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IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

2009 DEC 16 PM 3:17

CATHY
KANAWHA COUNTY CLERK

IN RE: THE MATTER OF:

ROBIN LYONS and JANET LYONS,

Petitioners below/Appellees,

and

MELISSA ARNOLD and WARREN LEE ARNOLD,

Respondents below/Appellants.

Civil Action No. 99-D-2184
Judge Tod J. Kaufman

JUN - 7 2010

ORDER DENYING PETITION FOR APPEAL

Before the Court is Appellants' Petition for Appeal, filed December 14, 2009, in which Appellants seek this Court's review of Family Court Judge Mike Kelly's Order Regarding Motion to Terminate Grandparent Visitation dated November 12, 2009. In their Petition, Petitioners assert multiple assignments of error. However, after thorough review of the Petition, the Order, the file, and the relevant legal authority, this Court concludes that Appellants' appeal should be, and is hereby, DENIED.

West Virginia Code § 51-2A-14(a) provides that "[t]he circuit court may refuse to consider the petition for appeal, may affirm or reverse the order, may affirm or reverse the order in part or may remand the case with instructions for further hearing before the family court judge." Additionally, "[t]he circuit court shall review the findings of fact made by the family court judge under the clearly erroneous standard and shall review the application of law to the facts under an abuse of discretion standard." W. Va. Code § 51-2A-14(b).

The Court finds that the Family Court's decision not to terminate grandparent visitation was supported by the record, was not an abuse of discretion, and was not clearly erroneous.

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Accordingly, the Family Court's Order is hereby AFFIRMED.

This appeal is DENIED and this case is hereby DISMISSED and STRICKEN from the docket of the Circuit Court.

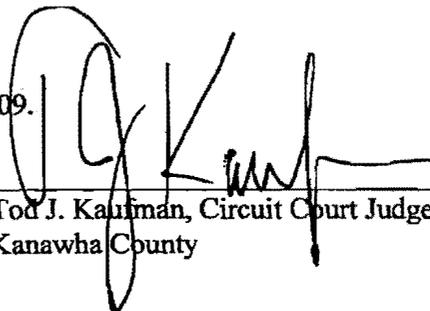
The Clerk of the Court shall distribute a certified copy of this Order to all counsel of record:

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Janet Lyons
c/o Charles Phalen, Esquire
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Scott Depot, WV 25526

Melissa Arnold
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P. O. Box 5249
Charleston, WV 25361-0249

Enter this Order the 16th day of December, 2009.



Tod J. Kaufman, Circuit Court Judge for
Kanawha County

STATE OF WEST VIRGINIA
COUNTY OF KANAWHA, SS
I, CATHY S. GATSON, CLERK OF CIRCUIT COURT OF SAID COUNTY
AND IN SAID STATE, DO HEREBY CERTIFY THAT THE FOREGOING
IS A TRUE COPY FROM THE RECORDS OF SAID COURT
GIVEN UNDER MY HAND AND SEAL OF SAID COURT THIS
DAY OF 12/21 2009
Cathy S. Gatson CLERK
CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
Cathy S. Gatson

Date: 12/21/09
Certified copies sent to:
 counsel of record
 parties
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Other directives accomplished:
[Signature]
Deputy Circuit Clerk