CASE SUMMARIES – APPELLATE JURISDICTION (APPEALABLE ORDERS)

CASE	TYPE OF CASE	PRIMARY ISSUES AND RULING	RATIONALE	COMMENTS
In re A.B., 486 A.2d 1167 (D.C. 1984) Mother did not appeal neglect adjudication until after entry of disposition order.	**NEGLECT – ADJUDICATION**	**FINAL ORDER** Disposition is final order for purposes of appeal	Final order for purposes of appeal is the dispositional order, not the neglect adjudication. Together, the two orders constitute the final appealable order.	
In re C.I.T., 369 A.2d 171 (D.C. 1977) Father appealed TPR more than 30 days after entry of termination order.	**TPR –** **ORDER TERMINATING RIGHTS**	**FINAL ORDER** TPR is final order for purposes of appeal	TPR is final order for appeal, which must be noted within 30 days. The fact that there is an on-going neglect case does not toll or extend period for filing TPR appeal. Appeal was dismissed as untimely because it was not filed within 30 days of entry of TPR order.	
In re D.B., 879 A.2d 682 (D.C. 2005) Trial court granted guardianship order and restricted mother's visitation. Mother filed for AJ review. AJ rejected motion as untimely. Mother appealed. COA held motion for review timely, decided merits of case and affirmed.	**GUARDIANSHIP – PERMANENT GUARDIANSHIP ORDER**	**FINAL ORDER** Guardianship order is final order for purposes of appeal	COA affirmed trial court's entry of permanent guardianship order; no jurisdictional discussion.	COA also includes discussion of AJ review of MJ orders in connection with mandatory time for filing and computation of time

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In re D.B., 947 A.2d 443 (D.C. 2008) After an evidentiary hearing, judge prohibited visitation by father with his children, who were in foster care. Father appealed.	**NEGLECT- ORDER BANNING VISITATION (POST-DISPOSITION)**	**INTERLOCUTORY APPEAL** Immediate appeal allowed of order prohibiting visitation in post-disposition stage of neglect case.		
In re D.M., 771 A.2d 360 (D.C. 2001) Mother moved to reinstate visitation with her 12-year-old daughter, who was in foster care. Mother also moved for investigation into circumstances of how her daughter became pregnant while in foster care. Trial court denied both requests and mother appealed. COA heard appeal from ban on visitation and affirmed on merits. COA dismissed appeal of order denying foster home investigation.	**NEGLECT – ORDER BANNING VISITATION (POST- DISPOSITION)** **REQUEST FOR INVESTIGATION OF FOSTER HOME (POST- DISPOSITION)**	**INTERLOCUTORY APPEAL** **Visitation order -** Immediate appeal allowed of order banning visitation in post-disposition stage of neglect case. **Order denying request for investigation** - Interlocutory appeal not allowed.	Immediate appeal of order banning visitation allowed, where no TPR/adoption was pending. Otherwise, mother's fundamental rights could be denied indefinitely without appeal. Fact that ban on visitation had been in effect for several years did not preclude mother from appealing most recent order. Visitation sufficiently separate from merits of case to allow interlocutory appeal. Order denying investigation of foster home was not an appealable order. Issue could only be raised on appeal from a final order – for example, if mother sought but was denied custody.	**Collateral Order Doctrine** COA did not expressly state that order banning visitation was appealable under collateral order doctrine, but reasons given by COA appear to be based on the doctrine.

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In re D.R., 718 A.2d 149 (D.C. 1998) Neglect judge ordered residential placement for neglected child and GAL appealed.	**NEGLECT – DISPOSITION**	**FINAL ORDER** COA heard appeal brought by GAL of order placing child in residential facility at dispositional stage of case.		
In re J.A.P., 749 A.2d 715 (D.C. 2000) Parental consent to adoption waived. Trial court granted interlocutory adoption decree (because child had not lived with petitioner for six months) which was to become final in six months.	**ADOPTION – INTERLOCUTORY DECREE** **ADOPTION – CERTIFIED QUESTION OF LAW**	**INTERLOCUTORY APPEAL** Immediate appeal of interlocutory adoption decree not allowed. **CERTIFIED QUESTION OF LAW**	Interlocutory appeal not allowed because it would be contrary to child's best interests. Interlocutory appeal to be used only when the alternative would mean greater delay and expense than would be caused by the interlocutory review itself. COA accepted as certified question of law whether parent was entitled to court-appointed counsel in contested adoption, but dismissed matter as improvidently granted because mother obtained permanent pro bono counsel.	Compare to *In re R.M.G.*, which allowed appeal of an interlocutory adoption decree. **Mootness** COA dismissed certified question of law as improvidently granted, but did not use the term "moot."

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In re J.J., 111 A.3d 1038 (D.C. 2015) Parents challenged sufficiency of trial court's finding that they withheld consent to adoption of their child contrary to the child's best interest.	**ADOPTION – WAIVER OF PARENTAL CONSENT**	**FINDINGS** MJ did not abuse discretion in waiving parental consent to adoption, even in the absence of an express finding on fitness.	Even if a trial court fails to make an explicit finding on fitness in waiving parental consent to adoption, the trial court can still satisfy its responsibility if the trial court makes an equivalent finding that the parent lacks the capacity or motivation to meet the child's needs or protect the child from harm. Such a finding suffices to overcome the parental presumption.	Applies *In re S.L.G.*, 110 A.3d 1275 (D.C. 2015)
In re J.W., 806 A.2d 1232 (D.C. 2002) Putative father sought immediate custody and visitation. Trial court denied request pending investigation. Father appealed. Among other issues, father raised due process claim (denial of evidentiary hearing) for first time on appeal.	**NEGLECT – PRE-TRIAL ORDERS DENYING CUSTODY AND VISITATION**	**NON-FINAL ORDER** Order denying temporary custody and visitation to putative father was not final because request was still under investigation. **INTERLOCUTORY INJUNCTIONS** Order also not an injunction subject to interlocutory appeal by statute.	Order denying immediate custody/visitation was preliminary, pending full investigation of father's request. There was no appellate jurisdiction to review order because it was not final and was not an interlocutory injunction subject to appeal by statute.	
In re Ko.W., 774 A.2d 296 (D.C. 2001) Children were adjudicated as neglected by their	**NEGLECT – ORDER BANNING VISITATION**	**INTERLOCUTORY APPEALS** An order denying a parent the right to visit his child is appealable.	An order denying a parent the right to visit his child is appealable notwithstanding the fact that proceedings to terminate parental rights have not been instituted. COA cited *In re D.M.*, which had been decided a few	

