



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

COURT OF APPEALS OF VIRGINIA

Present: Judges Athey, Friedman and Raphael Argued at Richmond, Virginia

TEOSHA HAYNESWORTH

v. Record No. 1706-22-2

HENRICO DEPARTMENT OF SOCIAL SERVICES MEMORANDUM OPINION * JUDGE
STUART A. RAPHAEL TEOSHA HAYNESWORTH JANUARY 30, 2024

v. Record No. 1720-22-2

HENRICO DEPARTMENT OF SOCIAL SERVICES

FROM THE CIRCUIT COURT OF HENRICO COUNTY John Marshall, Judge

Charles S. Moore (Law Offices of John C. Singleton, on brief), for appellant.

Denise M. Letendre, Senior Assistant County Attorney (Andrew Newby, County Attorney; John Parsons, Guardian ad litem for the minor children, on brief), for appellee.

Teosha Haynesworth appeals the circuit's terminating her parental rights

under Code § 16.1-283(C)(2), arguing that the evidence was insufficient to support

determinations. The two record numbers here correspond to appeals of the separate orders for

each child: A.H., Record No. 1706-22-2 (Case Nos. CJ22-89 and CJ22-90); and K.H., Record

No. 1720-22-2 (Case Nos. CJ22-91 and CJ22-92). Finding no reversible error, we affirm the

judgments.

* This opinion is not designated for publication. See Code § 17.1-413(A). UNPUBLISHED



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

BACKGROUND 1

this Court is required to review the

Simms v.

, 74 Va. App. 447, 452 (2022).

On February 16, 2021, the Henrico County Department of Social Services received a report that Haynesworth left her children, A.H. (6 years old) and K.H. (3 years old), alone in a while she argued with hotel staff. 2 She refused to leave the hotel, so the staff called the police, who arrested her for trespassing. During the arrest, Haynesworth assaulted a police officer. Though she at first refused, Haynesworth eventually identified her cousin as an immediate placement option for the children, and her cousin picked up the children. The Department launched a case with Haynesworth and the children, and Henrico County Child Protective Services initiated a family assessment.

About a week later, the Department contacted Haynesworth about

3 Haynesworth was Department

1 The record in these cases was sealed. o the extent that this opinion mentions facts found in the sealed record, we unseal only those specific facts, finding them relevant to the Levick v. MacDougall, 294 Va. 283, 288 n.1 (2017). 2

2022. 3 Haynesworth had a history with the Department, starting in 2018 when the Department received a report that she had left the children in the car while shopping. The Department began working with Haynesworth on a voluntary prevention case, which included paying for her to stay in a hotel and providing temporary housing assistance, family support, referrals for transportation, financial assistance, childcare, mental health services, and furniture. Since September 2020, Haynesworth had had contacts with law enforcement on five separate occasions. representatives, denying that the Department had initiated a voluntary prevention case or that the

hotel incident occurred. She also refused to disclose her location to the Department and seemed



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

incoherent, repeat[ing] herself several times and form[ing] nonsensical sentences in response to questions.

The Department contacted Haynesworth

mental health and informed the Department that the children did not want to go

back to their mother. Beverly Haynesworth maternal grandmother, informed the

Department that the children were living with her and that she was concerned that Haynesworth

Beverly warned that Haynesworth was not

she had seen them months earlier. Beverly also reported that K.H. had not been enrolled in

school for several months and had not completed any school work. Based on those concerns,

the Department contacted the Henrico Police Crisis Intervention Team. The Crisis Team

reported that it was familiar with Haynesworth because of ongoing concerns regarding her

mental health ⁴

The Department then asked Haynesworth and Beverly to meet with the children to form a

safety plan and to address concerns, but Haynesworth again

⁴ Code § 37.2-808 permits a magistrate to issue an emergency custody order (ECO)

when he has probable cause to believe that any person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, (ii) is in need of hospitalization or treatment, and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. Beverly concern . . . for her own safety as well as her

grandchildren s safety due to [Haynesworth bizarre behavior

The emergency custody order



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

On February 22, 2021, the police obtained an emergency custody order and transported Haynesworth to the Central State Hospital for a psychiatric evaluation. Haynesworth remained hospitalized for about two months under a temporary detention order. The Department assumed custody of the children due to significant concern regarding [Haynesworth] mental impairment and inability to make a plan for her children. Cate Clifton, a family services specialist in the Department, began working with the family around this time. Clifton first met with Haynesworth virtually (while Haynesworth was still at the hospital) at a family partnership meeting on March 2, 2021, but in agreement with a lot of things. At the preliminary removal hearing that same day, Haynesworth was ordered to comply with mental health treatment, take prescribed medications, follow service recommendations after her discharge, and sign releases for the Department to receive information from her service providers.

