
PRACTICE KIT 12:
D.C. COURT OF APPEALS
CASE LAW INDEX

APRIL 4, 2022



APPELLATE PROJECT

INTRODUCTION

The purpose of this practice kit is to equip attorneys with a basic foundation of case law regarding several regularly recurring legal issues and doctrines at the appellate level in abuse and neglect, guardianship, custody, and adoption matters. Opinions are organized alphabetically by topic; within each subject area, opinions are listed chronologically. All of the cases are from the D.C. Court of Appeals and the D.C. Superior Court.

This practice kit is meant to be used as a starting point for legal research. It does not attempt to be a complete compilation of all applicable opinions on a particular issue, but instead offers a sample of the potentially relevant precedent on topics attorneys frequently encounter on appeal. Attorneys are also encouraged to exercise due diligence in using this practice kit – newly published cases may provide different perspectives on, distinguish, or overrule the precedent listed herein. In other words, as with all legal resources, this kit does not serve as a substitute for an attorney's own research.

Each year or two, this kit will include newly-decided key cases from the D.C. Court of Appeals (and, in limited instances, the D.C. Superior Court) related to the topics that are covered. Additional subject areas may also be added to the index in the future.

Happy researching,

The Appellate Project of Children's Law Center

TABLE OF CONTENTS

1.	Abandonment	1
2.	Abused child	1
a.	Physical abuse/corporal punishment.....	1
b.	Sexual abuse.....	1
c.	Mental abuse	1
3.	Adoption and adoption prospects	1
4.	Agency’s role and responsibilities.....	2
a.	Reasonable efforts	2
5.	Best interest of child	2
a.	As guiding principle.....	3
b.	Child’s opinion of his/her own best interest	3
6.	Biological parents, rights and responsibilities	3
7.	Burden of proof/standard of proof.....	4
8.	Case closure before child is 21	4
9.	Child as witness/child testimony.....	4
10.	Child exposed to drug-related activity	5
11.	Concurrent jurisdiction.....	5
12.	Consent of parent (<i>see also</i> “weighty consideration”)	5
a.	Revocation and withdrawal	5
13.	Consolidation	6
a.	One family, one judge	6
14.	Counsel	6
a.	Ineffective assistance of counsel	6
15.	Custody.....	6
16.	Dangerous or dirty home	6
17.	Defenses to neglect	7
18.	Discovery.....	7
19.	Domestic violence.....	7
20.	Drug-related activity and substance abuse	7
21.	Due process	7

22.	Educational neglect	8
23.	Equal protection.....	8
24.	Experts	8
25.	Failure to protect.....	9
26.	Federal law	9
a.	Adoption and Safe Families Act (ASFA)	9
b.	Child Abuse Prevention and Treatment Act (CAPTA)	9
c.	Adoption Assistance and Child Welfare Act (AACWA).....	9
27.	Financial resources of parent	9
28.	Fitness	9
29.	Guardian <i>ad Litem</i>	10
a.	Guardian <i>ad Litem</i> 's role.....	10
b.	Guardian <i>ad Litem</i> as witness	10
c.	Guardian <i>ad Litem</i> proceeding without government	10
30.	Guardianship	10
31.	Harmless error	10
32.	Hearsay	10
a.	History of neglect (mosaic).....	11
33.	Imminent danger of abuse.....	11
34.	<i>In loco parentis</i>	11
35.	Interstate Compact on the Placement of Children (ICPC).....	11
36.	Judicial notice and observation.....	11
37.	Jurisdiction	11
38.	Lack of proper parental care or control	12
39.	Law of the case.....	13
40.	Mental health	13
41.	Notice of appeal.....	13
42.	Opportunity interest	13
43.	<i>Parens patriae</i>	13
44.	Parent is unable to discharge responsibilities	13
45.	Parental Kidnapping.....	14
46.	Parental Presumption.....	14

47.	Party status.....	14
48.	Permanency and permanency goal changes	14
49.	Protective supervision.....	14
50.	Ready for discharge from hospital	14
51.	Recusal	14
52.	Related proceedings	15
a.	Criminal (<i>see also</i> “parent is unable to discharge responsibilities”).....	15
b.	Domestic relations	15
c.	Juvenile	15
d.	Termination of parental rights for siblings.....	15
53.	Res judicata/collateral estoppel.....	15
54.	Retroactivity	15
55.	Reunification	16
56.	Show cause hearing.....	16
57.	Special needs child	16
58.	Stay	16
59.	Stipulation of neglect	16
60.	Sufficiency of the evidence	16
61.	Transcripts	17
62.	Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) and Parental Kidnapping Prevention Act (PKPA)	17
63.	Unwilling caregiver.....	18
64.	Visitation.....	18
a.	Denial of for biological parents.....	18
b.	In custody cases	18
65.	Wait and see	19
66.	Weighty consideration.....	19
67.	Writ of mandamus.....	19

