

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

FILED

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

In Re: B.L. and M.C.:

No. 101536
(Mercer County 09-JA-169 & 170-DS)

MEMORANDUM DECISION

This appeal arises from the Circuit Court of Mercer County, wherein the Petitioner Father's parental rights to B.L. and M.C. 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 her response on behalf of the children, B.L. and M.C. 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 argues that the circuit court erred in placing a disproportionate amount of weight on his prior involuntary terminations; in placing a disproportionate weight on his past drug addictions and criminal activities; in failing to account for the "emotional ramifications" of termination on the children; in denying Petitioner Father's motion for an improvement period; and in terminating his parental rights. In the present case, Judge Swope found that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future. Further, all of the involved parents are overwhelmed with substance abuse, and none attended the termination proceeding. The Guardian-ad-litem's response indicates that Petitioner Father continued to use drugs, engage in criminal activity, had two prior involuntary terminations, and that the termination of the Petitioner Father's parental rights was in the best interest of the 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