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mother. Father was not included in the hearing but the court prohibited visitation based on allegations of father's sexual abuse. Father requested visitation rights. The trial judge denied the request and the father appealed.			months earlier and which contained analysis as to why orders banning visitation were immediately appealable.	
In re L.L., 653 A.2d 873 (D.C. 1995) Trial court denied motion to terminate father's parental rights (and denied adoption petition filed by foster parents). GAL and adoption petitioners appealed. COA reversed denial of TPR (and adoption) and remanded to trial court.	**TPR –** **ORDER DENYING TPR**	**FINAL ORDER** Appeals from orders denying motions to terminate parental rights are orders subject to immediate appeal.		

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In re M.F., 55 A.3d 373 (D.C. 2012) Trial court found child neglected based on several witnesses' testimony, including a social worker, pediatrician, and psychologist who each shared statements from child regarding father's abuse during their testimony. Father only objected on hearsay grounds to one witness sharing child's statements, but trial court admitted all statements. Trial court also ordered that father could not visit child until after criminal case against father ended. Father challenged both orders on appeal.	**NEGLECT**	**PRESERVATION OF ISSUES FOR APPEAL** Any error in admission of child's hearsay statements by the one witness that father had objected to below on hearsay grounds, was harmless where other evidence corroborated the challenged information. **NON-FINAL ORDER** Order prohibiting father from any visitation with child until after criminal case against father ended was not a final, appealable order.	COA rejected father's argument that there was insufficient evidence to support lower court's neglect finding because it relied on inadmissible hearsay from two witnesses. COA ruled it did not need to decide if lower court properly admitted child's hearsay statements by the one witness that father objected to at trial on hearsay grounds because that witness's testimony was consistent with, and corroborated by, that of other witnesses, who testified without a hearsay objection by father. Trier of fact can consider and give full probative value to hearsay admitted without objection. Court's order was only temporary because it made clear that the court would allow supervised visits under certain conditions, after completion of pending criminal case against father.	The Sixth Amendment's Confrontation Clause does not apply in civil neglect proceedings, and objecting to evidence on such grounds is not the same as objecting to that evidence on hearsay grounds.
In re M.L.DeJ., 310 A.2d 834 (D.C. 1973) Juvenile was charged with crimes, and was ordered detained. The trial judge denied his application for	**JUVENILE – SHELTER CARE ORDER**	**SHELTER CARE ORDER** Juvenile allowed to pursue appeal of shelter care order that was not filed within the time required by the statute for emergency	Juvenile could not use emergency appeal statute (now D.C. Code §16-2328) as basis for appeal of shelter care order because two day filing requirement had not been met. However, COA treated shelter care order as final for purposes of appeal and reviewed it under those circumstances, in which case no	

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reconsideration of his detention. He appealed.		shelter care appeals.	special time limitations applied.	
In re Na.H., 65 A.3d 111 (D.C. 2013) Mother filed motion for review more than three months after disposition order was entered on docket, but within ten business days after MJ issued additional written findings and conclusions. AJ dismissed motion as untimely, but issued an alternative ruling on merits affirming finding as well.	**NEGLECT**	**FINAL ORDER – TIME TO APPEAL** In neglect cases, the disposition is the final order. Relevant date for determining timeliness of appellant's motion for review is when disposition hearing order was entered on docket.	Even when disposition order that is entered indicates that additional written findings of fact and conclusions of law will be issued at a later date (and MJ indicates the same orally), that does not impact the finality of that order unless it indicated that it was contingent upon issuance of future findings or upon outcome of later hearings. Lack of written neglect findings also does not impact finality of disposition order that is entered on docket.	If, in a different case, a meaningful review was thwarted by a lack of findings, parties could seek a remand, asking leave to supplement motion for review after findings were entered.
In re R.M.G., 454 A.2d 776 (D.C. 1982) Competing adoption petitions filed by foster parents, with whom child lived, and child's grand-parents. Trial court granted interlocutory adoption decree in favor of grandparents, to become final in six months.	**ADOPTION – INTERLOCUTORY DECREE**	**INTERLOCUTORY APPEAL** Foster parents could immediately appeal interlocutory adoption decree.	Foster parents could immediately appeal interlocutory adoption decree (granted to child's grandparents) under doctrine of practical finality. COA held that delaying appeal until entry of final decree six months later would be harmful to child.	Compare to *In re J.A.P.*, which dismissed appeal of interlocutory adoption decree.

