

**STATE OF WEST VIRGINIA
SUPREME COURT OF APPEALS**

C. CASEY FORBES, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

In re S.R.

No. 25-537 (Wyoming County CC-55-2024-JA-21)

MEMORANDUM DECISION

Petitioner Mother S.L.¹ appeals the Circuit Court of Wyoming County’s July 29, 2025, order terminating her parental rights to S.R., arguing that the circuit court erred in terminating her rights because the DHS failed to make reasonable efforts to reunify the family and that there was a reasonable likelihood that she could substantially correct the conditions of abuse and/or neglect in the near future.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 March 2024, the DHS filed an abuse and neglect petition alleging that the petitioner abused substances (specifically methamphetamine) and that a prior abuse and neglect case was filed against the petitioner and the father in 2019 due to substance abuse, but the case was dismissed after the parents successfully completed improvement periods and regained custody of S.R. in 2022. After the instant petition was filed, the DHS referred the petitioner to the Wyoming County Day Report Center to participate in drug screening services. This service provider further offered the petitioner placement in a rehabilitation program at Anchor Point, but the petitioner chose to instead be admitted into an inpatient rehabilitation program at Serenity Pointe. In August 2024, the court ordered the petitioner to submit to a psychological evaluation. At the adjudicatory hearing in November 2024,³ the petitioner stipulated to abusing substances and the circuit court adjudicated her as an abusing parent of S.R. The court then granted the petitioner a three-month post-adjudicatory improvement period, which required that she maintain contact with the DHS, submit to a substance abuse evaluation, participate in drug and alcohol testing as well as any other recommended services, and refrain from abusing substances, among other terms. The court also

¹ The petitioner appears by counsel Latachia Miller. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Carl E. Hostler. Counsel Timothy P. Lupardus 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 record reflects that the adjudicatory hearing was continued multiple times. The petitioner failed to appear at all of the hearings prior to the November 2024 adjudicatory hearing, but she was represented by counsel.

ordered the DHS to conduct a multidisciplinary team (“MDT”) meeting and submit a case plan, which the DHS later filed. The court later extended the improvement period.

At a review hearing in March 2025, the circuit court noted that the petitioner was discharged from her rehabilitation program at Serenity Pointe due to issues with other individuals. Counsel for the petitioner informed the court of the petitioner’s desire and ability to participate in a different substance abuse treatment program with My Hope for Tomorrow. However, the DHS moved to revoke the petitioner’s improvement period. The circuit court held the DHS’s motion in abeyance and allowed the petitioner to participate in the new rehabilitation program. In May 2025, the circuit court held another review hearing where the petitioner failed to appear but was represented by counsel. Counsel informed the court that she had not had any contact with the petitioner since the prior hearing in March 2025 and further explained that the petitioner was hospitalized after the March 2025 hearing. However, upon being released from the hospital, the petitioner refused to continue participating in her rehabilitation program and left against medical advice. The petitioner was then briefly incarcerated⁴ and afterwards her whereabouts became unknown. The circuit court heard from a Child Protective Services (“CPS”) worker who testified that the petitioner failed to maintain contact with the DHS, did not have any contact with the child, could not be located, and failed to complete her substance abuse treatment program, all of which constituted noncompliance with the terms of her improvement period. As such, the circuit court set the matter for disposition.

At the dispositional hearing, which concluded in July 2025, the petitioner failed to appear but was represented by counsel. The clinical director for Serenity Pointe testified that the petitioner had successfully completed an initial thirty-day program but was discharged shortly thereafter because she was aggressive and tried to initiate a physical altercation with another resident. The clinical director for My Hope for Tomorrow testified that while participating in their program, the petitioner had a record of being aggressive with staff and other residents and eventually left without completing the program. This witness confirmed that the petitioner had tested positive for substances before entering their program and admitted to using methamphetamine days prior. Various CPS workers also testified. Cumulatively, this testimony highlighted that the petitioner failed to participate in the MDT meetings; that contacting the petitioner outside of a rehabilitation program was impossible despite multiple attempts to reach her; and that prior to her discharge, the DHS attempted to arrange for supervised visitation with the child when the petitioner had been doing well at Serenity Pointe. Additionally, these CPS workers acknowledged that the petitioner had obtained her own treatment throughout the proceedings and confirmed that the DHS had provided transportation and substance abuse treatment services to the petitioner through the Wyoming County Day Report Center. Their testimony further established that the petitioner was currently participating in her third rehabilitation program. However, the DHS believed that, due to her noncompliance thus far, it was not reasonably likely that the petitioner would be able to correct her substance abuse disorder in the near future. Accordingly, the CPS workers recommended termination of the petitioner’s parental rights. Based on the evidence, the circuit court found that the petitioner failed to participate in services provided by the DHS, was noncompliant with the terms of her improvement period, and failed to treat her substance abuse disorder as she “ha[d] not

