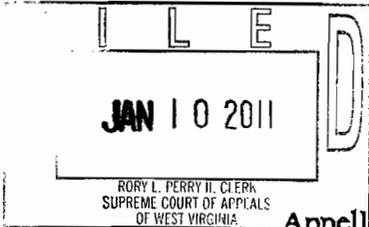


BEFORE THE WEST VIRGINIA SUPREME COURT OF APPEALS  
AT CHARLESTON

IN RE:

CECIL T., AN INFANT

Supreme Court Docket No: 35659  
Logan County Circuit Court No: 09-JA-21



ADDENDUM TO STATEMENT OF FACTS

Appellants filed a Petition for Appeal of the Circuit Court's Order of January 29, 2010 with the West Virginia Supreme Court of Appeals on March 29, 2010. On March 30, 2010, the Lower Court conducted a Quarterly Review and Ordered that any further modification of the Court's custody Order would be heard before the Logan County Family Court. The Circuit Court dismissed the WVDHHR Petition.

Appellants filed a Motion to Stay Enforcement of the Court's Dispositional Order on October 29, 2010. The Motion advised the Court that the Respondent father was due to be released from prison on November 1, 2010. Appellants argued that in order to avoid jurisdictional confusion between the Circuit Court and the Logan County Family Court, it would be prudent for the Circuit Court to stay enforcement of its Order until argument on Appellant's appeal to the instant Court was heard on January 12, 2011.

The Court granted Appellants' Motion but only as it related to further modification of the Custody Order. The lower Court directed that if the Respondent father sought to Petition for Visitation with his son, his Petition must be brought to the Circuit Court.

Respondent Cecil T. filed a Petition for Visitation with the Circuit Court on December 1, 2010, in which he confirmed that he had been released from prison. Appellants responded and opposed the Motion.

A hearing of the Petition for Visitation was scheduled on January 5, 2011. Respondent failed to appear. The Circuit Court Judge dismissed the Motion for Visitation.

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**CERTIFICATE OF SERVICE**

I, Jane Moran, hereby certify that a true and exact copy of the foregoing ADDENDUM TO STATEMENT OF FACTS was served on the following parties when true and exact copies thereof were served via facsimile and also deposited in the U. S. Mail, First Class Postage Pre-paid, on this 15~~th~~ day of January 2011, addressed to:

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