

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: A.A. and C.A. :

No. 11-0014
(Braxton Co. 09-JA-27 & 28)

MEMORANDUM DECISION

This appeal arises from the Circuit Court of Braxton County, wherein the Petitioner Mother's parental rights to A.A. and C.A. 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 children, A.A. and C.A. 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, the Court is of the opinion that this case 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 terminating her parental rights, as she was not afforded a meaningful opportunity to be heard due to the fact that she was homeless. Petitioner Mother also argues that the circuit court erred in denying post-termination visitation. 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). The circuit court's termination order found that Petitioner Mother was aware of the proceedings to terminate, but failed to appear at the termination hearing, and that Petitioner Mother failed to avail herself of the services offered by the Department of Health and Human Resources, including visitation. Moreover, she has a severe drug and alcohol addiction which has impaired her

parenting skills, and it is in the best interests of the children to terminate her rights, as there is no reasonable likelihood that the conditions of abuse and neglect can be substantially corrected in the near future. The guardian ad litem found that termination was in the best interests of the children.

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