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In re S.C.M., 653 A.2d 398 (D.C. 1995) Child placed in third-party custody with caretaker who mistakenly believed he was the child's father. Trial court ordered that child remain in legal custody of the caretaker and his wife, but be placed in physical custody of the mother. This was an interim step towards full reunification. GAL appealed the order returning child to parental custody.	**NEGLECT – CHANGE IN PLACEMENT**	**INTERLOCUTORY APPEAL – INJUNCTION** Order placing child in parent's physical custody in nature of preliminary injunction and subject to interlocutory appeal.	GAL's appeal of order provisionally returning child to physical custody of parent permitted. Order was in nature of preliminary injunction subject to appeal by statute.	**Stays; Expedited Appeals** Stay denied, case expedited. **Issues Not Raised Below** GAL raised numerous issues for first time on appeal and COA would not consider these issues **Trial Court Jurisdiction Pending Appeal** Trial court retained jurisdiction over ongoing neglect case. Order on appeal was effectively a preliminary injunction and did not dispose of entire case **Jurisdiction** Raised *sua sponte*
In re S.L.G., 110 A.3d 1275 (D.C. 2015) Mother challenged sufficiency of trial court's finding that she withheld consent to the adoption of her child contrary to the	**ADOPTION – WAIVER OF PARENTAL CONSENT**	**FINDINGS** Remand necessary because MJ failed to make express findings as to the parental presumption and the mother's fitness to parent her child in	While there was ample support in the record for the trial court's decision to waive the mother's consent to adoption, the trial court erred by failing to make the necessary predicate determination that the mother was unfit to parent her child. Such a finding is required by the parental presumption.	

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child's best interest.		particular.		
In re S.J., 772 A.2d 247 (D.C. 2001) Parent appealed waiver of consent before decree of adoption entered.	**ADOPTION – WAIVER OF PARENTAL CONSENT**	**NON-FINAL ORDER** Order waiving parental consent not final for purposes of appeal. **INTERLOCUTORY INJUNCTION** The order dispensing with the need for parental consent is not an injunction subject to interlocutory appeal under D.C. Code § 11-721 (a)(2)(A).	Order waiving parental consent not final for purposes of appeal because parental rights and duties not terminated until entry of adoption decree. Appeal is from entry of decree, not from waiver of consent.	This was a *per curiam* decision without full analysis.
In re Ta.L., 149 A.3d 1060 (D.C. 2016) (en banc) In adoption appeal, birth parents argued they should have been permitted to immediately appeal earlier order in related neglect case changing permanency goal for their children from reunification to adoption.	**NEGLECT – APPEALABILITY OF PERMANENCY GOAL CHANGE**	**FINAL ORDER** When a trial court changes the permanency goal in a neglect case from reunification to adoption, that order is immediately appealable.	A permanency goal change from reunification to adoption is a critical point in a neglect proceeding, one that often irreversibly dictates the result in a subsequent adoption proceeding. Such a goal change must be immediately appealable as of right.	The COA says orders changing the goal from reunification to adoption are "effectively" final.
In re T.L., 859 A.2d 1087 (D.C. 2004) Parent appealed order denying visitation. COA	**NEGLECT – VISITATION ORDER (POST-DISPOSITION)**	**INTERLOCUTORY APPEAL** Order banning visitation could be immediately appealed.	"Although, in a child neglect proceeding such as this one, an order denying a parent the right to visit his or her child does not finally conclude the litigation, we have held that such an order is appealable and that this	

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heard appeal from visitation order, affirming it on the merits.			court has jurisdiction of the appeal."	
In re Ti.B., 762 A.2d 20 (D.C. 2000) Father who was subject of neglect petition also had criminal charges arising out of same incident. Neglect judge excluded criminal atty from neglect proceedings.	**NEGLECT – ORDER EXCLUDING CRIMINAL ATTORNEY FROM PROCEEDINGS**	**INTERLOCUTORY APPEAL – COLLATERAL ORDER** Trial judge's exclusion of father's criminal attorney from neglect proceedings subject to immediate appeal as collateral order.	Met criteria for collateral order doctrine.	
In re A.R., 679 A.2d 470 (D.C. 1996) Father's counsel argued for reversal of TPR on grounds that trial judge had not heard from child directly. At trial, father's counsel had suggested that court should interview child in chambers, but judge declined to interview child in chambers. Neither father nor any other party called child as witness.	**TPR**	**PRESERVATION OF ISSUES FOR APPEAL** While counsel had not precisely articulated at trial issues now raised on appeal, objections made below could reasonably be construed to encompass claims raised on appeal.	COA not prepared to reject father's substantive claims on the basis of imprecise articulation by counsel, given the "historic concern of the courts with the welfare of minors."	

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CASE SUMMARIES – OTHER ISSUES (E.G., STANDING, MOOTNESS, PRESERVATION OF ISSUES, INEFFECTIVE ASSISTANCE)

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In re A.B., 999 A.2d 36 (D.C. 2010)	**NEGLECT-ADJUDICATION**	**MOOTNESS** Appeal not moot	Mother's appeal was not moot even though children were returned to her and neglect cases closed because neglect adjudications could still indirectly affect mother's status in future proceedings relating to the children (*i.e.* custody).	Dicta. Mootness issue discussed in footnote 25.
In re Amey, 40 A.3d 902 (D.C. 2012) Trial court ordered appellant's involuntary civil commitment for one year after a jury determined that appellant was mentally ill and, as a result, likely to injury himself or others if not committed. At time of appeal to COA, appellant's one-year commitment had expired by its own terms.	**CIVIL COMMITMENT**	**MOOTNESS** Appeal not moot because of continuing collateral consequences on appellant	A final order of involuntary civil commitment on the ground of mental illness and dangerousness imposes significant and continuing collateral consequences on the patient long after the expiration of the commitment. Thus, the appeal is not moot even though appellant's one-year involuntary civil commitment has expired and he is no longer subject to court-ordered treatment.	On appeal, appellant challenged the admissibility of expert testimony based on hearsay. The COA decided that the hearsay was admissible as the basis of the expert's opinion unless it is clearly more prejudicial than probative.

