

From: Danny Varat
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Date: 2/8/2017 4:22:12 PM
Subject: RE: Please find out more about this if you can.

Ok

From: Catherine McNicoll
Sent: Wednesday, February 08, 2017 11:43 AM
To: Danny Varat
Subject: RE: Please find out more about this if you can.

I just read the Court of Appeals Opinion and in this case there are some very specific facts that resulted in the Adoption and the termination of parental rights (TPR) being overturned. The Court of Appeals found that the foster parents did not have standing to petition for adoption. They also found that there was not clear and convincing evidence supporting the TPR. Had the TPR been supported then the Father would not have had standing to overturn the adoption; however while incarcerated the father and his mother (grandmother) did several things that actually pushed back against the grounds for TPR (willful failure to visit, willful failure to support, and willful abandonment). The court relied on case law saying incarceration alone is not grounds for TPR and also looked at the facts presented where the Father wrote letters to his daughter, DSS and the guardian ad litem, he had his mother provide any funds she was going to give him in his prison account to his daughter instead, and he was imprisoned in VA.

These are very unusual facts.

From: Danny Varat
Sent: Wednesday, February 08, 2017 11:08 AM
To: Catherine McNicoll <CatherineMcNicoll@scstatehouse.gov>
Subject: Please find out more about this if you can.

<http://www.dailymail.co.uk/news/article-4193672/Family-s-heartache-girl-taken-despite-adoption.html>