

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

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

In re K.G., H.G., B.G., R.G., and G.G.

No. 25-643 (Kanawha County CC-20-2025-JA-75, CC-20-2025-JA-76, CC-20-2025-JA-77, CC-20-2025-JA-78, and CC-20-2025-JA-79)

MEMORANDUM DECISION

Petitioner Mother V.H.¹ appeals the Circuit Court of Kanawha County’s September 3, 2025, order terminating her parental rights to K.G., H.G., B.G., R.G., and G.G., arguing that the court erred in terminating her parental rights without granting her more time for services or imposing a less 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 March 2025, the DHS filed a petition alleging that the parents failed to provide the children with adequate housing. According to the DHS, the home was unsanitary because it was filled with trash and clutter and smelled of cat urine and kerosene. The DHS further alleged that the home was unsafe because it contained loose ammunition and knives within the children’s reach. Additionally, the DHS alleged that some of the children attended school with poor hygiene and that the parents had outstanding warrants due to R.G., G.G., and B.G. being truant. The DHS later amended the petition to include educational neglect and additional information about R.G., G.G., and B.G.’s numerous absences from school and the parents’ multiple truancy convictions. At the initial preliminary hearing, the circuit court ordered the petitioner to participate in parenting and adult life skills education, random drug and alcohol screens, and supervised visitation. At a drug screen that day, the petitioner tested positive for marijuana.

The circuit court held the adjudicatory hearing in May 2025. The petitioner was not present at the start of the hearing, although she was represented by counsel. The DHS presented evidence of the condition of the home, including the fact that the odor was so overwhelming that a Child Protective Services (“CPS”) worker vomited after investigating the home. The DHS presented further evidence of the children’s lack of hygiene and the parents’ educational neglect of R.G.,

¹ The petitioner appears by counsel Sandra K. Bullman. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Wyclif S. Farquharson. Counsel Bryan B. Escue 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).

G.G., and B.G. Ultimately, the court adjudicated the petitioner of abusing and neglecting the children by subjecting them to an unsafe and unsanitary home and failing to ensure their proper hygiene. The court also adjudicated the petitioner for educationally neglecting R.G., G.G., and B.G. After the presentation of evidence and the court's ruling, the petitioner finally arrived at the hearing. The DHS moved to discontinue the petitioner's services based on her noncompliance and "apparent disinterest in making [herself] available to service providers." According to a CPS worker, despite confirming the parents' telephone number, their service provider was unable to contact them after making multiple attempts. The petitioner requested that services continue. The court ordered that services would continue for two weeks but would be discontinued if the parents failed to participate. The court also confirmed that the service provider had the petitioner's correct phone number and confirmed that the petitioner had her CPS worker's telephone number. The court ordered the petitioner to submit to a drug screen following the hearing, which was positive for marijuana.

At the dispositional hearing in July 2025, a CPS worker testified that the petitioner had not participated in any services during the proceedings, including the two weeks after the adjudicatory hearing or at any point prior to the dispositional hearing. According to the worker, the petitioner refused to respond to contact attempts from service providers or CPS workers. As such, the CPS worker testified that the DHS sought termination of the petitioner's parental rights. The father also testified and admitted that he knew he was required to contact his service provider but claimed he did not have the phone number, although he later admitted to remembering the exchange at the adjudicatory hearing where the circuit court confirmed that he had the correct number. The father also admitted that he had not participated in any services. The petitioner chose not to testify and was again ordered to drug screen. The specimen came back diluted. At the hearing, the petitioner moved for "additional time to show that she can participate in services." Ultimately, the court found that "the case [wa]s baffling," considering that it verified that the parents had the appropriate contact information and "practically begged [them] to begin participating in services" at the adjudicatory hearing. Despite the provider continuing to offer services and attempting to contact the parents, they failed to participate, "made no effort to get help to remedy their situation," and took "no affirmative action in the best interests of the children." In fact, the court found that the parents failed to acknowledge that they had any problems to address. The court concluded that there was no reasonable likelihood that the petitioner could substantially correct the conditions of abuse and neglect in the near future and, finding it in the children's best interests, terminated her parental rights.³ It is from the dispositional order that the petitioner 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 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 should have permitted her additional time to demonstrate that she could participate in services. We disagree. To the extent that the petitioner argues that she should have been granted an improvement period, we note that she points to no portion of the record demonstrating that she filed a written motion for the same. As such, she was not entitled to

³ The father's rights were also terminated. The permanency plan for the children is adoption in the current placement.

an improvement period. *See* Syl. Pt. 4, *State ex rel. P.G.-I v. Wilson*, 247 W. Va. 235, 878 S.E.2d 730 (2021) (“A 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.”). Further, the record demonstrates that the petitioner was provided ample time to demonstrate her compliance with services, as she was ordered to begin participation at the preliminary hearing yet failed to participate in a single service throughout the entirety of the proceedings. This includes the period following the adjudicatory hearing at which the circuit court made it explicitly clear that services would terminate if the petitioner did not comply. Accordingly, the court did not err in proceeding to termination.

Further, the petitioner argues that a less restrictive dispositional alternative was appropriate because she could have corrected the conditions of abuse and neglect in the near future. The record does not support this argument, however, as the petitioner failed to take any steps to remedy these issues. Critically, the circuit court found that the petitioner failed to acknowledge that she had any issues to correct, and we have stressed that “[f]ailure to acknowledge the existence of the problem . . . results in making the problem untreatable.” *In re Timber M.*, 231 W. Va. 44, 55, 743 S.E.2d 352, 363 (2013) (quoting *In re Charity H.*, 215 W. Va. 208, 217, 599 S.E.2d 631, 640 (2004)). As such, there was extensive evidence to support the circuit court’s finding that there was no reasonable likelihood that the petitioner could substantially correct the conditions of abuse and neglect. *See* W. Va. Code § 49-4-604(d) (“‘No 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 their own or with help.”). As we have explained, “[t]ermination of parental rights . . . may be employed 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.” Syl. Pt. 5, in part, *In re Kristin Y.*, 227 W. Va. 558, 712 S.E.2d 55 (2011) (quoting Syl. Pt. 2, *In re R.J.M.*, 164 W. Va. 496, 266 S.E.2d 114 (1980)). Further, the petitioner does not challenge the circuit court’s finding that termination was necessary for the children’s best interests. Instead, she argues that the children should have been placed in a legal guardianship. This argument ignores that “[i]t is well established that ‘an adoptive home is the preferred permanent out-of-home placement.’” *In re N.H.*, 241 W. Va. 648, 657, 827 S.E.2d 436, 445 (2019) (quoting Syl. Pt. 2, in part, *State v. Michael M.*, 202 W. Va. 350, 504 S.E.2d 177 (1998)). In short, the circuit court had ample evidence upon which to base the findings for termination, and we find no error. *See* W. Va. Code § 49-4-604(c)(6) (permitting termination of parental rights upon finding no reasonable likelihood that conditions of abuse or neglect can be substantially corrected and that it is necessary for the children’s welfare).

For the foregoing reasons, the circuit court’s September 3, 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