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In re A.O.T., 10 A.3d 160 (D.C. 2010) Biological father of three children moved to have the adoption and TPR trial reassigned to an AJ. MJ denied motion; AJ agreed that consent of the parties was not required for MJ to conduct the proceedings. After a trial, MJ found it was in children's best interests to waive parental consent and grant A.O.T.'s petition to adopt them. AJ affirmed.	**ADOPTION**	**MJ'S AUTHORITY** Because appellant withheld his consent to trial before a MJ, COA reversed and remanded for a new adoption trial before an AJ.	Congress was silent on the necessity for party consent to MJ trials in Family Court. So that was some indication that it was satisfied to leave the question to the Court's discretion, as exercised via its rule-making power. And notwithstanding provisions of the District of Columbia Family Court Act of 2001, the Family Court's General Rule D (c) does not authorize a MJ to conduct an adoption trial without the parties' consent.	Superior Court has recently changed the rule requiring consent of the parties for a case to be heard by an MJ in response to *In re A.O.T.;* now, no consent is required. *See* Rule Promulgation Order 11-04.
In re C.A.B., 4 A.3d 890 (D.C. 2010) Trial court denied grandmother's adoption petition, to which biological mother had consented, and granted foster parents' competing adoption petition.	**ADOPTION – COMPETING PETITIONS**	**FINDINGS/ STANDING** A parent's preference for her child's caretaker may be overridden only by clear and convincing evidence. Despite the MJ and AJ's erroneous view that foster parents' petition could be granted if preponderance of evidence showed that it was in the child's best interest, reversal	Because clear and convincing evidence supported one of the MJ's (alternative and independently sufficient) grounds for granting the foster parents' petition, and the AJ affirmed the ruling, the trial court did apply, and the evidence did meet, the clear and convincing standard necessary to grant foster parents' petition.	COA explained that where two competing adoption petitions have been consolidated for trial, and only one of the petitions has been ruled upon by the MJ, the AJ should: decline to consider, review or rule upon the matter raised in the motion for review of that order and dismiss the motion.

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		was not required because MJ had also found by clear and convincing evidence that custody with grandmother was not in the child's best interest. Grandmother had standing to challenge the standard of proof on appeal.		
In re C.L.O., 41 A.3d 502 (D.C. 2012) Unwed noncustodial father was unaware of his child at birth. He learned about child five months before being served with TPR notice around child's second birthday. Shortly thereafter, he was served with notice of proposed adoption by child's foster parent C.L.O. Two months later – after a paternity test – father sought visitation. MJ delayed adoption show	**ADOPTION**	**STANDARD OF PROOF** Because lower court's waiver of father's consent to adoption was supported by clear and convincing evidence, COA upheld adoption and a majority of the panel did not find it necessary to decide whether father grasped his opportunity interest. **FINDINGS** Although COA is	From majority and first concurring opinion: a fit, unwed, noncustodial father who has seized his opportunity interest has a right to presumptive custody of his child that can be overridden only by clear and convincing evidence that it is in child's best interests to be placed with someone else. Likewise, parental rights may only be terminated by clear and convincing evidence. So it was unnecessary to reach opportunity interest question.	From second concurring opinion: COA should decide whether father grasped his opportunity interest so father is given full assurance all facts were considered and to serve appearance of justice overall. (Father here did not grasp his opportunity interest.)

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cause hearing until child was three. Ultimately, MJ found by clear and convincing evidence that it was in child's best interests to waive father's consent to adoption by C.L.O.		technically reviewing AJ's decision, COA can still look to findings and conclusions of fact finder (the MJ), on which ruling is based.		
In re C.T., 724 A.2d 590 (D.C. 1999) Siblings with same mother but different fathers were subjects of TPR proceedings. Father of one sibling appealed TPR both as to his child and as to sibling with whom he had no legal parent-child relationship.	**TPR**	**STANDING** Non-parent did not have standing to appeal TPR.	To have standing to appeal TPR order, party's own legal rights must be impaired or denied. Therefore, father could only appeal TPR as to his child and not as to child's half-sibling.	

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In re D.B., 947 A.2d 443 (D.C. 2008) Father's counsel objected to admission of hearsay evidence (out-of-court statements of child) at hearing to reinstate father's visitation rights. Hearsay objection overruled and trial court banned visitation. Father argued for first time on appeal that admission of hearsay statements violated his due process rights.	**NEGLECT – VISITATION**	**PRESERVATION OF ISSUES FOR APPEAL-HEARSAY OBJECTION** Hearsay objection to out-of-court statements of child did not preserve due process challenge to admission of evidence.	Objection to admission on hearsay grounds, which was overruled, was insufficient to preserve due process claim raised for first time on appeal. While due process issue was not "frivolous," court need not directly confront it because issues raised for first time on appeal reviewed only for plain error (and none found).	
In re D.S.,52 A.3d 887 (D.C. 2012) Children removed from mother for physical abuse. Unwed biological father was in hospital at time of removal and although CFSA did not locate or notify him of FTM, father found out about it and participated by phone. Father did not live with children at their mother's home, but they stayed with him every	**NEGLECT**	**STANDARD OF PROOF** Fit parents have a right to presumptive custody of their children. To rebut this presumption, court must first find that parent failed to grasp opportunity interest in children; there is clear and convincing evidence that parent is unfit; or there is clear and convincing evidence that it is in child's best	Parental preference applies to temporary placement of a neglected child. Lower court's determination that it was in children's best interests to be committed to CFSA failed to sufficiently take into account the parental presumption. Court cannot treat government's lack of information as a reason to reject father as placement; court should have taken evidence on any disputed claims.	*Aff'd on reh'g*, 60 A.3d 1225 (D.C. 2013) (clear and convincing evidence is standard of proof necessary to rebut parental presumption in a neglect disposition when applied to a fit unwed, noncustodial father who has grasped his opportunity interest); *aff'd*, 88 A.3d 678 (D.C. 2014) (reiterating previous holdings, but also explicitly noting that the court was "express[ing] no opinion on

