

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

FILED

August 27, 2026

**CASSANDRA C.,
Petitioner Below, Petitioner**

ASHLEY N. DEEM, CHIEF DEPUTY CLERK
INTERMEDIATE COURT OF APPEALS
OF WEST VIRGINIA

v.) No. 26-ICA-75 (Fam. Ct. Greenbrier Cnty. Case No. FC-13-2025-D-203)

**HENRY B.,
Respondent Below, Respondent**

MEMORANDUM DECISION

Petitioner Cassandra C.¹ (“Mother”) appeals the Family Court of Greenbrier County’s January 29, 2026, Divorce Order. Respondent Henry B. (“Father”) did not participate in the appeal.² Mother did not file a reply.

This Court has jurisdiction over this appeal pursuant to West Virginia Code § 51-11-4 (2024). After considering the parties’ arguments, the record on appeal, and the applicable law, this Court finds no substantial question of law and no prejudicial error. For these reasons, a memorandum decision affirming the family court’s order entered January 29, 2026, is appropriate under Rule 21 of the West Virginia Rules of Appellate Procedure.³

The parties were married on July 14, 2007, and divorced on January 29, 2026. They share three children, the oldest of whom is eighteen years old, and two minor children. The family court’s January 29, 2026, Divorce Order awarded Mother primary custodial responsibility of the minor children and calculated child support based on the reported income of the parties. As such, Father was ordered to pay Mother child support in the amount of \$939.72 per month for the two minor children. However, the family court found that “[t]he parties have three children, but the oldest child is emancipated and not currently enrolled in high-school or post-secondary schooling (the adult child’s work in GED

¹ To protect the confidentiality of the juveniles involved in this case, we refer to the parties’ last name by the first initial. *See, e.g.,* W. Va. R. App. P. 40(e); *State v. Edward Charles L.*, 183 W. Va. 641, 645 n.1, 398 S.E.2d 123, 127 n.1 (1990).

² Mother is self-represented.

³ We recognize our limited and circumspect review of a family court order in an uncontested appeal, like this one, where the respondent fails to participate on appeal to support the order.

program does not extend support past 18 years of age).” It is from this order that Mother now appeals.

For these matters, we apply the following standard of review:

When a final order of a family court is appealed to the Intermediate Court of Appeals of West Virginia, the Intermediate Court of Appeals shall review the findings of fact made by the family court for clear error, and the family court’s application of law to the facts for an abuse of discretion. The Intermediate Court of Appeals shall review questions of law de novo.

Syl. Pt. 2, *Christopher P. v. Amanda C.*, 250 W. Va. 53, 902 S.E.2d 185 (2024); *accord* W. Va. Code § 51-2A-14(c) (2005) (specifying standards for appellate court review of family court orders).

At the outset, this Court emphasizes that we are limited in our review to the record developed before the family court and will not address matters not presented to the family court. *See City of Huntington v. Chesapeake & Potomac Telephone Co.*, 154 W. Va. 634, 639, 177 S.E.2d 591, 595 (1970) (declining to address matter not decided by lower court); *Shaffer v. Acme Limestone Co., Inc.*, 206 W. Va. 333, 524 S.E.2d 688 (1999); *Whitlow v. Board of Education of Kanawha Cnty.*, 190 W. Va. 223, 226, 438 S.E.2d 15, 18 (1993) (“Our general rule in this regard is that, when nonjurisdictional questions have not been decided at the trial court level and are then first raised before this Court, they will not be considered on appeal.”); *PITA, LLC v. Segal*, 249 W. Va. 26, 894 S.E.2d 379 (Ct. App. 2023) (noting that as a general rule, an appellate court will not consider an issue raised for the first time on appeal); *see also* W. Va. R. App. Pro. 6(a) (“The record on appeal consists of the documents and exhibits filed in the proceedings in the lower tribunal[.]”). Mother’s brief and the appendix record include facts, issues, and documents that were not included in the record before the family court. To the extent that Mother introduced and relied on information not in the record, this Court declines to consider the same when making our decision.

On appeal, Mother asserts one assignment of error. Mother argues that the family court erred by not ordering Father to pay child support for the parties’ oldest child, who was eighteen years old at the time, and was enrolled in a GED program sponsored by the Greenbrier County Board of Education. We disagree.

West Virginia Code § 48-11-103(a) (2008) allows for child support to “continue beyond the date when the child reaches the age of eighteen, so long as the child is unmarried and residing with a parent, guardian or custodian and is enrolled as a full-time student in a secondary educational or vocational program and making substantial progress towards a diploma.” This statute sets forth five factors, all of which must be satisfied for the family court to order child support after a child has reached the age of majority. First, the child

must have reached the age of eighteen. Second, the child must be unmarried. Third, the child must reside with a parent, guardian or custodian. Fourth, the child must be enrolled as a full-time student in a secondary educational or vocational program. Fifth, the child must be making substantial progress towards a diploma. In this case, Mother failed to establish that the parties' adult child was "enrolled as a full-time student in a secondary educational or vocational program." Therefore, we cannot find that the family court erred or abused its discretion in awarding child support for the parties' two minor children and excluding the parties' adult child.

Accordingly, we affirm the Family Court of Greenbrier County's January 29, 2026, Divorce Order.

Affirmed.

ISSUED: August 27, 2026

CONCURRED IN BY:

Chief Judge Daniel W. Greear
Judge Charles O. Lorensen
Judge S. Ryan White