

IN THE INTERMEDIATE COURT OF APPEALS OF WEST VIRGINIA

FILED

August 27, 2026

**NICHOLAS COLLINS,
Petitioner Below, Petitioner**

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

v.) No. 26-ICA-85 (Fam. Ct. Kanawha Cnty. Case No. FC-20-2024-D-826)

**SHANA COLLINS,
Respondent Below, Respondent**

MEMORANDUM DECISION

Petitioner Nicholas Collins (“Husband”) appeals the Family Court of Kanawha County’s order dismissing his petition for modification of spousal support entered February 23, 2026. Respondent Shana Collins (“Wife”) filed a response in support of the family court’s order.¹

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 is appropriate under Rule 21 of the West Virginia Rules of Appellate Procedure.

The parties were married on June 6, 1999, in Perry County, Kentucky and share one child who was an adult at the time of the divorce hearing. The parties last cohabited together as husband and wife on or around November 1, 2024. Husband filed for divorce on November 1, 2024. The family court held a final divorce hearing on April 1, 2025. Both parties appeared at this hearing in person and by counsel and informed the court that they had reached a settlement on all matters in controversy. The family court entered the parties’ agreed final divorce order on April 1, 2025. By that order, the court granted the parties a divorce, ordered equitable distribution pursuant to the parties’ agreement, and ordered Husband to pay spousal support to Wife in the amount of \$1,600 per month effective April 1, 2025, also pursuant to the parties’ agreement.

Husband filed a petition for modification of spousal support on February 17, 2026, less than one year after entry of the agreed order. Husband asked the court to decrease his spousal support obligation but failed to list any circumstances whatsoever to justify his modification request. The family court entered an order on February 23, 2026, dismissing

¹ Both parties are self-represented on appeal. However, at the time of the final divorce hearing in 2025, both parties were represented by counsel.

the petition for modification. In that order, the family court found that the April 1, 2025, agreed final divorce order was not appealed, and thus, was final and that Husband pleaded no material change of circumstances since the entry of the April 1, 2025, agreed final divorce order. It is from this dismissal order entered February 23, 2026, that Husband now appeals.

When reviewing the order of a family court, 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).

We note at the outset that Husband's brief fails to comply with Rule 10(c)(7) of the West Virginia Rules of Appellate Procedure because it fails to contain an argument pointing to the law or authority relied on or "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." As we have previously acknowledged, we cannot consider indecipherable arguments made in appellate briefs. See *Vogt v. Macy's, Inc.*, 22-ICA-162, 2023 WL 4027501, at *4 (W. Va. Ct. App. June 15, 2023) (memorandum decision) (citing *State v. Lilly*, 194 W. Va. 595, 605 n.16, 461 S.E.2d 101, 111 n.16 (1995) (explaining that appellate courts frequently refuse to address undeveloped, perfunctory, or cursory arguments on appeal)). However, we have examined the briefs and the limited appendix record provided and we will address Husband's assignments of error to the extent possible. See *Kevin D. v. Alexandria D.*, No. 23-15, 2024 WL 2946662, at *2 (W. Va. June 10, 2024).

On appeal, Husband asserts four assignments of error, several of which are similar or closely related, that we have consolidated where appropriate for efficiency and clarity of our review. Husband has several assignments of error that deal with alleged errors made in the agreed final divorce order entered April 1, 2025. Husband contends that his income used for the spousal support calculation was based on a W-2 from two years prior to the agreed order and that Wife stated that she was disabled and unable to work but no proof of disability was shown at the final divorce hearing. The agreed final divorce order is not the subject of the instant appeal, and Husband did not provide any legal authority in support of this argument. See *State v. Sites*, 241 W. Va. 430, 442, 825 S.E.2d 758, 770 (2019) (declining to address an assignment of error that includes no legal authority to support the

argument). Instead, Husband requests that this Court reconsider the basis of the April 1, 2025, agreed order which is not before us. As such, we decline to address these assignments of error.

Lastly, Husband raises two assignments of error reiterating an alleged change in circumstances. Husband contends on appeal that he is currently unemployed and unable to work due to multiple medical conditions. Husband claims he has no income and, as a result, he is unable to pay spousal support. West Virginia Code § 48-8-103(b) (2012) states: “At any time after the entry of an order . . . the court may . . . revise or alter the order concerning the maintenance of the parties . . . and make a new order concerning the same . . . as the altered circumstances or needs of the parties may render necessary to meet the ends of justice.” *See also* West Virginia Code § 48-5-701 (2001) (granting family court authority to revise final divorce order with regards to spousal support). Husband did not include any of this information in his verified petition for modification filed with the family court below. Husband failed to list any circumstances whatsoever that might justify the modification requested, leaving that portion of the form petition for modification blank.

This Court has previously held the following:

A lower court’s analysis of a petition for modification of spousal support is two-fold. First, a substantial change of circumstances *must* be established. *See, e.g.*, Syl. Pt. 3, *Campbell v. Campbell*, 243 W. Va. 71, 842 S.E.2d 440 (2020) (citing Syl. Pt. 3, *Goff v. Goff*, 177 W. Va. 742, 356 S.E.2d 496 (1987)) (holding that party seeking modification has burden of showing substantial change of circumstances). Once a substantial change of circumstances has been established, the specific list of factors under West Virginia Code § 48-6-301(b) must be considered by the family court.

Jackson v. Jackson, No. 23-ICA-162, 2024 WL 140330, at *2 (W. Va. Ct. App. Jan. 12, 2024) (memorandum decision). Here, the burden was upon Husband to set forth in his petition facts supporting a substantial change in circumstances from the agreed order entered less than a year earlier to warrant the family court’s consideration of his request for a modification of his spousal support. Although Husband might have successfully alleged sufficient facts in his brief to this Court, he failed to allege any facts supporting a change of circumstances in his verified petition for modification to the family court.² Accordingly, we cannot conclude that the family court’s dismissal of the petition for modification was clearly erroneous or an abuse of discretion.

Accordingly, we affirm the family court’s February 23, 2026, order.

² This decision does not preclude Husband from filing a sufficient petition for modification in the future. *See* W. Va. Code § 48-5-701 and § 48-8-103(b).

Affirmed.

ISSUED: August 27, 2026

CONCURRED IN BY:

Judge Charles O. Lorensen

Judge S. Ryan White

Chief Judge Daniel W. Greear, not participating