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weekend and he had close ongoing relationship with them. Father consistently requested custody of children. Mother waived probable cause; father did not. No allegations against father in neglect petition. No finding father was unfit. Mother stipulated to neglect and MJ committed children to CFSA over father's objection.		interests to be placed elsewhere. COA reversed trial court's order affirming disposition of commitment, and remanded case so trial court could incorporate parental presumption into its analysis.		the evidentiary standard for determining fitness").
In re E.R., 649 A.2d 10 (D.C. 1994) Mother appealed neglect adjudication finding that she had physically abused child. While appeal pending, child moved out of the country to live with relatives.	**NEGLECT – ADJUDICATION**	**MOOTNESS** Appeal not moot.	Appeal was not moot because adjudication could have serious future consequences for mother, who had three other children.	

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In re G.H., 797 A.2d 679 (D.C. 2002) Mother's boyfriend neglected child. Child was removed from the home at disposition. Mother did not appeal. Boyfriend appealed neglect adjudication and disposition.	**NEGLECT – ADJUDICATION, DISPOSITION**	**STANDING** Person acting *in loco parentis* has standing to appeal neglect adjudication but not disposition.	Boyfriend had standing to appeal neglect adjudication, which affected his reputational interest. Boyfriend did not have standing to appeal disposition of child, as boyfriend had no legal rights with respect to custody of child.	
In re J.W., 837 A.2d 40 (D.C. 2003) Father sought dismissal of neglect petition against him on grounds that mother had already entered into a stipulation. Trial court denied motion to dismiss and entered an adjudication of neglect based on father's sexual abuse of child. On appeal, father (who had related criminal charges pending) claimed neglect case should have been continued until completion of criminal case, to protect his Fifth Amendment rights.	**NEGLECT – ADJUDICATION**	**PRESERVATION OF ISSUES FOR APPEAL** Fifth Amendment claim not raised below not preserved for appeal.	Constitutional claims not made in the trial court are ordinarily unreviewable on appeal. COA deviates from this general rule only in exceptional situations and when necessary to prevent a clear miscarriage of justice apparent from the record. To invoke this plain error exception, the appellant must show that the alleged error is obvious and so clearly prejudicial to substantial rights as to jeopardize the very fairness and integrity of the proceeding. "Appellant neither asked the court for a continuance of the kind urged on appeal, nor did he ever actually invoke his Fifth Amendment privilege against self-incrimination. Rather, appellant attempted to dismiss the neglect petition on the ground previously discussed, that the court lacked jurisdiction to enter findings against him	

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			because neglect findings already had been made pursuant to [mother's] stipulation. The motion to dismiss made no reference to due process nor requested postponement until his then-pending criminal appeal was exhausted."	
Jordan v. Jordan, 14 A.3d 1136 (D.C. 2011) Trial court awarded joint legal and physical custody of two children to appellant mother and appellee father – despite allegations and findings of domestic violence by father against mother.	**CUSTODY DISPUTE**	**NECESSITY OF EXPLICIT FINDINGS** Even though trial court neglected to make express findings that Mr. Jordan did not pose a danger to Ms. Jordan and the children, and that joint custody would not significantly impair the children's emotional development, it is clear on the record that the trial court fully considered the evidence of domestic violence, and applied the relevant statutory provisions in making its custody determination.	D.C. Code § 16-914 (a-l) (2001) requires a court to make particular findings regarding the safety and emotional well-being of the children before awarding custody or visitation to a party who has committed an intrafamily offense. The record demonstrates that the court made the required findings implicitly when it determined that Mr. Jordan was a fit parent and that joint custody was in the children's best interests.	The trial court also appointed a "Parenting Coordinator/Special Master" pursuant to D.C. Super. Ct. R. Dom. Rel. R. 53, to mediate and make final determinations on any disputes concerning the children. COA held that Rule 53 authorized the trial court both to appoint the coordinator in this case and to delegate decision-making authority to the coordinator over day-to-day issues that did not implicate the court's exclusive responsibility to adjudicate the parties' rights to custody and visitation.
In re K.S., 966 A.2d 871 (D.C. 2009)	**NEGLECT – DISPOSITION**	**MOOTNESS**	In dicta (n.1), COA notes that any dispute over child's placement would become moot when child turned 21.	

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Mother appealed neglect adjudication and also appealed trial court's order placing child with relatives rather than in foster care. Child was almost 21 when appeal was decided.				
In re N.D., 909 A.2d 165 (D.C. 2006) Government moved orally to revoke protective supervision. Parent requested evidentiary hearing, which was held. On appeal from order revoking protective supervision, parent raised for first time that the motion should have been in writing.	**NEGLECT – REVOCATION OF PROTECTIVE SUPERVISION**	**PRESERVATION OF ISSUES FOR APPEAL** Challenge to procedure used to revoke protective supervision not raised below and thus not preserved for appeal.	Parent did not object to proceeding with evidentiary hearing on oral motion to revoke protective supervision and in fact is the party who requested the hearing. Therefore, parent's challenge to order revoking protective supervision on grounds that revocation required a written motion was raised for first time on appeal and would be heard only for plain error, but none found.	
In re N.P.*, 882 A.2d 241, 247 (D.C. 2005)* The COA rejected the father's challenge to the sufficiency of evidence for his child's neglect adjudication.	**NEGLECT**	**INVITED ERROR** A party may not take one position at trial and a contradictory position on appeal.	One of the father's claims of error concerned the fact that the child did not testify. The father, however, withdrew his initial request to have the child testify. The COA ruled that the father could not claim on appeal that the child's testimony was crucial to refute the evidence presented against him when it was he who decided that she would not be called to the stand.	

