

**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: B.D. and A.D.:**

**No. 11-0099**  
**(Mingo Co. 10-JA-29 & 30)**

**MEMORANDUM DECISION**

This appeal arises from the Circuit Court of Mingo County, wherein the Petitioner Mother's parental rights to her children, B.D. and A.D., 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. 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 challenges the circuit court's order terminating her parental rights. She argues that she was not given sufficient time to improve as a parent. The record shows that Petitioner Mother had her children previously removed due to abuse and neglect, and they were returned to her approximately one year before the instant abuse and neglect petition was filed. The record shows that during the pendency of the present case, Petitioner Mother failed to appear for many drug screens, tested positive for drugs several times, and failed to engage in services. The circuit court terminated Petitioner Mother's parental rights, finding that Petitioner Mother "willingly failed to cooperate with the Family Case Plan; has failed to follow through with all rehabilitative efforts in this matter, and has failed to participate in parenting." Further, the circuit court found that Petitioner Mother is unwilling or unable to correct the conditions of abuse and neglect, and there is no reasonable likelihood

that she will correct the conditions in the near future. The guardian ad litem argues that termination was proper in this matter and is 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