

COURT OF APPEALS OF VIRGINIA

Present: Judges Bray, Annunziata and Overton

RICK MORIN

v. Record No. 0170-97-3

TRACEY MORIN

MEMORANDUM OPINION*
PER CURIAM
JULY 29, 1997

FROM THE CIRCUIT COURT OF WASHINGTON COUNTY
Charles H. Smith, Jr., Judge

(Margaret T. Schenck; Southwest Virginia
Legal Aid Society, Inc., on briefs), for
appellant.

(Sage B. Johnson; Johnson, Scyphers & Austin,
on brief), for appellee.

Rick Morin (father) appeals the decision of the circuit court ordering that custody of the parties' three children shall remain with Tracey Morin (mother). Father contends that the trial court (1) erred by finding that there had not been a sufficient change in circumstances; (2) erred by finding that it was in the children's best interests to return to mother; and (3) abused its discretion by failing to address the youngest child's special needs. Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

Mother contends that father did not object to the trial

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

court's decision and failed to raise before the trial court the arguments set forth in his appeal. Therefore, mother argues, father has failed to preserve these issues for appeal. Rule 5A:18.

Rule 5A:18 states that "no ruling of the trial court . . . will be considered as a basis for reversal unless the objection was stated together with the grounds therefor at the time of the ruling, except for good cause shown or to enable the Court of Appeals to attain the ends of justice." The purpose of Rule 5A:18 is to "afford[] 'the trial court an opportunity to rule intelligently on the issues presented, thus avoiding unnecessary appeals and reversals.'"

Newsome v. Newsome, 18 Va. App. 22, 24, 441 S.E.2d 346, 347 (1994) (citation omitted). After examining the record, including the written statement of facts, we conclude that mother is correct.

The order from which father appeals was endorsed by counsel as "seen." The record contains no motion for reconsideration or proposed order setting out father's objections. The written statement of facts submitted by father and accepted by the trial court contains no record of any objections by father. See Lee v. Lee, 12 Va. App. 512, 404 S.E.2d 736 (1991) (en banc). We have examined the record and the issues raised and find that neither good cause nor the ends of justice require our consideration of those issues on appeal.

Accordingly, the decision of the circuit court is summarily affirmed.

Affirmed.