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CASE	TYPE OF CASE	PRIMARY ISSUES AND RULING	RATIONALE	COMMENTS
In re Phy.W., 722 A.2d 1263 (D.C. 1988) Foster mother sought review of court order returning custody of fraternal twins to their natural mother.	**NEGLECT - REUNIFICATION ORDER**	**STANDING** Foster parent had standing as aggrieved party to appeal reunification order.		
In re R.E.S., 978 A.2d 182 (D.C. 2009) Caregiver sought to adopt child. The father opposed the adoption. The court appointed an attorney to represent him.	**ADOPTION**	**INEFFECTIVE ASSISTANCE OF COUNSEL** COA recognized a statutory right to effective court-appointed counsel in cases where parental rights are subject to termination, including adoption; claim of ineffective assistance of counsel should be raised on direct appeal of order terminating rights/granting adoption without parental consent.		COA announced that it would apply the *Strickland v. Washington*, 466 U.S. 668 (1984), standard when evaluating claims that a parent was deprived of effective assistance in proceedings to terminate his or her parental rights. Accordingly, a parent must show both that counsel's performance was deficient and that actual prejudice resulted.
In re R.E.S., 19 A.3d 785 (D.C. 2011) COA remanded the record	**ADOPTION**	**INEFFECTIVE ASSISTANCE OF COUNSEL** Ineffectiveness claim	COA rejected father's argument that the trial judge's assessment of whether counsel's performance undermined confidence in the outcome of the adoption proceeding was	A termination proceeding, unlike a criminal trial, implicates more than just the personal liberty

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(not the case) for further inquiry concerning the performance of father's court-appointed counsel. The trial court held a trial, after which it ultimately rejected father's ineffectiveness claim. It concluded that he had not satisfied the prejudice prong of *Strickland*.		failed because father did not demonstrate prejudice.	flawed because she failed to factor in the principle of weighty consideration for his preference for a caretaker. Also, even though the COA is evaluating whether a parent's rights were violated, the best interest of the child is still the decisive consideration.	interest of one person – e.g. the parent's fundamental liberty interest in care, custody, and control of his child. The child's interests in stability, safety, security, and a normal family home are also at stake. A court need not address the deficient performance prong of *Strickland* if it can dispose of the ineffectiveness claim based on lack of prejudice alone.
In re S.C.M., 653 A.2d 398 (D.C. 1995) Child placed in third-party custody with caretaker who mistakenly believed he was the child's father. Trial court ordered that child remain in legal custody of the caretaker and his wife, but be placed in physical custody of the mother. This was an interim step towards full reunification. GAL	**NEGLECT – PLACEMENT**	**PRESERVATION OF ISSUES FOR REVIEW** GAL raised numerous issues in challenge to order placing child in parents' physical custody; some of those issues were not raised below and were thus reviewed on appeal for plain error only.	Issues not raised by GAL below were reviewed only for plain error on appeal; none found.	

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appealed the order returning child to parental custody.				
In re S.S., 821 A.2d 353 (D.C. 2003) Child lived with great-aunt but visited with mother. Trial court found child had been sexually abused by older children in mother's home and entered a neglect adjudication based on mother's failure to protect child. On appeal, mother argued for first time that neglect petition could not be brought against a non-custodial parent.	**NEGLECT – ADJUDICATION**	**PRESERVATION OF ISSUES FOR APPEAL** Issue not preserved, thus COA used plain error review.	Mother's argument that neglect petition could not be pursued against non-custodial parent raised for first time on appeal and reviewed only for plain error, and none found.	

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In re Ta.L., 149 A.3d 1060 (D.C. 2016) (en banc) In adoption appeal, birth parents argued they should have been permitted to immediately appeal earlier order in related neglect case changing permanency goal for their children from reunification to adoption.	**NEGLECT – PERMANENCY GOAL CHANGE**	**FINDINGS** Before changing the goal in a neglect case from reunification to adoption, the court must find: (1) D.C. has expended reasonable efforts to reunify the family; (2) the goals set for the parents were appropriate and reasonable; and (3) other vehicles for avoiding the pursuit of termination have been adequately explored.	Given the importance of permanency hearings, the impact on the direction of a neglect case when the permanency goal is changed from reunification to adoption, and the parental due process rights at stake, before changing a neglect permanency goal from reunification to adoption, the trial court must hold an evidentiary hearing where the government bears the burden of proof and specific findings must be made by the court.	The new findings requirement is also a practical corollary to the COA's separate holding in *In re Ta.L.* that such goal changes are now appealable as of right.

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In re T.J.L., 998 A.2d 853 (D.C. 2010).	**ADOPTION**	**STANDING** Birth mother did not have standing to appeal adoption on the basis of deficient service of the notice and order to show cause on the putative father	To have standing to appeal an adoption order a party must assert a legal right that belongs to them. Therefore, mother could not appeal adoption on the basis of putative father's deficient service.	

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In re T.L., 859 A.2d 1087 (D.C. 2004) On appeal from order banning visitation, parent raised constitutional challenge for first time. Government did not argue against COA considering claim and did not suggest that it do so only for plain error.	**NEGLECT – ORDER BANNING VISITATION**	**PRESERVATION OF ISSUES FOR REVIEW**	COA would hear constitutional challenge raised by mother for first time on appeal of order banning visitation, where government did not suggest in its brief that claim should not be heard or that it should be heard only for plain error. COA wary of applying technical rules – such as failure to preserve issue below – where fundamental rights of parent at stake.	

