

**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: K.C. :**

**No. 101555**  
**(Mingo County 10-JA-20)**

**MEMORANDUM DECISION**

This appeal arises from the Circuit Court of Mingo County, wherein the Petitioner Mother's parental rights to K.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 child, K.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 Mother challenges the circuit court's order terminating her parental rights, arguing that the circuit court erred in not granting an improvement period and in not granting post-termination visitation. The Guardian-ad-litem indicates in her response that the denial of the improvement period and post-termination visitation was proper under the circumstances and was in the best interests of the child.

In order to receive an improvement period, the parent must demonstrate, by clear and convincing evidence, that he or she is likely to fully participate in the improvement period. *See* W.Va. Code 49-6-12. In this case, the circuit court found that Petitioner Mother was not compliant with DHHR's requests for drug screens or DHHR's recommendation that she participate in long-term substance abuse treatment. In regard to post-termination visitation, the evidence must indicate that such visitation or continued contact would not be detrimental to the child's well being and would be in the child's best interest. *See In Re Christina L.*, 194 W.Va. 446, 460 S.E.2d 692 (1995) In the dispositional order terminating parental rights and denying post-termination visitation, the circuit court found that Petitioner Mother engaged in at-risk behaviors, which could endanger the child, including significant substance abuse.

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