

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

In Re: S.H., Z.B., T.B., R.B., K.B., J.B., & B.B.:

No. 101534
(Marion County 09-JA-3 - 9)

FILED

February 14, 2011
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

MEMORANDUM DECISION

This appeal arises from the Circuit Court of Marion County, wherein the Petitioner Mother's parental rights to S.H., Z.B., T.B., R.B., K.B., J.B. and B.B. were terminated. The appeal was timely perfected by counsel, with the complete record from the circuit court accompanying the Petition. The Guardian-ad-litem has filed a response on behalf of S.H., Z.B., T.B., R.B., K.B., J.B. and B.B., and the West Virginia Department of Health and Human Resources has filed a response. The Court has carefully reviewed the record provided and the written arguments of the parties, and the case is mature for consideration.

The Petitioner Mother argues that the circuit court erred in finding that there is no reasonable likelihood that the conditions of abuse and neglect in this matter can be substantially corrected in the near future, and that the circuit court erred in denying post-termination visitation. Judge Janes found that Petitioner Mother failed to demonstrate sufficient progress and improvement during her improvement periods, and that during the lengthy period of these proceedings, she showed a pattern of continued failure to improve despite significant efforts by DHHR. Further, the circuit court found that post-termination visitation was not in the best interests of the children, as it will emotionally and/or psychologically traumatize them and interfere with permanency. The Guardian-ad-litem indicates in the response that termination was proper under the circumstances and was in the best interests of the children, and that post-termination visitation was not recommended as the children exhibited very little bond with Petitioner Mother. The West Virginia Department of Health and Human Resources concurs in the termination as well, stating that Petitioner Mother failed to substantially comply with her improvement period and repeatedly failed to properly supervise her children.

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: February 14, 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