1. Abandonment

- *In re C.E.H.*, 391 A.2d 1370 (D.C. 1978)
- *In re B.B.P.*, 753 A.2d 1019 (D.C. 2000)
- *In re Je.A.*, 793 A.2d 447 (D.C. 2002)
- *In re J.T.B.*, 968 A.2d 106 (D.C. 2009)
- *W.H. v. D.W.*, 78 A.3d 327 (D.C. 2013)
- *B.R.L.F. v. Sarceno Zunigam*, 200 A.3d 770 (D.C. 2019)

2. Abused child

a. Physical abuse/corporal punishment

- *In re S.K.*, 564 A.2d 1382 (D.C. 1989)
- *In re G.H.*, 797 A.2d 679 (D.C. 2002)
- *In re Kya.B.*, 857 A.2d 465 (D.C. 2004)
- *In re L.H.*, 925 A.2d 579 (D.C. 2007)
- *In re A.B.*, 999 A.2d 36 (D.C. 2010)
- *V.K. v. Child & Family Servs. Agency*, 1 A.3d 628 (D.C. 2011)
- *In re H.R.*, 206 A.3d 884 (D.C. 2019)

b. Sexual abuse

- *In re S.G.*, 581 A.2d 771 (D.C. 1990)
- *In re C.C.J.*, 777 A.2d 265 (D.C. 2001)
- *In re S.S.*, 821 A.2d 353 (D.C. 2003)
- *In re J.W.*, 837 A.2d 40 (D.C. 2003)

c. Mental abuse

- *In re N.P.*, 882 A.2d 241 (D.C. 2005)
- *In re K.S.*, 966 A.2d 871 (D.C. 2009)

3. Adoption and adoption prospects

- *In re A.B.E.*, 564 A.2d 751 (D.C. 1989)

- *In re A.W.*, 569 A.2d 168 (D.C. 1990)
- *In re D.G.*, 583 A.2d 160 (D.C. 1990)
- *E.C. v. District of Columbia*, 589 A.2d 1245 (D.C. 1991)
- *In re M.F.*, 644 A.2d 1363 (D.C. 1994)
- *In re P.D.*, 664 A.2d 337 (D.C. 1995)
- *In re A.S.C.*, 671 A.2d 942 (D.C. 1996)
- *In re C.T.*, 724 A.2d 590 (D.C. 1999)
- *In re Ja.J.*, 814 A.2d 923 (D.C. 2002)
- *In re C.M.*, 916 A.2d 169 (D.C. 2007)
- *In re P.D.J.K.*, 182 A.3d 1234 (D.C. 2018)
- *In re J.O.*, 176 A.3d 144 (D.C. 2018)
- *In re A.T.J.*, 247 A.3d 289 (D.C. 2021)
- *In re J.W.*, 263 A.3d 143 (D.C. 2021)

4. Agency's role and responsibilities

- *In re J.J.Z.*, 630 A.2d 186 (D.C. 1993)
- *In re T.G.*, 684 A.2d 786 (D.C. 1996)
- *District of Columbia v. Harris*, 770 A.2d 82 (D.C. 2001)
- *In re G.K.*, 993 A.2d 558 (D.C. 2010)
- *In re D.K.*, 26 A.3d 731 (D.C. 2011)
- *In re M.V.H.*, 143 A.3d 94 (D.C. 2016)

a. Reasonable efforts

- *In re D.G.*, 583 A.2d 160 (D.C. 1990)
- *In re A.C.*, 597 A.2d 920 (D.C. 1991)
- *In re D.S.*, 88 A.3d 678 (D.C. 2014)
- *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016)