But Haynesworth did not cooperate. She did not engage in mental health treatment, take any medications, sign releases, or provide the Department with information about her housing or employment. Nor did she sign a release of information for Clifton to speak with her providers, so Clifton could not initiate a call with Haynesworth while she was still at the hospital. When Haynesworth realized she had temporarily allowed Clifton to speak with Richmond Behavioral Health about her status, Haynesworth revoked her consent.

5 When the children first came into the Department, A.H. had difficulty sleeping. Haynesworth had told her that. The foster care plan

By the time Haynesworth was released from the hospital in May 2021, Clifton had filed a



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

foster care plan for each child, and the children were adjudicated as abused or neglected because of . 6 Clifton

met with Haynesworth on May 13, 2021, but Haynesworth was again uncooperative. She refused to sign a release of information and denied all attempted services that Clifton sought to provide, such as consultations and case management. She also declined mental health assessments and financial and housing assistance. She did, however, sign a visitation plan after Clifton explained that the Department would seek legal action to limit contact if she tried to visit her children other than during the times organized by the Department. 7

Clifton picked up the children after the May 13 meeting to drive them to their she said they would be visiting their mother the next day. So Clifton and the guardian ad litem decided not to have the children visit Haynesworth. Instead, they scheduled a virtual visit with her, but Haynesworth failed to attend.

Several days later, Clifton received a report from two relatives that Haynesworth had gone to see the children in violation of the visitation plan. After that, Clifton referred Haynesworth to the Attachment & Trauma Institute for therapeutic supervised visit with her children. But when Haynesworth first arrived at ATI, she was seen in the parking lot cursing about how ATI had refused to let her in the building, and ultimately

6 The Henrico County Juvenile and Domestic Relations District Court entered dispositional orders for the foster care plans for each child on April 22, 2021. 7 , attempting to see the children in violation of the visitation plan. denied her application for therapeutic visitation. Giacobone concluded, considering the outburst,

that Haynesworth could not When Giacobone and ATI offered



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

Haynesworth services such as parenting support and classes in June 2021, Haynesworth . The

Department asked that therapist and therapist decide together when visitation could resume. But by July 2021, Haynesworth had still failed to provide the required information to Clifton. Clifton filed a foster care service plan review in which the Department offered Haynesworth referrals, case management services, family visitation, therapeutic services, general updates, and other services.

On August 4, 2021, the Henrico County JDR court entered a foster care review order approving the foster care plan, finding that reasonable efforts had been made to reunite the children with Haynesworth. Beverly (the grandmother) was chosen as the placement for the children.

While living with Beverly, and academics also improved, as he participated in extra-curricular activities and was physically healthy. Beverly expressed interest in adopting both children.

Termination petitions and the JDR proceeding

In November 2021, the Department filed another foster care plan with the goal of adoption. The Department noted that it had attempted to help Haynesworth comply with the court-ordered services, but she had failed to Haynesworth had been under the sporadic care of a psychiatric nurse practitioner and case

manager. But they reported that Haynesworth had [d] to take her psychiatric medications nd that she had recent bouts of paranoia and possible psychotic

The Department determined that visits with



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

Haynesworth was too high due to her current level of appropriateness (verbally) and non-compliance with m Haynesworth also continued to withhold from the Department any information about her current housing or employment.

On January 13, 2022, the Department petitioned for the termination of parental rights. On July 29, 2022, the Henrico County JDR court terminated Haynesworth parental rights under Code § 16.1-283(C) and approved the foster care goal of adoption. Haynesworth appealed to the circuit court.

Circuit court proceeding

After an evidentiary hearing in the circuit court on October 25, 2022, the court found by that terminating Haynesworth the best

interest of both children. The court found that Haynesworth

health problems. It cited her behavior hearing. The court also noted that Haynesworth had refused referrals for therapy, counseling,

and mental health treatment and that she provided no evidence of housing or employment. Still, the Department had attempted to facilitate therapeutic visitation with the children. The court family [could not] be reunified when [Haynesworth] refuse[d] to

acknowledge she ha[d] a mental health problem, refuse[d] to take medication, [and] refuse[d]

treatment. Accordingly, the court entered orders for involuntary termination of

residual parental rights for both children and approved the foster care goal of adoption.

Haynesworth noted a timely appeal. ANALYSIS

16.1- [t]he statutory scheme for the . . . termination of residual



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

Yafi v. Stafford , 69 Va. App. 539, 551 (2018) (alterations

in original) (quoting , 5 Va. App. 523, 526

(1988)). The circuit court terminated parental rights under Code

§ 16.1-283(C)(2), which authorizes the court to terminate parental rights

if the court finds, based upon clear and convincing evidence, that it is in the best interests of the child and that:

....

