at a disadvantage: had either investigation resulted in a founded disposition, Parr would have been entitled on administrative appeal to the information underlying it, excepting the identity of the reporter, information endangering a child, and other categories withheld by regulation. Code § 63.2-1526(A); 22 VAC 40-705-190(A); *see* 22 VAC 40-705-160(D). Because both complaints were unfounded at the initial stage, no such access arose. The asymmetry is real, and it explains in part why the threshold is set at a “reasonable question of fact” rather than at proof. But the section commits the testing of the allegations to the circuit court rather than to the petitioner precisely because the records are confidential, and it conditions their release on a second finding directed to the complainant's

safety. Where both conditions are met, the records issue as of course. The asymmetry does not convert the threshold into one the petition satisfies by its own terms; deference to the circuit court's determination on the first condition is deference to the body the statute charges with reviewing what the petitioner cannot. The section thus sets a low threshold, directs it to a causal question, and commits the testing of that question to a court with materials the petitioner cannot see. The first keeps the remedy available to a petitioner who cannot prove what she suspects; the second leaves intact the confidentiality the chapter otherwise establishes, Code § 63.2-104; and the third is why the testing is the circuit court's rather than Parr's.

That asymmetry marks review in this Court as well. Neither party has seen the records this Court examines, so review in such a case reports a conclusion the parties cannot measure against the materials that produced it. That is the procedure the General Assembly designed: it conditioned disclosure on findings drawn from a file the circuit court alone may read, and appellate review of those findings can be no more public than the findings themselves.

IV. The Locus of the Bad-Faith Inquiry

The report or complaint need not have been conveyed to the local department by the person alleged to have acted in bad faith. This Court has held that Code § 63.2-1514(D) reaches a report originating with a source who acted maliciously or in bad faith and relayed to the department by a mandatory reporter. *Goldberg*, 81 Va. App. at 685. The chapter points the same way: Code § 63.2-1513(A) reaches one who “makes or causes to be made” a report of child abuse or neglect known to be false, language that contemplates a false report set in motion by one person and conveyed by another. This Court said as much in recognizing the broader reading: the bad faith and malicious intent requirements “ensure that the statute cannot be stretched to cover an allegation made to an intermediary without intending that the intermediary relay the same to the Department.” *Goldberg*, 81 Va. App. at 680 n.4. The inquiry is

accordingly directed to the person alleged to have originated the report, whether or not that person transmitted it.

Parr argues that under *Goldberg* her suspicions need not be grounded in the investigative file, because a report made in bad faith may be relayed through a mandatory reporter. That case illustrates such a showing. There, a father suspected of abuse alleged that the unfounded report was made either explicitly or anonymously by his wife's mother, or by a family member acting on false information the mother supplied, and that the report contained information known only to the mother. The wife testified at the hearing to video evidence of the mother attempting to make the child act irregularly in a manner that would substantiate the allegations. *Id.* at 674-75. Those materials supplied the connection between the alleged originator and the report that the section contemplates. *Goldberg* illustrates a sufficient connection, not the only one. The connection the section requires may be supplied in other ways; a petitioner need not reproduce the particular proof that sufficed there.

Where the originator is alleged to be someone other than the reporter, however, the section still requires materials from which the court can find a reasonable question of fact as to whether the report was so originated; a suspicion unsupported by the petition, the evidence, or the records does not meet the threshold merely because an intermediary conveyed the report. Nor is the circuit court's review confined to the origin the petition happens to name. The materials the section directs to that court may disclose a source, or a path of transmission, that the petitioner could not have identified from outside the file, and the court considers what the records show as well as what the petition alleges. A petitioner's inability to see the file is therefore not a reason to name every person who might have been involved; the section asks for reasons, not for a catalog of possible accusations. Code § 63.2-1514(D). As explained below, the difficulty with Parr's petitions is not the identity of the transmitting reporter but whether the

materials the circuit court weighed left a reasonable question as to the origin she ascribes to the reports.

V. Application

Parr ascribes both complaints of abuse to a campaign of retaliation originating in her reports of regulatory noncompliance: as to the first, that the principal instigated it; as to the second, that her instructional assistant falsely accused her to obtain the position she expected and that the school relayed the accusation. Under the construction stated above, the question is not whether those allegations are true, but whether the materials before the circuit court raised a reasonable question of fact as to whether either report was made in bad faith or with malicious intent. The petitions allege more than motive: they allege conduct that, if credited, bears on the making of the reports and not merely on the employment history surrounding them. Whether to credit them was for the circuit court, on the terms Part III sets out.

As to the first complaint, the origin Parr ascribes is Principal Cook Carter, and the path she describes reaches the department only after passing through the student's teacher and the student's grandmother. That structure is the one Part IV addresses, and the section reaches it. The connection described above must still be found in the materials, and Parr's allegation—that the principal urged the grandmother to file a police report while having had access to footage showing no corroboration, after Parr had reported the preschool program out of compliance—bears on the making of that report if credited. The circuit court heard that account and had before it the records of the investigation that followed. The act Parr ascribes to the principal is advice to file a police report. The section reaches the making of a report to the local department, so the materials would have to connect that advice to the report NCDSS received.

As to the second complaint, Parr places particular weight on the anonymous note allegedly left by Woodson for the principal the day the second investigation closed, which

reported that there was a “weighted backpack in . . . Parr’s closet,” which Parr averred was a “perfectly acceptable sensory tool.” The note is not a report or complaint within the meaning of Code § 63.2-1514(D): it was directed to a school official rather than to a local department, and no referral followed from it. It is therefore relevant only as circumstantial evidence bearing on the motive behind the second report. So considered, its authorship is a matter of inference from the petition rather than a fact established by the evidence. It does not tie the alleged motive to the making of that report.

The circuit court had before it the reasons set forth in the petitions, the evidence Parr presented at the August 28, 2025 hearing, and the investigative records furnished for in camera review. Code § 63.2-1514(D). This Court’s examination of those records is its own: the file is before this Court in the form it was before the circuit court, and this Court does not rely on that court’s characterization of it. The statute conditions disclosure upon two findings; the circuit court found the first unmet and did not reach the second. An opinion recounting the contents of the file would supply by description what the General Assembly has withheld pending those findings, and would do so without the protection the second condition exists to provide.

It is enough to say that the circuit court could conclude on those materials that they left no reasonable question of fact as to the making of either report. Nothing in them compelled the contrary conclusion. Part III forecloses a choice between accounts that could each be believed; it does not foreclose a conclusion, resting on the materials, that the account offered raises no reasonable question. The latter is the conclusion available to the circuit court here. This Court reviews that determination on the terms set out in Part III. *Cf. Gloucester*, 256 Va. at 404 (examining the investigative file and determining that credible information in the file supported the trial court’s findings). The order recites the finding the section calls for, and nothing in the record shows that the circuit court proceeded from an understanding of that finding different

from the one stated today; its judgment accordingly carries the presumption stated above.

Yarborough, 217 Va. at 978.

Because the materials that decide this case are sealed, what this opinion settles for future cases is the construction it states, not the sufficiency of the showing made here. Nothing in this opinion should be read to discount or express any view on the alleged retaliation Parr describes in her employment; the question under this statute is narrower, and is directed to the making of the reports. In that legal context, the circuit court's determination is not plainly wrong.

CONCLUSION

For the foregoing reasons, this Court affirms the judgment of the circuit court.

Affirmed.