5. Best interest of child

a. As guiding principle

- *In re J.S.R.*, 374 A.2d 860 (D.C. 1977)
- *In re A.B.E.*, 564 A.2d 751 (D.C. 1989)
- *In re L.J.T.*, 608 A.2d 1213 (D.C. 1992)
- *In re L.W.*, 613 A.2d 350 (D.C.1992)
- *In re J.J.Z.*, 630 A.2d 186 (D.C. 1993)
- *In re J.D.W.*, 711 A.2d 826 (D.C. 1998)
- *In re T.W.*, 732 A.2d 254 (D.C. 1999)
- *In re K.I.*, 735 A.2d 448 (D.C. 1999)
- *In re P.S.*, 797 A.2d 1219 (D.C. 2001)
- *In re A.R.*, 950 A.2d 667 (D.C. 2008)
- *In re J.O.*, 176 A.3d 144 (D.C. 2018)
- *In re D.R.M.*, 198 A.3d 756 (D.C. 2018)
- *In re K.C.*, 200 A.3d 1216 (D.C. 2019)
- *In re A.T.J.*, 247 A.3d 289 (D.C. 2021)

b. Child's opinion of his/her own best interest

- *In re A.R.*, 679 A.2d 470 (D.C. 1996)
- *In re J.G.*, 831 A.2d 992 (D.C. 2003)
- *In re J.L.*, 884 A.2d 1072 (D.C. 2005)
- *In re D.H.*, 917 A.2d 112 (D.C. 2007)
- *In re T.W.M.*, 18 A.3d 815 (D.C. 2011)
- *In re J.C.F.*, 73 A.3d 1007 (D.C. 2013)
- *Duguma v. Ayalew*, 145 A.3d 517 (D.C. 2016)

6. **Biological parents, rights and responsibilities**

- *In re S.G.*, 581 A.2d 771 (D.C. 1990)
- *In re Baby Boy C. (Appeal of H.R.)*, 581 A.2d 1141 (D.C. 1990)

- *In re B.C.*, 582 A.2d 1196 (D.C. 1990)
- *In re L.J.T.*, 608 A.2d 1213 (D.C. 1992)
- *In re J.F.*, 615 A.2d 594 (D.C. 1992)
- *In re T.J.*, 666 A.2d 1 (D.C. 1995)
- *In re A.G.*, 900 A.2d 677 (D.C. 2006)
- *In re S.M.*, 985 A.2d 413 (D.C. 2009)
- *In re D.S.*, 88 A.3d 678 (D.C. 2014)
- *S.M. v. R.M.*, 92 A.3d 1128 (D.C. 2014)

7. Burden of proof/standard of proof

- *In re B.K.*, 429 A.2d 1331 (D.C. 1981)
- *In re D.I.S.*, 494 A.2d 1316 (D.C. 1985)
- *In re D.C.*, 561 A.2d 477 (D.C. 1989)
- *In re N.H.*, 569 A.2d 1179 (D.C. 1990)
- *In re T.J.*, 666 A.2d 1 (D.C. 1995)
- *In re E.D.R.*, 772 A.2d 1156 (D.C. 2001)
- *In re A.G.*, 900 A.2d 677 (D.C. 2006)
- *K.H. v. R.H.*, 935 A.2d 328, (D.C. 2007)
- *In re D.S.*, 88 A.3d 678 (D.C. 2014)
- *S.M. v. R.M.*, 92 A.3d 1128 (D.C. 2014)

8. Case closure before child is 21

- *In re T.R.J.*, 661 A.2d 1086 (D.C. 1995)
- *In re A.R.*, 950 A.2d 667 (D.C. 2008)

9. Child as witness/child testimony

- *In re T.W.*, 623 A.2d 116 (D.C. 1993)
- *In re I.B.*, 631 A.2d 1225 (D.C. 1993)
- *In re A.R.*, 679 A.2d 470 (D.C. 1996)

- *In re Jam.J.*, 825 A.2d 902 (D.C. 2003)
- *In re N.D.*, 909 A.2d 165 (D.C. 2006)
- *In re K.S.*, 966 A.2d 871 (D.C. 2009)
- *N.D. McN. v. R.J.H.*, 979 A.2d 1195 (D.C. 2009)
- *In re T.W.M.*, 18 A.3d 815 (D.C. 2011)
- *In re M.L.*, 28 A.3d 520 (D.C. 2011)

10. Child exposed to drug-related activity

- *In re A.W.*, 134 Daily Wash. L. Rptr. 267 (D.C. Super. Ct. Jan. 23, 2006)
- *In re De.S.*, 894 A.2d 448 (D.C. 2006)
- *In re Ta.C.*, 237 A.3d 114 (D.C. 2020)

11. Concurrent jurisdiction

- *In re J.E.G.*, 357 A.2d 855 (D.C. 1976)
- *Padgett v. Padgett*, 478 A.2d 1098 (D.C. 1984)
- *In re S.C.M.*, 653 A.2d 398 (D.C. 1995)
- *Stebbins v. Stebbins*, 673 A.2d 184 (D.C. 1996)
- *In re J.R.*, 33 A.3d 397 (D.C. 2011)