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***In re T.R.J.**, 661 A.2d 1086, 1088 (D.C. 1995)* Appeal brought by a former neglect ward who argued that the trial court prematurely terminated his commitment.	**NEGLECT**	**MOOTNESS** Appeal moot, but issue is capable of repetition yet evading review	The COA recognized that by the time it published the decision, the appellant had reached age twenty-one. Because commitment cannot extend beyond age twenty-one, the case was technically moot, and it would have been impossible for the issue presented to again affect the appellant. However, the court reached the merits of the appeal anyway, concluding that the issue was “capable of repetition yet evading review.” The COA observed it was “quite likely that other young people who flounder in the juvenile neglect system may face the same prospects as they near the age for termination of the court's jurisdiction and that the obligation of the government for their continued care cannot be fully litigated before they become age ineligible.”	The “capable of repetition” exception is applicable in a case whether or not the mooted issue could again affect the same party.

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CASE	TYPE OF CASE	PRIMARY ISSUES AND RULING	RATIONALE	COMMENTS
In re T.W.M., 964 A.2d 595 (D.C. 2009) Case involved competing adoptions of foster parent and a relative. Trial court granted petition of foster parents. Parents appealed. GAL had supported petition of relative below and agreed with parents that trial court order should be reversed. GAL filed a brief to that effect.	**ADOPTION**	**STANDING** GAL did not have standing to participate as an appellant where GAL did not file a notice of appeal.	GAL who did not file appeal was not an appellant and brief submitted challenging trial court decision would not be considered. Even where appeal initiated by another party, GAL needed to file own notice of appeal to be treated as an appellant.	

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In re T.W.M., 18 A.3d 815 (D.C. 2011) After a new trial before a new judge, the trial court again granted foster parent's adoption petition and denied relative's petition, which parents supported.	**ADOPTION**	**LEGAL STANDARD** Trial court did not abuse its discretion when it found that adoption by relative would be contrary to child's best interests because it was supported by clear and convincing evidence; and trial court did not fail to consider child's opinion of her own best interests.	Trial court did not abuse its discretion when it chose not to question child directly or indirectly about her custodial preference.	As opposed to the first appeal, this time the relative (who filed the adoption petition that the trial court denied), appealed. Also unlike the first appeal, the GAL filed a brief and the COA considered the GAL's arguments.

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In re Ty.B., 878 A.2d 1255 (D.C. 2005)	**NEGLECT-ADJUDICATION**	**PRESERVATION OF ISSUES FOR REVIEW - HEARSAY OBJECTION** Hearsay objection does not preserve other challenges to admission of the evidence over hearsay objection		

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In re Wyler, 46 A.3d 396 (D.C. 2012) The trial court dismissed proceedings for involuntary commitment of Mr. Wyler, and the government was not seeking to re-hospitalize him. The government conceded its appeal was moot, but appealed the trial court's exclusion of proposed expert testimony from a social worker, claiming it was an issue capable of repetition yet evading review.	**CIVIL COMMITMENT**	**MOOTNESS** Appeal is moot	Although technically moot, appeal raises an important procedural question (whether a social worker could qualify as an expert on mental illness and dangerousness), that is likely to recur (the government claimed it would continue to proffer social workers as experts), and is likely to be moot in the future too because of the short timelines for civil commitment. COA declined to reach the merits of the question though until the COA could decide the issue on a fully developed record, since here the government proffered almost no information, legal or factual, at trial.	

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Kenda v. Pleskovic, 39 A.3d 1249 (D.C. 2012) The case involved child custody litigation in D.C., Indiana, and London. In this matter, ex-wife appealed from D.C. Superior Court's 2009 denial of her motion to reaffirm the (original) 2002 D.C. custody order and declare a 2006 Indiana custody order void as a matter of law.	**JURISDICTION**	**JUDICIAL ESTOPPEL**	Ex-wife is judicially estopped from challenging the Indiana court's jurisdiction. She voluntarily availed herself of that jurisdiction; affirmatively argued that the Indiana court had jurisdiction; and in resolving the couple's London litigation, formally agreed that Indiana then had jurisdiction over all matters relating to the welfare of the couple's child. Accordingly, ex-wife cannot now take the opposite view to the COA out of self interest. (Only after she received the Indiana court's 2006 decision awarding ex-husband custody did ex-wife raise a jurisdictional issue based on the District's initial 2002 child-custody determination under the Uniform Child Custody Jurisdiction Enforcement Act.)	Judicial estoppel occurs when a party switches legal positions in two related judicial proceedings, taking one side of an issue at trial and saying the opposite on appeal. The purpose of a reviewing court applying this doctrine is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment.

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Khawam v. Wolfe, 84 A.3d 558 (D.C. 2014) The trial court granted the parties a divorce and, among other things, granted father sole custody of parties' child, and subsequently denied mother's motion to modify custody order. Mother appealed.	**CUSTODY**	**NECESSITY OF FINDINGS** Trial court abused its discretion by summarily denying mother's motion to modify without even mentioning the motion's important allegations.	Trial court was required either to conduct an evidentiary hearing or to explain with specificity why such a hearing was not required, despite the serious allegations raised by mother's motion to modify, where the motion had several attachments readily showing that there were material facts in dispute.	

