

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

FILED

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

In Re: M.F.:

No. 101622
(Greenbrier Co. 09-JA-34)

MEMORANDUM DECISION

This appeal arises from the Circuit Court of Greenbrier County, wherein the Petitioner Mother's parental rights to M.F. 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 his response on behalf of the child, M.F. The Court has carefully reviewed the record provided and the written arguments of the parties, and the case is mature for consideration.

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. Pursuant to Rule 1(d) of the Revised Rules of Appellate Procedure, this Court is of the opinion that this matter is appropriate for consideration under the Revised Rules. 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.

The Petitioner Mother appeals the termination of her parental rights, arguing that the circuit court erred in finding that Petitioner Mother failed to comply with her post-adjudicatory improvement period, and in finding that the circumstances of the case necessitated termination of Petitioner Mother's parental rights. In terminating Petitioner Mother's parental rights, the circuit court found that based on the evidence presented, there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future. Further, the circuit court found that Petitioner Mother did not participate fully in the post-adjudicatory improvement period by failing to obtain and maintain employment, failing to obtain and maintain permanent housing, failing to participate fully in visitation and by relocating to Kansas without notifying the Department of Health and Human Resources. The guardian ad litem asserts that the termination was in

the best interests of the child, noting the Petitioner Mother's failure to fully participate in the improvement period.

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: March 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