12. Consent of parent (see also “weighty consideration”)

- *In re J.S.R.*, 374 A.2d 860 (D.C. 1977)
- *In re S.J.*, 772 A.2d 247 (D.C. 2001)
- *In re A.W.K.*, 778 A.2d 314 (D.C. 2001)
- *In re F.W.*, 870 A.2d 82 (D.C. 2005)
- *In re T.G.M.*, 154 A.3d 95 (D.C. 2016)

a. Revocation and withdrawal

- *In re S.E.D.*, 324 A.2d 200 (D.C. 1974)
- *J.M.A.L. v. Lutheran Soc. Servs.*, 418 A.2d 133 (D.C. 1980)
- *In re J.D.W.*, 711 A.2d 826 (D.C. 1998)

13. Consolidation

- *In re Baby Girl D.S. (Appeal of V.V.)*, 600 A.2d 71 (D.C. 1991)
- *W.D. v. C.S.M.*, 906 A.2d 317 (D.C. 2006)

a. One family, one judge

- *In re A.O.T.*, 10 A.3d 160 (D.C. 2010)

14. Counsel

- *In re Douglas*, 390 A.2d 1 (D.C.1978)
- *In re D.R.*, 541 A.2d 1260 (D.C. 1988)
- *In re Ti.B.*, 762 A.2d 20 (D.C. 2000)
- *In re J.A.P.*, 749 A.2d 715 (D.C. 2000)

a. Ineffective assistance of counsel

- *In re R.E.S.*, 978 A.2d 182 (D.C. 2009)
- *In re R.E.S.*, 19 A.3d 785 (D.C. 2011)

15. Custody

- *In re N.M.S.*, 347 A.2d 924 (D.C. 1975)
- *A.J. v. L.O.*, 697 A.2d 1189 (D.C. 1997)
- *T.S. v M.C.S.*, 747 A.2d 159 (D.C. 2000)
- *In re T.M.J.*, 878 A.2d 1200 (D.C. 2005)
- *W.D. v. C.S.M.*, 906 A.2d 317 (D.C. 2006)
- *K.H. v. R.H.*, 935 A.2d 328 (D.C. 2007)
- *Fields v. Mayo*, 982 A.2d 809 (D.C. 2009)
- *K.R. v. C.N.*, 969 A.2d 257 (D.C. 2009)
- *W.H. v. D.W.*, 78 A.3d 327 (D.C. 2013)
- *S.M. v. R.M.*, 92 A.3d 1128 (D.C. 2014)
- *Cheek v. Edwards*, 215 A.3d 209 (D.C. 2019)

16. Dangerous or dirty home

- *In re D.R.*, 673 A.2d 1259 (D.C. 1996)
- *In re T.G.*, 684 A.2d 786 (D.C. 1996)
- *In re Am.V.*, 833 A.2d 493 (D.C. 2003)
- *In re A.H.*, 842 A.2d 674 (D.C. 2004)

17. Defenses to neglect

- *In re D.C.*, 561 A.2d 477 (D.C. 1989)
- *In re T.G.*, 684 A.2d 786 (D.C. 1996)
- *In re E.H.*, 718 A.2d 162 (D.C. 1998)
- *In re Am.V.*, 833 A.2d 493 (D.C. 2003)
- *In re T.T.C.*, 855 A.2d 1117 (D.C. 2004)

18. Discovery

- *In re K.M.*, 164 A.3d 945 (D.C. 2017)

19. Domestic violence

- *In re L.D.H.*, 776 A.2d 570 (D.C. 2001)
- *In re Ca.S.*, 828 A.2d 184 (D.C. 2003)
- *In re Ty.B.*, 878 A.2d 1255 (D.C. 2005)
- *In re N.P. & I.P.*, 882 A.2d 241 (D.C. 2005)

20. Drug-related activity and substance abuse

- *In re W.T.L.*, 825 A.2d 892 (D.C. 2002)
- *In re B.L.*, 824 A.2d 954 (D.C. 2003)
- *In re Am.V.*, 833 A.2d 570 (D.C. 2003)
- *In re De.S.*, 894 A.2d 448 (D.C. 2006)
- *In re Ta.C.*, 237 A.3d 114 (D.C. 2020)

21. Due process

- *In re J.S.R.*, 374 A.2d 860 (D.C. 1977)
- *In re E.S.N.*, 446 A.2d 16 (D.C. 1982)