⁴ The specifics of the petitioner’s incarceration are not clear from the record.

made an effort to correct the issues” for which she was adjudicated. Additionally, the court found that the DHS had made reasonable efforts to preserve the family. Therefore, the circuit court concluded that there was no reasonable likelihood that the petitioner would be able to substantially correct the conditions of abuse and/or neglect in the near future. Considering S.R.’s best interests and need for stability and continuity of care and caretakers, the court further found that termination of the petitioner’s parental rights was necessary for the child’s welfare. As such, the circuit court terminated the petitioner’s parental rights to the child.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). To begin, the petitioner argues that the DHS failed to make reasonable efforts to preserve the family. Specifically, the petitioner argues that the DHS failed to hold MDT meetings after her adjudication, arrange for a psychological evaluation to be conducted, and submit referrals for additional services, such as parenting classes. We disagree. Upon filing an abuse and neglect petition, the DHS “shall provide supportive services in an effort to remedy circumstances detrimental to a child.” W. Va. Code § 49-4-601(d). Further, “[i]n determining whether or not parental rights should be terminated, the court shall consider the efforts made by the [DHS] to provide remedial and reunification services to the parent,” which includes “[w]hether or not the [DHS] made reasonable efforts, with the child’s health and safety being the paramount concern, to preserve the family.” W. Va. Code § 49-4-604(c)(6)(C)(iii). Here, the petitioner’s argument ignores that the DHS provided her with transportation and substance abuse treatment services through the Wyoming County Day Report Center. Moreover, the petitioner explicitly rejected treatment at Anchor Point, which a service provider secured for her, and instead chose to obtain her own treatment that she failed to complete. While the petitioner is correct that the DHS failed to secure her psychological evaluation, her argument ignores the fact that she could not be contacted when she was not enrolled in substance abuse treatment. Additionally, testimony by CPS workers highlighted that MDT meetings were conducted, but the petitioner remained unresponsive to the DHS’s attempts to contact her and that the DHS had tried to arrange supervised visits with the child when the petitioner was doing well at Serenity Pointe. Accordingly, the record reflects that ample evidence supported the circuit court’s finding that the DHS made reasonable efforts to preserve the family. Thus, the petitioner is entitled to no relief.

Lastly, the petitioner argues that termination of her parental rights was inappropriate because there was a reasonable likelihood that she could substantially correct the conditions of abuse and/or neglect in the near future as she was participating in her third inpatient rehabilitation program at the time of disposition. We again disagree. Pursuant to West Virginia Code § 49-4-604(d), “[n]o reasonable likelihood that conditions of neglect or abuse can be substantially corrected” means that . . . the abusing adult . . . [has] demonstrated an inadequate capacity to solve the problems of abuse or neglect on [her] own or with help.” Here, while participating in her improvement period, the petitioner was discharged from her first rehabilitation program for

⁵ The father’s parental rights were also terminated. The child’s permanency plan is adoption in the current placement.

inappropriate behavior, continued to abuse substances, and left her second rehabilitation program against medical advice. The petitioner further failed to maintain contact with the DHS, did not appear for various hearings, and, at times, could not be located. Additionally, the petitioner's conditions worsened as she was briefly incarcerated after leaving her substance abuse treatment program. Although at disposition the petitioner was participating in her third rehabilitation program, "[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 proceeding to disposition. Syl. Pt. 4, in part, *In re Cecil T.*, 228 W. Va. 89, 91, 717 S.E.2d 873, 875 (2011) (quoting Syl. Pt. 1, in part, *In re R.J.M.*, 164 W. Va. 496, 266 S.E.2d 114 (1980)). Therefore, the circuit court had sufficient evidence to find that the petitioner failed to treat her substance abuse disorder and that there was no reasonable likelihood that she could substantially correct such conditions of abuse and/or neglect in the near future. Furthermore, the circuit court considered the best interests of S.R. and the child's need for stability and continuity of care and caretakers when finding that termination was necessary for the child's welfare. Despite the petitioner's contentions otherwise, it is clear that termination of the petitioner's parental rights was necessary for the child's welfare as termination, rather than an alternative disposition, would allow the child to achieve permanency by adoption, thereby giving the child a safe, stable, and permanent home. *See In re Isaiah A.*, 228 W. Va. 176, 182, 718 S.E.2d 775, 781 (2010) ("[T]he precedent of this Court supports the proposition that children are entitled to permanency to the greatest degree possible."). Accordingly, the circuit court did not err in terminating the petitioner's parental rights to the child. *See* W. Va. Code § 49-4-604(c)(6) (permitting termination upon finding there is no reasonable likelihood the conditions can be substantially corrected in the near future and when necessary for the child's welfare).

For the foregoing reasons, we find no error in the decision of the circuit court, and its July 29, 2025, order is hereby affirmed.

Affirmed.

ISSUED: September 22, 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