

**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., J.W.:**

**No. 101584**  
**(Calhoun 09-JA-50 & 51)**

**MEMORANDUM DECISION**

This appeal arises from the Circuit Court of Calhoun County, wherein the Petitioner Mother's parental rights to F.L. and J.W. 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 children, F.L. and J.W. 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 failure to extend her post-adjudicatory improvement period. The circuit court revoked the Petitioner Mother's post-adjudicatory improvement period for non-compliance with services and terminated her parental rights. The Guardian-ad-litem indicates in his response that termination was proper under the circumstances and was in the best interests 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:** 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