- *In re P.G.*, 452 A.2d 1183 (D.C.1982)
- *In re K.A.*, 484 A.2d 992 (D.C. 1984)
- *In re A.B.E.*, 564 A.2d 751 (D.C. 1989)
- *In re Baby Boy C. (Appeal of H.R.)*, 581 A.2d 1141 (D.C. 1990)
- *In re Baby Girl R.L. (Appeal of A.H.)*, 590 A.2d 123 (D.C. 1991)
- *In re M.N.M.*, 605 A.2d 921 (D.C. 1992)
- *In re J.F.*, 615 A.2d 594 (D.C. 1992)
- *In re X.B.*, 637 A.2d 1144 (D.C. 1994)
- *In re S.C.M.*, 653 A.2d 398 (D.C. 1995)
- *In re T.K.*, 708 A.2d 1012 (D.C. 1998)
- *In re J.W.*, 806 A.2d 1232 (D.C. 2002)
- *In re J.W.*, 837 A.2d 40 (D.C. 2003)
- *In re A.G.*, 900 A.2d 677 (D.C. 2006)
- *In re N.D.*, 909 A.2d 165 (D.C. 2006)
- *In re P.D.J.K.*, 182 A.3d 1234 (D.C. 2018)
- *Cheek v. Edwards*, 215 A.3d 209 (D.C. 2019)

22. Educational neglect

- *In re M.L.*, 28 A.3d 520 (D.C. 2011)
- *In re P.B.*, 54 A.3d 660 (D.C. 2012)
- *In re B.C.*, 257 A.3d 451 (D.C. 2021)

23. Equal protection

- *In re R.M.G.*, 454 A.2d 776 (D.C.1982)
- *In re A.B.E.*, 564 A.2d 751 (D.C. 1989)

24. Experts

- *In re L.L.*, 653 A.2d 873 (D.C. 1995)
- *In re M.D.*, 758 A.2d 27 (D.C. 2000)

- *In re B.L.*, 824 A.2d 954 (D.C. 2003)
- *In re A.B.*, 999 A.2d 36 (D.C. 2010)

25. Failure to protect

- *In re B.C.*, 582 A.2d 1196 (D.C. 1990)

26. Federal law

a. Adoption and Safe Families Act (ASFA)

- *In re Ak.V.*, 747 A.2d 570 (D.C. 2000)
- *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016)

b. Child Abuse Prevention and Treatment Act (CAPTA)

- *S.S. v. D.M.*, 597 A.2d 870 (D.C. 1991)

c. Adoption Assistance and Child Welfare Act (AACWA)

- *In re D.G.*, 583 A.2d 160 (D.C. 1990)
- *In re L.L.*, 653 A.2d 873 (D.C. 1995)

27. Financial resources of parent

- *In re Am.V.*, 833 A.2d 570 (D.C. 2003)
- *In re A.H.*, 842 A.2d 674 (D.C. 2004)

28. Fitness

- *In re J.S.R.*, 374 A.2d 860 (D.C. 1977)
- *In re P.G.*, 452 A.2d 1183 (D.C. 1982)
- *In re D.I.S.*, 494 A.2d 776 (D.C. 1985)
- *In re L.W.*, 613 A.2d 350 (D.C. 1992)
- *In re M.M.D.*, 662 A.2d 837 (D.C. 1995)
- *In re T.J.*, 666 A.2d 1 (D.C. 1995)
- *A.J. v. L.O.*, 697 A.2d 1189 (D.C. 1997)
- *In re A.W.K.*, 778 A.2d 314 (D.C. 2001)
- *In re P.S.*, 797 A.2d 1219 (D.C. 2001)

- *In re H.B.*, 855 A.2d 1091 (D.C. 2004)
- *In re A.C.G.*, 894 A.2d 436 (D.C. 2006)
- *In re J.B.N. & T.F.N.*, 917 A.2d 112 (D.C. 2007)
- *In re M.L.P.*, 936 A.2d 316 (D.C. 2007)
- *In re S.L.G.*, 110 A.3d 1275 (D.C. 2015)
- *In re J.J.*, 111 A.3d 1038 (D.C. 2015)
- *In re G.A.P.*, 133 A.3d 994 (D.C. 2016)
- *In re M.V.H.*, 143 A.3d 94 (D.C. 2016)
- *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016)
- *In re J.O.*, 176 A.3d 144 (D.C. 2018)

