

COURT OF APPEALS OF VIRGINIA

Present: Judges Elder, Bray and Fitzpatrick

DENEEN HICKS RAINWATER

v. Record No. 1877-96-3

MEMORANDUM OPINION* BY
JUDGE RICHARD S. BRAY
APRIL 29, 1997

ROANOKE CITY DEPARTMENT
OF SOCIAL SERVICES

FROM THE CIRCUIT COURT OF THE CITY OF ROANOKE
Robert P. Doherty, Jr., Judge

(Onzlee Ware, on brief), for appellant.
Appellant submitting on brief.

(Ann Gardner, Assistant Commonwealth's
Attorney, on brief), for appellee. Appellee
submitting on brief.

Deneen Hicks Rainwater appeals an order of the trial court which terminated Rainwater's parental rights to three of her children. She argues that the Department of Social Services (DSS) failed to provide her (1) a copy of the foster care plan in accordance with Code § 16.1-281 and (2) "appropriate, available and reasonable rehabilitative efforts . . . to reduce, eliminate or prevent the neglect or abuse of the child[ren]" pursuant to Code § 16.1-283. Finding Rainwater's arguments are procedurally barred, we affirm the order.

It is well established that arguments not timely presented to the trial court are deemed waived on appeal, absent good cause or to attain the ends of justice. Rule 5A:18; see, e.g., Deal v.

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

Commonwealth, 15 Va. App. 157, 161, 421 S.E.2d 897, 900 (1992).

Here, Rainwater did not complain before the trial court of a failure by DSS to comply with the provisions of Code § 16.1-281.

To the contrary, appellant's counsel stipulated that the "case [was] properly before the Court," arguing only that Rainwater had resolved the circumstances which had prompted foster care placement. See Code § 16.1-283. Moreover, the instant order of the trial court recited that "the cause came on to be heard upon proper and timely Notice" to the parties and was endorsed by Rainwater's counsel, "Seen," without objection. Rainwater, similarly, did not challenge the adequacy of DSS "efforts" to remediate the abuse and neglect of the children pursuant to Code § 16.1-283.

Rainwater does not contend that good cause or the ends of justice require consideration of these issues, and the record does not suggest a contrary result on the merits. See Jimenez v. Commonwealth, 241 Va. 244, 249-50, 402 S.E.2d 678, 680-81 (1991); Mounce v. Commonwealth, 4 Va. App. 433, 436, 357 S.E.2d 742, 744 (1987).

Accordingly, we decline appellate review and affirm the decision of the trial court.

Affirmed.