

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

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

In re P.C.-1 and D.C.

No. 25-841 (Mason County CC-26-2024-JA-87 and CC-26-2024-JA-88)

MEMORANDUM DECISION

Petitioner Father P.C.-2¹ appeals the Circuit Court of Mason County’s November 16, 2025, order terminating his parental rights to P.C.-1 and D.C., arguing that the evidence did not support termination of his rights.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 November 2024, the DHS filed an abuse and neglect petition alleging, in pertinent part, that the petitioner’s mental health issues negatively affected his ability to parent the children. Specifically, the DHS alleged that the petitioner brought P.C.-1 to the hospital because he persistently believed the child had worms (despite hospital staff informing him that the child was healthy) and acted in a “hyper nonsensical way.” However, the DHS stated that removal of the children was unnecessary as services were being implemented for the family and, thus, the children remained in the parents’ custody.

In March 2025, the circuit court granted the petitioner a preadjudicatory improvement period which required him to participate in a parental fitness evaluation, mental health treatment, and parenting classes. However, in April 2025, the guardian moved the court to immediately remove the children from the home based on concerns about the petitioner’s mental health and the mother’s failure to protect the children from the same. Specifically, a service provider informed the guardian that when the service provider arrived at the home, the petitioner began acting strangely and aggressively toward the provider, the parents’ demeanor indicated the possible existence of domestic violence, and the top and side of a recliner had been sliced open with a

¹ The petitioner appears by counsel Robert W. Bright. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General James Wegman. Counsel Tanya Hunt Handley appears as the children’s guardian ad litem (“guardian”).

² We use initials where necessary to protect the identities of those involved in this case. *See* W. Va. R. App. P. 40(e). Additionally, because one of the children and the petitioner share initials, we use numbers to differentiate them.

knife.³ Ultimately, the court removed the children from the parents' care and placed them in the legal and physical custody of the DHS upon testimony from the service provider who witnessed the petitioner's troubling conduct. In the resulting order, the circuit court noted that the petitioner's behavior during the removal hearing was "fundamentally different," as he appeared more "agitated" and "vocal," and that his conduct made it "apparent [to the court] . . . that the mental health of the [petitioner] has not been appropriately addressed." The court thereafter revoked the petitioner's preadjudicatory improvement period.

According to the parties, the petitioner was then incarcerated for charges related to arson of the family's home, and he remained incarcerated for the rest of the case.⁴ As such, the petitioner appeared by remote connection for the adjudicatory hearing in June 2025. The petitioner admitted to being P.C.-1 and D.C.'s biological father but claimed that none of his children were under the age of eighteen⁵ and further testified that he had participated in mental health treatment leading up to his incarceration as he met regularly with his therapist via phone calls. However, when asked if he ever attended any in-person sessions, the petitioner stated that he had not due to insurance issues, but that he continued to treat his mental health through services offered in his current incarceration. Upon the DHS's request, the court took judicial notice of the testimony presented in support of the children's emergency removal, which detailed how the petitioner's mental health issues led to the instant petition. Ultimately, the circuit court adjudicated the petitioner as an abusing and/or neglecting parent of the children based on his mental health issues. Afterwards, the petitioner filed a written motion for a post-adjudicatory improvement period.

The circuit court held a series of dispositional hearings culminating in July 2025, wherein the petitioner testified that, while incarcerated, he took prescribed medication for his mental health issues and participated in mental health treatment. He further claimed that he had attended some parenting classes prior to his incarceration. When asked about his role in the abuse and neglect, the petitioner explained that he was experiencing a lot of stress during that time but failed to acknowledge that he was an abusing and/or neglecting parent. The petitioner further stated that he was willing to do anything to regain custody of his children and confirmed that he had failed to successfully complete his preadjudicatory improvement period. A DHS worker testified that the petitioner was unstable and posed a safety risk to the children, which was why the DHS sought termination of his parental rights. Ultimately, the circuit court found that the petitioner failed to acknowledge the issues that led to the filing of the instant petition. The court therefore concluded that there was no reasonable likelihood that the conditions of abuse and neglect could be substantially corrected in the near future. In considering the children's need for stability and best interests, the court found that termination of the petitioner's parental rights was necessary for the children's welfare. Accordingly, the court denied the petitioner's motion for a post-adjudicatory

³ The petitioner later revealed that he had cut the recliner open because he believed one of the children was getting sick and that their sickness had been possibly contracted from something inside the recliner.

⁴ The status of these charges is unclear from the record.

⁵ At the time, P.C.-1 was two years old and D.C. was approximately seven months old.

improvement period and terminated his parental rights to both children.⁶ 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 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 rights because the evidence did not support such disposition as he was consistently participating in mental health treatment. We disagree. West Virginia Code § 49-4-604(c)(6) allows circuit courts to terminate parental rights without the use of a less restrictive alternative “[u]pon a finding that there is no reasonable likelihood that the conditions of neglect or abuse can be substantially corrected in the near future and, when necessary for the welfare of the child.” See also Syl. Pt. 5, *In re Kristin Y.*, 227 W. Va. 558, 712 S.E.2d 55 (2011) (permitting termination of rights “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” (quoting Syl. Pt. 2, *In re R.J.M.*, 164 W. Va. 496, 266 S.E.2d 114 (1980))). According 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 [his] own or with help.” Additionally, we have repeatedly emphasized that “[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 (quoting *In re R.J.M.*, 164 W. Va. at 496, 266 S.E.2d at 114, Syl. Pt. 1, in part). Here, the evidence demonstrated that despite participating in mental health treatment, the petitioner’s mental health failed to improve and, instead, worsened throughout these proceedings, leading to the removal of the children and revocation of his preadjudicatory improvement period. The petitioner’s circumstances also devolved throughout the case as he was incarcerated shortly after the children were removed. Additionally, the court found that the petitioner failed to acknowledge the issues that led to the filing of the petition, which is an imperative step in treating the problem. See *In re Timber M.*, 231 W. Va. 44, 55, 743 S.E.2d 352, 363 (2013) (“In order to remedy the abuse and/or neglect problem, the problem must first be acknowledged. Failure to acknowledge the existence of the problem, . . . results in making the problem untreatable.” (quoting *In re Charity H.*, 215 W. Va. 208, 217, 599 S.E.2d 631, 640 (2004))). The court further considered the children’s need for stability and best interests when finding that termination was necessary for their welfare. Accordingly, we conclude that the circuit court did not err in terminating the petitioner’s parental rights to both children.⁷

⁶ The mother’s parental rights remain intact as she successfully completed her improvement period. The permanency plan for the children is to remain in their mother’s care.

⁷ The petitioner also argues that the circuit court erred in ratifying the emergency removal of the children. However, he fails to include any law to support such argument, and we therefore decline to address the issue. See W. Va. R. App. P. 10(c)(7) (the petitioner’s “brief *must* contain an argument clearly exhibiting the points of fact and law presented, . . . and cit[e] the authorities relied on.”) (emphasis added); *Id.* (giving this Court discretion to disregard errors which fail to conform to such requirements).

For the foregoing reasons, we find no error in the decision of the circuit court and affirm the circuit court's November 16, 2025, dispositional order.

Affirmed.

ISSUED: October 14, 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