29. Guardian ad Litem

a. Guardian ad Litem's role

- *In re L.H.*, 634 A.2d 1230 (D.C. 1993)

b. Guardian ad Litem as witness

- *S.S. v. D.M.*, 597 A.2d 870 (D.C. 1991)

c. Guardian ad Litem proceeding without government

- *In re L.H.*, 634 A.2d 1230 (D.C. 1993)
- *In re P.D. & D.D.*, 664 A.2d 337 (D.C. 1995)

30. Guardianship

- *In re A.G.*, 900 A.2d 677 (D.C. 2006)
- *K.H. v. R.H.*, 935 A.2d 328, (D.C. 2007)
- *In re D.T.*, 222 A.3d 593 (D.C. 2019)

31. Harmless error

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

32. Hearsay

- *In re D.B.*, 947 A.2d 443 (D.C. 2008)
- *In re M.F.*, 55 A.3d 373 (D.C. 2012)
- *In re Z.W.*, 214 A.3d 1023 (D.C. 2019)

a. History of neglect (mosaic)

- *In re O.L.*, 584 A.2d 1230 (D.C. 1990)
- *In re T.G.*, 684 A.2d 786 (D.C. 1996)
- *In re N.P.*, 882 A.2d 241 (D.C. 2005)

33. Imminent danger of abuse

- *In re S.G.*, 581 A.2d 771 (D.C. 1990)
- *In re M.W.*, 756 A.2d 913 (D.C. 2000)
- *In re G.H.*, 797 A.2d 679 (D.C. 2002)
- *In re Te.L.*, 844 A.2d 333 (D.C. 2004)
- *In re Kya.B., K.B., Kye.B.*, 857 A.2d 1087 (D.C. 2004)
- *In re L.H. & A.H.*, 925 A.2d 579 (D.C. 2007)

34. In loco parentis

- *In re S.L.E.*, 677 A.2d 514 (D.C. 1996)
- *In re K.J.*, 11 A.3d 273 (D.C. 2011)

35. Interstate Compact on the Placement of Children (ICPC)

- *In re T.M.J.*, 878 A.2d 1200 (D.C. 2005)

36. Judicial notice and observation

- *In re J.M.C.*, 741 A.2d 418 (D.C. 1999)
- *In re A.B.*, 955 A.2d 161 (D.C. 2008)

37. Jurisdiction

- *In re N.M.S.*, 347 A.2d 924 (D.C. 1975)
- *In re O.A.*, 548 A.2d 499 (D.C. 1988)

- *In re A.H.*, 590 A.2d 123 (D.C. 1991)
- *In re S.J.*, 632 A.2d 112 (D.C. 1993)
- *In re T.K.*, 708 A.2d 1012 (D.C. 1998)
- *In re J.W.*, 837 A.2d 40 (D.C. 2003)
- *In re J.R.*, 33 A.3d 397 (D.C. 2011)

38. Lack of proper parental care or control

- *In re B.K.*, 429 A.2d 1331 (D.C. 1981)
- *In re A.B.*, 486 A.2d 1167 (D.C. 1984)
- *In re B.C.*, 582 A.2d 1196 (D.C. 1990)
- *In re Belinda & Jessica H.*, Nos. N-345-90 and N-346-90 (D.C. Super. Aug. 28, 1991)
- *In re M.D.*, 758 A.2d 27 (D.C. 2000)
- *In re Am.V.*, 833 A.2d 493 (D.C. 2003)
- *In re A.H.*, 842 A.2d 674 (D.C. 2004)
- *In re N.P.*, 882 A.2d 241 (D.C. 2005)
- *Kritsidimas v. Sheskin*, 411 A.2d 370 (D.C. 1980)
- *P. P. P. Prods., Inc. v. W & L, Inc.*, 418 A.2d 151 (D.C. 1980)
- *In re Baby Boy C. (Appeal of H.R.)*, 630 A.2d 670 (D.C. 1993)
- *In re A.B.*, 486 A.2d 1167 (D.C. 1984)
- *In re N.H.*, 569 A.2d 1179 (D.C. 1990)
- *In re O.L.*, 584 A.2d 1230 (D.C. 1990)
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- *In re E.H.*, 718 A.2d 162 (D.C. 1998)
- *In re J.M.C.*, 741 A.2d 418 (D.C. 1999)
- *In re N.P.*, 882 A.2d 241 (D.C. 2005)
- *In re L.H.*, 925 A.2d 579 (D.C. 2007)
- *In re A.B.*, 955 A.2d 161 (D.C. 2008)

- *In re P.B.*, 54 A.3d 660 (D.C. 2012)
- *In re G.A.P.*, 133 A.3d 994 (D.C. 2016)

