

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

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

***In re* L.T.**

No. 24-526 (Marshall County CC-25-2022-JA-3)

MEMORANDUM DECISION

Petitioner Mother M.F.¹ appeals the Circuit Court of Marshall County’s August 9, 2024, order terminating her parental rights to L.T., arguing that the record did not support the circuit court’s finding of emotional abuse.² 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.

In March 2022, the DHS filed a petition alleging that the petitioner abused L.T. by coaching him to make false allegations of sexual abuse against multiple individuals—including his father, paternal family members, and school personnel. According to the DHS, these false allegations caused L.T. to be subjected to at least four Child Advocacy Center forensic interviews and an intrusive examination by a sexual assault nurse examiner between July and December 2020, when L.T. was six years old. The DHS alleged that, through these actions, the petitioner mentally and emotionally abused L.T.

The court held a series of adjudicatory hearings between November 2023 and February 2024. Over the course of these hearings, the circuit court heard testimony from L.T.’s father, the petitioner, DHS workers, school personnel, and L.T.’s therapist—all of whom testified regarding the multiple allegations of sexual abuse made by L.T., and by the petitioner on L.T.’s behalf, and investigations of these allegations. One investigation resulted in the DHS filing a petition against L.T.’s father in 2021, which was dismissed when the court found the allegations of sexual abuse were false. A DHS worker who was involved in that case testified that, during her investigation, L.T. would make contradictory statements and that she witnessed the petitioner asking leading questions of the child. Another DHS worker testified that she interviewed L.T. in February 2022 after the petitioner took the child to the hospital and more sexual abuse allegations were made.

¹ The petitioner appears by counsel Jeremy B. Cooper. The West Virginia Department of Human Services appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Lee Niezgoda. Because a new Attorney General took office while this appeal was pending, his name has been substituted as counsel. Counsel Michael B. Baum appears as the child’s guardian ad litem.

² We use initials where necessary to protect the identities of those involved in this case. *See* W. Va. R. App. P. 40(e).

According to the worker, L.T. stated that he had “two stories to tell,” that the petitioner was making him say that his father had hurt him, that his father had not abused him, and that he was afraid of the petitioner. The school personnel testified regarding two false allegations made against a teacher and teaching aide that were very similar to those made against the father. L.T.’s therapist testified that she witnessed the petitioner trying to coach L.T. to make disclosures during therapy sessions, including asking him leading questions. The therapist stated that she believed the coaching to be emotionally harmful and that she spoke with the petitioner about the harmful effects of the coaching on L.T. The therapist also represented that, following L.T.’s removal from the petitioner’s custody, the child stated that the petitioner told him to lie about his father and that the allegations were not true. The petitioner denied ever coaching L.T. and asserted that she was simply reporting the allegations made by L.T.

Based on the testimony presented, the circuit court found that, by repeatedly coaching the child to make false allegations of sexual abuse against numerous people, the petitioner perpetrated numerous false sexual assault allegations against the father, the father’s family, and community members between 2019 and 2022. The court also found that the petitioner continued to coach L.T. to make false allegations after being informed by the child’s therapist that doing so was emotionally harmful to the child. Based on these findings, the court adjudicated her to be an abusing parent who subjected L.T. to significant emotional and psychological trauma. Thereafter, the court held a dispositional hearing, after which it terminated the petitioner’s parental rights to L.T. by order entered on August 9, 2024.³ It is from the dispositional order that the petitioner appeals.

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 argues that the circuit court erred by finding that she emotionally abused L.T. and subsequently terminating her parental rights. We disagree.

At the outset, we note that the petitioner challenges only her adjudication as an abusing parent, arguing that the DHS did not prove by clear and convincing evidence that she engaged in the alleged pattern of false allegations with the intention to cause emotional or mental harm to the child. Upon our review of the record, we find no error by the circuit court. First, with regard to the petitioner’s arguments concerning the circuit court’s findings, we conclude that the circuit court properly based its findings on clear and convincing evidence found in the record. We have held that, “in the context of abuse and neglect proceedings, the circuit court is the entity charged with weighing the credibility of witnesses and rendering findings of fact.” *In re Emily*, 208 W. Va. 325, 339, 540 S.E.2d 542, 556 (2000) (citing Syl. Pt. 1, in part, *In re Travis W.*, 206 W. Va. 478, 525 S.E.2d 669 (1999)). Further, in addressing this burden, we have explained that West Virginia Code § 49-4-601(i) “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)).

³ The permanency plan for L.T. is to remain in the custody of his nonabusing father.

West Virginia Code § 49-1-201, in relevant part, defines an “abused child” as “[a] child whose health or welfare is harmed or threatened by . . . a parent . . . who *knowingly or intentionally* inflicts . . . mental or emotional injury, upon the child.” (emphasis added). Further, an “abusing parent” is one “whose conduct has been adjudicated by the court to constitute child abuse or neglect as alleged in the petition.” *Id.* Here, as the petitioner acknowledges, “there was substantial testimony in the record” supporting the circuit court’s finding that the petitioner coached the child to make false allegations of sexual abuse. Further, the record contains evidence that the petitioner continued this course of conduct even after being told by L.T.’s therapist that it was harmful to the child. The evidence presented to the circuit court was sufficient for it to find that the petitioner *knowingly* inflicted emotional injury upon L.T. and *intentionally* continued the harmful conduct. As a result, we conclude that the circuit court did not err in finding that the petitioner emotionally abused L.T. and thus adjudicating her as an abusing parent.

For the foregoing reasons, we find no error in the decision of the circuit court, and its August 9, 2024, order is hereby affirmed.

Affirmed.

ISSUED: November 4, 2025

CONCURRED IN BY:

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

NOT PARTICIPATING:

Chief Justice William R. Wooton