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V.K. v. Child & Family Servs. Agency of D.C., 14 A.3d 628 (D.C. 2011) Father challenged decision of CFSA hearing officer, which upheld the agency's decision to place his name on the DC Child Protection register.	**APPEAL OF FAIR HEARINGS OFFICE DECISION**	The hearing officer's decision (about whether the report that petitioner abused child by hitting him was substantiated) was properly supported by substantial evidence. That is, the evidence did not compel the hearing officer to conclude that the charge of substantiated abuse was unsupported by credible evidence or against the weight of the evidence.	Father gave "shifting" and "non-specific" answers regarding how the children's injuries occurred, which provided a basis for the hearing officer to discount his credibility and to accord greater weight to the "aggregation" of consistent hearsay reports to the contrary.	Hearing officer also did not err as a matter of law when she found, based on social worker's testimony and photos of scars on boy's body, that it was more likely than not that petitioner repeatedly hit son with cord or other instrument, and treated that discipline as excessive.

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W.H. v. D.W., 78 A.3d 327 (D.C. 2013) Biological father appealed order granting joint legal and physical custody of his children to their brother and maternal grandmother, where the trial court issued its order pursuant to the District of Columbia Safe and Stable Homes for Children and Youth Act of 2007 (the Act).	**CUSTODY**	**STANDING** Brother met one of the criteria for having standing under the Act because he had resided continually in the same house as the children since their births and had primarily assumed the duties and obligations for which a parent was legally responsible, and he satisfied general standing requirements because he was threatened with deprivation of a legal right created by statute.	Although grandmother alone did not satisfy the Act's standing requirements, pursuant to other provisions of the Act, the family court did not err in including her in the custody award based on the children's best interests. Brother and grandmother adequately rebutted statutory presumption in favor of parental custody.	

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List of Cases Included in Case Summaries
(*appearing in alphabetical order*)

1. *In re A.B.*, 486 A.2d 1167 (D.C. 1984).
2. *In re A.B.,* 999 A.2d 36 (D.C. 2010).
3. *In re A.O.T.,* 10 A.3d 160 (D.C. 2010).
4. *In re A.R.,* 679 A.2d 470 (D.C. 1996).
5. *In re Amey*, 40 A.3d 902 (D.C. 2012).
6. *In re C.A.B.,* 4 A.3d 890 (D.C. 2010).
7. *In re C.I.T.,* 369 A.2d 171 (D.C. 1977).
8. *In re C.L.O.*, 41 A.3d 502 (D.C. 2012).
9. *In re C.T.,* 724 A.2d 590 (D.C. 1999).
10. *In re D.B.,* 879 A.2d 682 (D.C. 2005).
11. *In re D.B.,* 947 A.2d 443 (D.C. 2008).
12. *In re D.M.,* 771 A.2d 360 (D.C. 2001).
13. *In re D.R.,* 718 A.2d 149 (D.C. 1998).
14. *In re D.S.*, 52 A.3d 887 (D.C. 2012).
15. *In re E.R.,* 649 A.2d 10 (D.C. 1994).
16. *In re G.H.,* 797 A.2d 679 (D.C. 2002).
17. *In re J.A.P.*, 749 A.2d 715 (D.C. 2000).
18. *In re J.J.*, 111 A.3d 1038 (D.C. 2015).
19. *In re J.W.,* 806 A.2d 1232 (D.C. 2002).
20. *In re J.W.,* 837 A.2d 40 (D.C. 2003).
21. *In re K.S.,* 966 A.2d 871 (D.C. 2009).
22. *In re Ko.W.,* 774 A.2d 296 (D.C. 2001).
23. *In re L.L.,* 653 A.2d 873 (D.C. 1995).
24. *In re M.F.*, 55 A.3d 373 (D.C. 2012).
25. *In re M.L.DeJ.*, 310 A.2d 834 (D.C. 1973).
26. *In re N.D.,* 909 A.2d 165 (D.C. 2006).
27. *In re N.P.,* 882 A.2d 241 (D.C. 2005).
28. *In re Na.H.*, 65 A.3d 111 (D.C. 2013).
29. *In re Phy.W.*, 722 A.2d 1263 (D.C. 1998).
30. *In re R.E.S.,* 19 A.3d 785 (D.C. 2011).
31. *In re R.E.S.,* 978 A.2d 182 (D.C. 2009).

32. *In re R.M.G.,* 454 A.2d 776 (D.C. 1982).

33. *In re S.C.M.,* 653 A.2d 398 (D.C. 1995).

34. *In re S.J.,* 772 A.2d 247 (D.C. 2001).

35. *In re S.L.G.*, 110 A.3d 1275 (D.C. 2015).

36. *In re S.S.*, 821 A.2d 353 (D.C. 2003).

37. *In re T.G.M.*, 154 A.3d 95 (D.C. 2016).

38. *In re T.J.L.*, 998 A.2d 853 (D.C. 2010).

39. *In re T.L.,* 859 A.2d 1087 (D.C. 2004).

40. *In re T.R.J.*, 661 A.2d 1086 (D.C. 1995).

41. *In re T.W.M.,* 18 A.3d 815 (D.C. 2011).

42. *In re T.W.M.,* 964 A.2d 595 (D.C. 2009).

43. *In re Ta.L.,* 149 A.3d 1060 (D.C. 2016).

44. *In re Ti.B.,* 762 A.2d 20 (D.C. 2000).

45. *In re Ty.B.,* 878 A.2d 1255 (D.C. 2005).

46. *In re Wyler*, 46 A.3d 396 (D.C. 2012).

47. *Jordan v. Jordan,* 14 A.3d 1136 (D.C. 2011).

48. *Kenda v. Pleskovic,* 39 A.3d 1249 (D.C. 2012).

49. *Khawam v. Wolfe*, 84 A.3d 558 (D.C. 2013).

50. *V.K. v. Child & Family Servs. Agency of D.C.*, 14 A.3d 628 (D.C. 2011).

51. *W.H. v. D.W.*, 78 A.3d 327 (D.C. 2013).