39. Law of the case

- *Kritsidimas v. Sheskin*, 411 A.2d 370 (D.C. 1980)
- *P. P. P. Prods., Inc. v. W & L, Inc.*, 418 A.2d 151 (D.C. 1980)
- *In re Baby Boy C. (Appeal of H.R.)*, 630 A.2d 670 (D.C. 1993)
- *Lenkin Co. Mgmt. v. District of Columbia Rental Hous. Comm'n*, 677 A.2d 46 (D.C. 1996)

40. Mental health

- *In re B.C.*, 257 A.3d 451 (D.C. 2021)
- *In re J.W.*, 263 A.3d 143 (D.C. 2021)

41. Notice of appeal

- *In re A.B.*, 486 A.2d 1167 (D.C. 1984)

42. Opportunity interest

- *In re Baby Boy C. (Appeal of H.R.)*, 581 A.2d 1141 (D.C. 1990)
- *In re C.L.O.*, 41 A.3d 502 (D.C. 2012)
- *In re A.T.J.*, 247 A.3d 289 (D.C. 2021)

43. *Parens patriae*

- *In re S.G.*, 581 A.2d 771 (D.C. 1990)
- *In re T.W.*, 732 A.2d 254 (D.C. 1999)
- *In re G.K.*, 993 A.2d 558 (D.C. 2010)
- *In re D.K.*, 26 A.3d 731 (D.C. 2011)

44. Parent is unable to discharge responsibilities

- *In Re Ca.S.*, 828 A.2d 184 (D.C. 2003)
- *In Re T.T.C.*, 855 A.2d 1117 (D.C. 2004)

- *In re J.B.N. & T.F.N.*, 917 A.2d 112 (D.C. 2007)
- *In re K.J.*, 11 A.3d 273 (D.C. 2011)

45. Parental Kidnapping

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46. Parental Presumption

- *In re Baby Boy C. (Appeal of H.R.)*, 581 A.2d 1141 (D.C. 1990)
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- *In re P.D.J.K.*, 182 A.3d 1234 (D.C. 2018)
- *In re A.T.J.*, 247 A.3d 289 (D.C. 2021)

47. Party status

- *In re Phy.W.*, 722 A.2d 1263 (D.C. 1998)

48. Permanency and permanency goal changes

- *In re D.K.*, 26 A.3d 731 (D.C. 2011)
- *In re Ta.L.*, 149 A.3d 1060 (D.C. 2016)
- *In re K.C.*, 200 A.3d 1216 (D.C. 2019)
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- *In re A.I.*, 211 A.3d 1116 (D.C. 2019)
- *In re D.T.*, 222 A.3d 593 (D.C. 2019)

49. Protective supervision

- *In re A.M.*, 589 A.2d 1252 (D.C. 1991)
- *In re N.D.*, 909 A.2d 165 (D.C. 2006)

50. Ready for discharge from hospital

- *In re B.B.P.*, 753 A.2d 1019 (D.C. 2000)

51. Recusal

- *In re J.A.*, 601 A.2d 69 (D.C. 1991)
- *Anderson v. United States*, 754 A.2d 920 (D.C. 2000)
- *Robinson v. United States*, 769 A.2d 747 (D.C. 2001)
- *In re L.M.*, 5 A.3d 18 (D.C. 2010)

52. Related proceedings

- a. Criminal (see also “parent is unable to discharge responsibilities”)
 - *In re Ti.B.*, 762 A.2d 20 (D.C. 2000)
 - *In re J.W.*, 837 A.2d 40 (D.C. 2003)
 - *In re R.E.S.*, 978 A.2d 182 (D.C. 2009)
- b. Domestic relations
 - *W.D. v C.S.M.*, 906 A.2d 317 (D.C. 2006)
- c. Juvenile
 - *In re P.S.*, 821 A.2d 905 (D.C. 2003)
 - *In re K.A.*, 879 A.2d 1 (D.C. 2005)
- d. Termination of parental rights for siblings
 - *In re S.G.*, 581 A.2d 771 (D.C. 1990)

53. Res judicata/collateral estoppel

- *Kahn v. Kahn*, 252 A.2d 901 (D.C. 1969)
- *Stutsman v. Kaiser Found. Health Plan of Mid-Atl. States, Inc.*, 546 A.2d 367 (D.C. 1988)
- *Crane v. Crane*, 614 A.2d 935 (D.C. 1992)
- *Davis v. Davis*, 663 A.2d 499 (D.C. 1995)
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54. Retroactivity

