

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

In re E.B.

No. 25-704 (Jefferson County CC-19-2024-JA-49)

MEMORANDUM DECISION

Petitioner Father R.W.¹ appeals the Circuit Court of Jefferson County’s September 22, 2025, order terminating his parental rights to E.B., arguing that the circuit court erred in denying him post-termination visitation.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 July 2024, the DHS filed an abuse and neglect petition alleging, in pertinent part, that the petitioner abused substances in E.B.’s presence as he “appeared to be high and was in an altered state” during the child’s birth. At the adjudicatory hearing in February 2025, the petitioner denied any substance abuse and stated that he had not seen the child since birth.³ Ultimately, the court found that the petitioner’s testimony “was not credible in any form, and he constantly contradicted himself and could not answer straightforward yes or no questions.” The court also noted that, due to a positive drug screen for alcohol in November 2024, the petitioner was ordered to participate in alcohol monitoring and was now in contempt of the court’s order. Thus, the court adjudicated the petitioner as an abusing parent of E.B. due to his substance abuse.

In April 2025, the DHS amended its petition to include allegations of mental health issues and domestic violence, as the mother had sought multiple domestic violence protective orders (“DVPO”) against the petitioner. At the second adjudicatory hearing in June 2025, the court heard evidence regarding the couple’s history of domestic violence including photographs of the mother’s injuries and the mother’s DVPO petitions that detailed how the petitioner physically abused her while she was pregnant with E.B. The petitioner also testified; however, the court highlighted that his testimony was “not responsive to many of the questions” asked. Ultimately,

¹ The petitioner appears by counsel Patrick Kratovil. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Lee Niezgoda. Counsel Susan MacDonald 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).

³ Notably, in January 2025, the court denied the petitioner’s request for visitation with E.B. due to concerns with his history of domestic violence against the mother.

the court found that the petitioner failed to “acknowledge that he has any issues to address” and adjudicated him as an abusing parent of E.B. based on his domestic violence and mental health issues.

In September 2025, the court held the dispositional hearing wherein a DHS worker testified that the petitioner failed to maintain contact with the DHS and failed to acknowledge the conditions of abuse and neglect that led to the filing of the petition. This witness also reiterated concerns regarding the petitioner’s anger issues, noting that he failed to address his issues with domestic violence and mental health. Furthermore, the child’s caregiver testified that the petitioner and E.B. did not share a bond, that the child did not know the petitioner, and that the petitioner had tried to “snatch[]” the child away from her care at a funeral which caused the child to become distressed and led to the petitioner being escorted out. Counsel for the petitioner proffered the petitioner’s desire to remain in the child’s life and that he was agreeable to a partial relinquishment of his rights. Ultimately, the court terminated the petitioner’s parental rights to E.B., finding that there was no reasonable likelihood that he could substantially correct the conditions of abuse and neglect in the near future and that termination was necessary for E.B.’s welfare.⁴ The court also denied the petitioner’s request for post-termination visitation as it found there was “no substantial bond between [the child] and [the petitioner].” It is from this order that the petitioner now appeals.

On appeal from a final order in an abuse and neglect proceeding, this Court reviews the circuit court’s substantive rulings for abuse of discretion, factual findings for clear error, and issues of law are reviewed de novo. Syl. Pt. 1, *In re K.S.*, -- W. Va. --, 930 S.E.2d 400 (2026). Before this Court, the petitioner challenges only the circuit court’s denial of post-termination visitation. “The [circuit] court may grant post-termination visitation only if it finds that such visitation is in the child’s best interests, taking into consideration . . . the nature of the abuse and/or neglect that prompted termination of rights and the existence of a bond,” among other things. W. Va. R. P. Child Abuse & Neglect Proc. 15(b). Here, the evidence indicated that the petitioner failed to address his parental deficiencies related to substance abuse, domestic violence, and mental health issues, conditions that prompted the termination of his parental rights. Furthermore, various sources confirmed that the petitioner never formed a bond with E.B. In fact, testimony highlighted the distress the petitioner’s inappropriate conduct caused the child. Therefore, we conclude that the court did not err in denying the petitioner post-termination visitation as ample evidence supported this decision.

For the foregoing reasons, we find no error in the decision of the circuit court, and its September 22, 2025, order is hereby affirmed.

Affirmed.

ISSUED: July 28, 2026

⁴ The mother’s parental rights were also terminated. The child’s permanency plan is adoption in the current placement.

CONCURRED IN BY:

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice H. L. Kirkpatrick
Justice James W. Flanigan

DISQUALIFIED:

Justice Charles S. Trump IV