

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

In re P.C.

No. 25-727 (Kanawha County CC-20-2024-JA-358)

MEMORANDUM DECISION

Petitioner Father B.C.¹ appeals the Circuit Court of Kanawha County’s October 2, 2025, order terminating his parental rights to P.C., arguing that the circuit court erred because termination was not the least restrictive disposition.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 October 2024, the DHS filed an abuse and neglect petition alleging, in pertinent part, that the petitioner exposed the child to domestic violence and abused alcohol.³ At the adjudicatory hearing in December 2024, the petitioner stipulated to these allegations and the circuit court adjudicated him as an abusing parent of P.C. The petitioner then filed a written motion for a post-adjudicatory improvement period, which the court granted in March 2025. The terms of this improvement period included, among other things, that the petitioner participate in a psychological evaluation, drug and alcohol screening, adult life skills and parenting classes, and domestic violence counseling. Based on the results of his psychological evaluation, the court later ordered the petitioner to participate in a substance abuse treatment program.

However, at a review hearing in May 2025, a DHS worker testified that the petitioner failed to participate in services, had not maintained contact with the DHS, and failed to progress towards having supervised visitation with P.C. due to his noncompliance with drug and alcohol screening. Accordingly, the court terminated the petitioner’s improvement period based on noncompliance and set the matter for disposition.

At the dispositional hearing, which concluded in September 2025, the circuit court heard evidence that the petitioner was currently incarcerated after being arrested in March 2025 for

¹ The petitioner appears by counsel Edward L. Bullman. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General James Wegman. Counsel Jennifer Taylor 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 The petition concerned another child who is not at issue on appeal.

felony burglary and had absconded from his rehabilitation program in April 2025, which violated his bond conditions.⁴ A DHS worker testified that, other than attending his psychological evaluation, the petitioner failed to participate in services and keep in contact with the DHS. Furthermore, both the DHS worker and the guardian informed the court that the child disclosed that she feared the petitioner. Ultimately, the court found that the petitioner “ha[d] not responded to or followed through with the recommended and appropriate treatment which could have improved his capacity for adequate parental functioning” as he refused or failed to participate in services. Therefore, the court found that there was no reasonable likelihood that the petitioner could substantially correct the conditions of abuse and neglect in the near future. Considering the child’s need for stability and continuity of care, the court further found that P.C.’s welfare necessitated termination of the petitioner’s parental rights and proceeded to terminate such rights.⁵ 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 the termination of his parental rights, arguing that an alternative disposition, such as termination of only his custodial rights, was more appropriate. We disagree. Under West Virginia Code § 49-4-604(c)(6), circuit courts are permitted to terminate parental rights without the use of a less restrictive alternative “[u]pon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future and, when necessary for the welfare of the child.” *See also* Syl. Pt. 5, *In re Kristin Y.*, 227 W. Va. 558, 712 S.E.2d 55 (2011) (permitting termination of rights “without the use of intervening less restrictive alternatives when it is found that there is no reasonable likelihood . . . that conditions of neglect or abuse can be substantially corrected” (quoting Syl. Pt. 2, *In re R.J.M.*, 164 W. Va. 496, 266 S.E.2d 114 (1980))). “‘No reasonable likelihood that conditions of neglect or abuse can be substantially corrected’ means that . . . the abusing adult . . . [has] not responded to or followed through with a reasonable family case plan or other rehabilitative efforts.” W. Va. Code § 49-4-604(d)(3). Here, testimony indicated that the petitioner failed to participate in drug and alcohol screening as well as classes to address his issues of domestic violence and parental deficiencies. Further, he failed to maintain contact with the DHS. Additionally, the petitioner’s circumstances worsened as he was subsequently incarcerated and absconded from his rehabilitation program in violation of his bond conditions. As such, ample evidence supported the circuit court’s finding that there was no reasonable likelihood that the petitioner could substantially correct the conditions of neglect or abuse in the near future.

Furthermore, the court considered the child’s need for stability, continuity of care, and evidence that P.C. feared the petitioner, all of which reinforced the court’s finding that termination of the petitioner’s parental rights was necessary for the child’s welfare. Although the petitioner

⁴ The record is unclear as to the exact date the petitioner was incarcerated. On appeal, the petitioner states that he was later charged for absconding, pled guilty to this charge on September 22, 2025, and was ultimately sentenced to four years of supervised probation. The status of the petitioner’s felony burglary charge remains unknown.

⁵ Permanency has been achieved as P.C. was reunified with the mother.

argues that an alternative disposition would more freely allow him to petition the court for modification once he corrects the conditions of abuse and neglect, “[c]ourts are not required to exhaust every speculative possibility of parental improvement . . . where it appears that the welfare of the child will be seriously threatened” before terminating parental rights. Syl. Pt. 4, in part, *In re Cecil T.*, 228 W. Va. 89, 717 S.E.2d 873 (2011) (quoting *In re R.J.M.*, 164 W. Va. at 496, 266 S.E.2d at 114, Syl. Pt. 1, in part). To the extent the petitioner argues that because the mother was granted an alternative disposition the court should not have terminated his parental rights, such circumstances “do[] not automatically entitle the [petitioner] to retain his[] parental rights if his[] conduct has endangered the child and such conditions of abuse and/or neglect are not expected to improve.” *In re Emily*, 208 W. Va. 325, 344, 540 S.E.2d 542, 561 (2000). Thus, we conclude that the court did not err in terminating the petitioner’s parental rights.

For the foregoing reasons, we find no error in the decision of the circuit court, and its October 2, 2025, order is hereby affirmed.

Affirmed.

ISSUED: July 28, 2026

CONCURRED IN BY:

Chief Justice C. Haley Bunn
Justice William R. Wooton
Justice Charles S. Trump IV
Justice H. L. Kirkpatrick
Justice James W. Flanigan