- *In re C.A.P.*, 359 A.2d 11 (D.C. 1976)
- *In re Te.L.*, 844 A.2d 333 (D.C. 2004)

55. Reunification

- *In re A.C.*, 597 A.2d 920 (D.C. 1991)
- *In re J.M.C.*, 741 A.2d 418 (D.C. 1999)
- *In re Antj.P.*, 812 A.2d 965 (D.C. 2002)

56. Show cause hearing

- *In re A.W.K.*, 778 A.2d 314 (D.C. 2001)
- *In re P.S.*, 797 A.2d 1219 (D.C. 2001)

57. Special needs child

- *In re C.E.W.*, 541 A.2d 625 (D.C. 1988)
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- *In re F.W. & D.T.*, 870 A.2d 82 (D.C. 2005)

58. Stay

- *In re H.B.*, 855 A.2d 1091 (D.C. 2004)

59. Stipulation of neglect

- *In re V.K.*, 766 A.2d 958 (D.C. 2000)
- *In re J.W.*, 837 A.2d 40 (D.C. 2003)

60. Sufficiency of the evidence

- *In re D.I.S.*, 494 A.2d 1316 (D.C. 1985)
- *In re A.S.*, 643 A.2d 345 (D.C. 1994)
- *In re P.D. & D.D.*, 664 A.2d 337 (D.C. 1995)
- *In re A.R.*, 679 A.2d 470 (D.C. 1996)
- *In re T.G.*, 684 A.2d 786 (D.C. 1996)
- *In re J.D.W.*, 711 A.2d 826 (D.C. 1998)
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- *In re C.V.*, 719 A.2d 1246 (D.C. 1998)
- *In re M.D.*, 758 A.2d 27 (D.C. 2000)
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- *In re D.B.*, 947 A.2d 443 (D.C. 2008)
- *In re A.B.*, 955 A.2d 161 (D.C. 2008)

61. Transcripts

- *In re E.T.A.*, 880 A.2d 264 (D.C. 2005)
- *In re D.B.*, 947 A.2d 443 (D.C. 2008)
- *P.F. v. N.C.*, 953 A.2d 1107 (D.C. 2008)

62. Uniform Child Custody Jurisdiction Enforcement Act (UCCJEA) and Parental Kidnapping Prevention Act (PKPA)

- *In re B.B.R.*, 566 A.2d 1032 (D.C. 1989)
- *DeGroot v. DeGroot*, 939 A.2d 664 (D.C. 2008)
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- *Assidon v. Abboushi*, 16 A.3d 939 (D.C. 2011)
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- *Khawam v. Wolfe*, 84 A.3d 558 (D.C. 2014)
- *In re J.W.*, 263 A.3d 143 (D.C. 2021)

63. Unwilling caregiver

- *In re W.T.L.*, 825 A.2d 892 (D.C. 2002)

64. Visitation

a. Denial of visitation for biological parents

- *In re H.M., J.M., & K.M.*, 386 A.2d 707 (D.C. 1978)
- *In re D.R.M.*, 570 A.2d 796 (D.C.1990)
- *In re M.D.*, 602 A.2d 109 (D.C. 1992)
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- *In re S.J.*, 772 A.2d 247 (D.C. 2001)
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- *In re K.M.T. & C.L.T.*, 795 A.2d 688 (D.C. 2002)
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b. In custody cases

- *Hamel v. Hamel*, 489 A.2d 471 (D.C. 1985)
- *Lewis v. Lewis*, 637 A.2d 70 (D.C. 1994)
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- *Littman v. Cacho*, 143 A.3d 90 (D.C. 2016)
- *A.C. v. N.W.*, 160 A.3d 509 (D.C. 2017)

65. Wait and see

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- *In re J.L.*, 884 A.2d 1072 (D.C. 2005)
- *In re K.D.*, 26 A.3d 772 (D.C. 2011)

66. Weighty consideration

- *In re T.J.*, 666 A.2d 1 (D.C. 1995)
- *In re C.T.*, 724 A.2d 590 (D.C. 1999)
- *In re T.G.M.*, 154 A.3d 95 (D.C. 2016)
- *In re J.B.S.*, 237 A.3d 131 (D.C. 2020)

67. Writ of mandamus

- *Yeager v. Greene*, 502 A.2d 980 (D.C. 1985)
- *Banov v. Kennedy*, 694 A.2d 850 (D.C. 1997)
- *In re M.O.R.*, 851 A.2d 503 (D.C. 2004)