

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

FILED

January 28, 2011
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

In Re: F.L.:

No. 101519
(Calhoun 09-JA-50)

MEMORANDUM DECISION

This appeal arises from the Circuit Court of Calhoun County, wherein the Petitioner Father's parental rights to F.L. were terminated. Pursuant to Rule 1(d) of the Revised Rules of Appellate Procedure, the Court is of the opinion that this case is appropriate for consideration under the Revised Rules. The appeal was timely perfected by counsel, with the complete record from the circuit court accompanying the Petition. The DHHR has filed its response. The Guardian-ad-litem has filed his response on behalf of the child, F.L. The Court has carefully reviewed the record provided and the written arguments of the parties, and the case is mature for consideration.

The Petitioner Father challenges the circuit court's revocation of his post-adjudicatory improvement period and termination of his parental rights, arguing that DHHR did not provide him with appropriate improvement services. Our review of the record as well as the Guardian-ad-litem's response indicates that DHHR made reasonable efforts to provide the Petitioner Father with services during his improvement period.

Having reviewed the record and the relevant decision of the circuit court, the Court is of the opinion that the decisional process would not be significantly aided by oral argument. Upon consideration of the standard of review and the record presented, the Court determines that there is no prejudicial error. This case does not present a new or significant question of law. For these reasons, a memorandum decision is appropriate under Rule 21 of the Revised Rules of Appellate Procedure.

For the foregoing reasons, we find no error in the decision of the circuit court and the termination of parental rights is hereby affirmed.

Affirmed.

ISSUED: January 28, 2011

CONCURRED IN BY:

Chief Justice Margaret L. Workman
Justice Robin Jean Davis
Justice Brent D. Benjamin
Justice Menis E. Ketchum
Justice Thomas E. McHugh