

**STATE OF WEST VIRGINIA  
SUPREME COURT OF APPEALS**

C. CASEY FORBES, CLERK  
SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

***In re R.C.-1 and R.C.-2***

**No. 24-525** (Boone County CC-03-2023-JA-22 and CC-03-2023-JA-23)

**MEMORANDUM DECISION**

Petitioner Mother A.G.<sup>1</sup> appeals the Circuit Court of Boone County’s July 17, 2024, order terminating her parental rights to R.C.-1 and R.C.-2, arguing that the evidence was insufficient to support her adjudication.<sup>2</sup> Upon our review, we determine that oral argument is unnecessary and that a memorandum decision affirming the circuit court’s order is appropriate. *See* W. Va. R. App. P. 21.

The proceedings were initiated in March 2023 when the DHS filed a petition based upon allegations of the mother’s substance abuse, among other things. The DHS later amended the petition to include allegations of the petitioner’s medical neglect. The matter proceeded for several months with the petitioner’s eventual adjudication upon her stipulation to these allegations. However, the DHS filed a court summary in August 2023 that included reports of sexual contact between the children and subsequent disclosures of sexual abuse while living with the petitioner. Specifically, R.C.-1 stated that he disclosed the sexual abuse to the petitioner, who “didn’t do anything about it” and allowed the abuser continued access to the home.

---

<sup>1</sup> The petitioner appears by counsel Nicole Grimes, who filed the brief pursuant to Rule 10(c)(10)(b) of the West Virginia Rules of Appellate Procedure. The West Virginia Department of Human Services appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Heather L. Olcott. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel. Counsel Elizabeth Davis appears as the children’s guardian ad litem.

Additionally, pursuant to West Virginia Code § 5F-2-1a, the agency formerly known as the West Virginia Department of Health and Human Resources was terminated. It is now three separate agencies—the Department of Health Facilities, the Department of Health, and the Department of Human Services. *See* W. Va. Code § 5F-1-2. For purposes of abuse and neglect appeals, the agency is now the Department of Human Services (“DHS”).

<sup>2</sup> We use initials where necessary to protect the identities of those involved in this case. *See* W. Va. R. App. P. 40(e). Additionally, because the children share the same initials, we use numbers to differentiate them.

In September 2023, the DHS filed a second amended petition that included several new allegations, including the allegations of sexual abuse perpetrated on both children. According to the DHS, when confronted with the disclosures of sexual abuse, the petitioner claimed that the children were lying despite having witnessed them acting in an inappropriately sexual manner.

In April 2024, the court held an adjudicatory hearing, during which the DHS presented testimony from several witnesses, including two individuals who conducted forensic interviews of the children, one therapist, a DHS worker, and three of the children's foster parents. The evidence demonstrated that the children were sexually abused by the petitioner's guest in the home and that the petitioner permitted the abuser to return to the home after being made aware of the abuse. The court found that the children's disclosures were specific as to the abuse and how it made them feel, including R.C.-1's fear over what happened to R.C.-2, his younger brother. The children were also specific as to who perpetrated the abuse, including R.C.-1's statements about the perpetrator showing him a loaded firearm as a threat to not disclose the abuse. Further, the court explicitly found that "the disclosure of [R.C.-1] that he told the [petitioner] . . . is . . . credible." Ultimately, the court adjudicated the petitioner of failing to protect the children "due to her substance abuse and lack of supervision" and found that the children were abused and neglected.

Given that the resolution of this appeal turns entirely upon adjudication, it is sufficient to note that the circuit court terminated the petitioner's parental rights to the children following a dispositional hearing in June 2024.<sup>3</sup> The petitioner appeals from the dispositional order.

On appeal from a final order in an abuse and neglect proceeding, this Court reviews the circuit court's findings of fact for clear error and its conclusions of law de novo. Syl. Pt. 1, *In re Cecil T.*, 228 W. Va. 89, 717 S.E.2d 873 (2011). Before this Court, the petitioner raises a lone assignment of error in which she alleges that the evidence was insufficient to support her adjudication on the second amended petition because she claims that she did not know of the sexual abuse. The petitioner is correct that West Virginia Code § 49-4-601(i) requires the DHS "to prove 'conditions existing at the time of the filing of the petition . . . by clear and convincing [evidence].'" The statute, however, does not specify any particular manner or mode of testimony or evidence by which the [DHS] is obligated to meet this burden." Syl. Pt. 1, in part, *In re Joseph A.*, 199 W. Va. 438, 485 S.E.2d 176 (1997) (quoting Syl. Pt. 1, *In Interest of S.C.*, 168 W. Va. 366, 284 S.E.2d 867 (1981)). In support of this argument, the petitioner cites only to the definition of "[a]bused child" under West Virginia Code § 49-1-201, which requires, in relevant part, proof that the parent "knowingly allow[ed] another person to inflict" certain injuries to a child. However, the petitioner completely ignores her adjudication for neglect of the children. A "[n]eglected child" is, in relevant part, one "[w]hose physical or mental health is harmed or threatened by a present refusal, failure or inability of the child's parent . . . to supply the child with necessary . . . supervision." W. Va. Code § 49-1-201. The evidence below clearly established that the petitioner repeatedly exposed the children to an individual who sexually abused them and permitted this individual continued access to the home after being told of the abuse. As the circuit court found, this demonstrated that

---

<sup>3</sup> The court also terminated the father's parental rights. The permanency plan for the children is adoption in their current placements.

the petitioner failed to properly supervise the children.<sup>4</sup> Critically, the circuit court found the children’s disclosures credible, as well as testimony from multiple witnesses about the children informing the petitioner of the abuse and her failure to take corrective action. We will not disturb these findings on appeal. *See Michael D.C. v. Wanda L.C.*, 201 W. Va. 381, 388, 497 S.E.2d 531, 538 (1997) (“A reviewing court cannot assess witness credibility through a record. The trier of fact is uniquely situated to make such determinations and this Court is not in a position to, and will not, second guess such determinations.”). Accordingly, we conclude that the evidence was sufficient to support the petitioner’s adjudication for neglecting the children, and she is entitled to no relief on appeal.

For the foregoing reasons, we find no error in the decision of the circuit court, and its July 17, 2024, order is hereby affirmed.

Affirmed.

**ISSUED:** September 10, 2025

**CONCURRED IN BY:**

Chief Justice William R. Wooton  
Justice C. Haley Bunn  
Justice Charles S. Trump IV  
Justice Thomas H. Ewing  
Senior Status Justice John A. Hutchison

---

<sup>4</sup> While we note that the circuit court found that the petitioner both abused and neglected the children, it is unnecessary to address the circuit court’s finding of abuse or the petitioner’s arguments concerning the insufficiency of the evidence to support a finding that the children were abused because the petitioner fails to challenge the overwhelming evidence that the children were neglected.

The petitioner also asserts, in passing, that termination of her rights was in error because the evidence did not support her adjudication. However, the petitioner fails to provide any argument in relation to the termination of her parental rights, other than to say that it could not have occurred absent a proper adjudication. We note that “[a] skeletal ‘argument,’ really nothing more than an assertion, does not preserve a claim . . . . Judges are not like pigs, hunting for truffles buried in briefs.” *State v. Kaufman*, 227 W. Va. 537, 555 n.39, 711 S.E.2d 607, 625 n.39 (2011) (quoting *United States v. Dunkel*, 927 F.2d 955, 956 (7th Cir.1991)). Because the petitioner has failed to present an argument and because, as set forth above, we find no error in the petitioner’s adjudication, the petitioner is entitled to no relief.