

STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS

In re S.D.-1, T.D., and S.D.-2

No. 25-743 (Marion County CC-24-2024-JA-163, CC-24-2024-JA-164, and CC-24-2024-JA-165)

MEMORANDUM DECISION

Petitioner Father A.M.¹ appeals the Circuit Court of Marion County’s October 2, 2025, order terminating his parental and custodial rights to the children, arguing that the circuit court erred by not affording him an improvement period.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.

Because the resolution of this matter turns on a narrow legal issue, it is unnecessary to belabor the procedural history. Instead, it is sufficient to note that, after the DHS filed a petition in September 2024, the circuit court adjudicated the petitioner of abusing and neglecting the children at an adjudicatory hearing in March 2025 upon his stipulation to excessive corporal punishment and substance abuse. Ultimately, the circuit court terminated the petitioner’s parental and custodial rights to the children following a dispositional hearing in September 2025. Termination was based, in part, upon the petitioner’s nonparticipation in services and his unabated substance abuse. The petitioner now appeals the dispositional order terminating his parental and custodial rights.³

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 are reviewed 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 argues that the circuit court erred by terminating his parental and custodial rights without first affording him an improvement period. However, “[a]

¹ The petitioner appears by counsel Amanda Leslie, who filed the brief in accordance with Rule 10(c)(10)(b) of the West Virginia Rules of Appellate Procedure. The West Virginia Department of Human Services (“DHS”) appears by Attorney General John B. McCuskey and Assistant Attorney General Wyclif S. Farquharson. Counsel Heidi M. Georgi Sturm appears as the children’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). Because two children share the same initials, we use numbers to differentiate them.

³ The circuit court also terminated the mother’s parental and custodial rights, and the permanency plan for the children is adoption in their current placement.

circuit court may not grant a[n] . . . improvement period under W. Va. Code § 49-4-610 . . . unless the respondent to the abuse and neglect petition files a written motion requesting the improvement period.” Syl. Pt. 4, in part, *State ex rel. P.G.-I v. Wilson*, 247 W. Va. 235, 878 S.E.2d 730 (2021). The petitioner fails to include any citation to the record demonstrating that he moved for an improvement period; thus, the circuit court was not permitted to grant him the same. *See also* W. Va. R. App. P. 10(c)(7) (requiring that a petitioner’s brief “contain appropriate and specific citations to the record on appeal, including citations that pinpoint when and how the issues in the assignments of error were presented to the lower tribunal”). The petitioner is therefore entitled to no relief.

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: August 25, 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