2. The parent or parents, without good cause, have been unwilling or unable within a reasonable period of time not to exceed 12 months from the date the child was placed in foster care to remedy substantially the conditions which led to or required continuation of the child s foster care placement, notwithstanding the reasonable and appropriate efforts of social, medical, mental health or other rehabilitative agencies to such end.

problem that created the original danger to the child, but on the demonstrated failure of the

parent to make reasonable changes Yafi, 69 Va. App. at 552 (alteration in original) (quoting

Toms v. Hanover Dep t of Soc. Servs., 46 Va. App. 257, 271 (2005)). Reasonable and

[of the Department] can only be judged with reference to the circumstances

of a particular case. , 42 Va. App. 149, 163

(2004) (quoting , 14 Va. App. 333, 338 (1992)).

, 62 Va. App. 296, 323 (2013) (quoting Harris v.

Lynchburg Div. of Soc. Servs., 223 Va. 235, 243 (1982)). The children

Simms, 74 Va. App. at 464; Yafi, 69 Va. App. at 551. We presume the [circuit] court thoroughly weighed all the evidence, considered the

statutory requirements, and made its determination based on the child s best interests. Simms,

74 Va. App. at 470 (quoting Castillo v. Loudoun Cnty. Dep t of Fam. Servs., 68 Va. App. 547,



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

558 (2018)). Where, as here, the court hears the evidence ore tenus, its finding is entitled to great weight and will not be disturbed on appeal unless plainly wrong or without evidence to Id. (quoting Fauquier v. Ridgeway, 59 Va. App. 185, 190 (2011)).

Haynesworth argues that the evidence failed to show that she was, without good cause, ng or unable to substantially remedy the conditions that adds that, even if she did fail to remedy those conditions, the Department failed to assist her.

We disagree. The record contains ample evidence to satisfy the requirements of Code § 16.1-283(C)(2) by clear and convincing evidence. Haynesworth repeatedly demonstrated that

. . to remedy substantially the conditions which led to . . . the at unwillingness began with her lack of cooperation with

Clifton after Haynesworth was placed in the hospital. There, she refused to comply with mental health treatment, take prescribed medications, or follow service recommendations. She refused to ability to monitor her status. And she cut off or refused any communications with Clifton while she was hospitalized.

Haynesworth was no more cooperative after being released from the hospital. At her May 2021 meeting with Clifton, she refused to sign releases of information, denied all services that the Department offered, and declined mental health assessments and financial and housing assistance. And even though she originally signed a visitation plan with the Department, she breached that agreement just days later. Considering that paramount, we find it significant that the



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

children were distressed by the idea of even visiting their mother. As the circuit court found, the children needed Haynesworth could not provide one because she failed to receive mental health care, and she refused to provide the Department basic information or use their services. The children had been in foster care for over 20 months by the time of the circuit court hearing. They had benefitted from a stable family setting, and both were thriving in school, day care, family, and extra-curricular activities.

period of time waiting to find out when, or even if, a parent will be capable of resuming his [or Tackett, 62 Va. App. at 322 (alteration in original) (quoting Kaywood v. Halifax Cn , 10 Va. App. 535, 540 (1990)).

The record the

an to remedy the conditions that led to the foster care placement. The efforts began when it initiated a voluntary prevention case, which Haynesworth essentially ignored. Before Haynesworth , when the Department tried to form a safety plan to address its concerns, Haynesworth responded angrily. After the emergency order Clifton to assist the family. She testified at length about her efforts to meet and communicate with Haynesworth and to support her with resources. The Department directed Haynesworth to comply with mental health treatment, take prescribed medications, and sign releases so they could more closely monitor Hayne continued to offer her services (including consultations and case management). Clifton met with Haynesworth and attempted to form a visitation plan. Clifton referred Haynesworth to the ATI,



Teosha Haynesworth v. Henrico Department of Social Services

2024 | Cited 0 times | Court of Appeals of Virginia | January 30, 2024

which, even after denying application for therapeutic visitation after her chaotic behavior, offered her other services (including support classes). The Department arranged for Haynesworth to see a therapist. It hoped to have together when visitation could resume. And even after initiating termination proceedings in November 2021, the Department attempted to help Haynesworth by guiding her through the available services.

The Department was required to make only , Code § 16.1-283(C)(2), not to upon an unwilling or disinterested parent, Tackett, 62 Va. App. at 323. The record amply supports the circuit made such reasonable and appropriate efforts with Haynesworth.

CONCLUSION

Code § 16.1-283(C)(2).

Affirmed.

