

COURT OF APPEALS OF VIRGINIA

Present: Judges Frank, Clements and Senior Judge Fitzpatrick
Argued at Richmond, Virginia

JANET MILLER-JENKINS

v. Record No. 0688-06-4

LISA MILLER-JENKINS

MEMORANDUM OPINION* BY
JUDGE JOHANNA L. FITZPATRICK
APRIL 17, 2007

FROM THE CIRCUIT COURT OF FREDERICK COUNTY
John R. Prosser, Judge

Rebecca K. Glenberg (Joseph R. Price; Arent Fox PLLC, on brief),
for appellant.

Rena M. Lindevaldsen (Mathew D. Staver; Liberty Counsel, on
brief), for appellee.

In this appeal, Janet Miller-Jenkins challenges a March 1, 2006 order of the trial court. In that order, the trial court ruled that a Vermont order concerning child custody and visitation between the parties could not be registered in Virginia because (1) the Vermont order directly conflicted with the trial court's October 15, 2004 order adjudging Lisa Miller-Jenkins as the sole parent of IMJ, a child, (2) Vermont lacked subject-matter jurisdiction to enter its order, and (3) the Vermont order contravenes Virginia's public policy and statutory law.

In Record No. 2654-04-4, Miller-Jenkins v. Miller-Jenkins, 49 Va. App. 88, 637 S.E.2d 330 (2006), we vacated the trial court's October 15, 2004 order and remanded the case "to the trial court with instruction to extend full faith and credit to the custody and visitation orders of the Vermont court." Id. at 103, 637 S.E.2d at 338.

* Pursuant to Code § 17.1-413, this opinion is not designated for publication.

In light of our decision in Record No. 2654-04-4, it is clear that the trial court likewise erred in this case, Record No. 0688-06-4. Accordingly, we likewise vacate the trial court's March 1, 2006 order and remand the case to the trial court with instruction to enter an order allowing Janet Miller-Jenkins to register the Vermont order in Virginia.

Vacated and remanded.