

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

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SUPREME COURT OF APPEALS  
OF WEST VIRGINIA

***In re* T.C.-1 and T.C.-2**

**No. 25-858** (Cabell County CC-06-2025-JA-31 and CC-06-2025-JA-32)

**MEMORANDUM DECISION**

Petitioner Father B.C.<sup>1</sup> appeals the Circuit Court of Cabell County’s November 18, 2025, order terminating his parental rights to T.C.-1 and T.C.-2, arguing that termination was not the least restrictive dispositional alternative and that the DHS failed to make reasonable efforts to preserve the family.<sup>2</sup> 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 2023 and 2024, the petitioner, the mother, and the children were part of a family court case (and a subsequent juvenile status case) that resulted in Child Protective Services (“CPS”) referring the matter to the circuit court after substantiating allegations that the petitioner physically abused T.C.-2 (who is autistic) in T.C.-1’s presence. Thus, in February 2025, the DHS filed the instant abuse and neglect petition, alleging that the petitioner had an extensive history of physical and mental aggression toward the children, specifically T.C.-2, and outlining the above information. When describing the petitioner’s abusive history, the DHS noted that he had sent text messages to the mother stating that he understood “why it is sometimes legal to shoot people to death” when discussing T.C.-2.

At the adjudicatory hearing in March 2025, the petitioner stipulated to abusing and neglecting the children due to his parental deficiencies, which substantially impacted the physical and/or mental wellbeing of the children. The petitioner further admitted that he intentionally, or with reckless disregard, caused physical and/or mental harm to both children. The circuit court accepted the stipulation and adjudicated the petitioner as an abusing and/or neglecting parent of T.C.-1 and T.C.-2.

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<sup>1</sup> The petitioner appears by counsel Michael S. Bailey. The West Virginia Department of Human Services (“DHS”) appears by counsel Attorney General John B. McCuskey and Assistant Attorney General Andrew T. Waight. Counsel Moriah N. Myers appears as the children’s guardian ad litem.

<sup>2</sup> 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 the children share initials, we use numbers to differentiate them.

At a hearing in June 2025, the petitioner offered to voluntarily relinquish his guardianship and/or custodial rights to both children, but he subsequently withdrew this offer as he disputed the abuse and neglect for which he was adjudicated and disagreed with a proposed no-contact order.<sup>3</sup> Counsel for the DHS then called the family's therapist who testified that reunification therapy for the petitioner and both children had been initiated in September 2024 and lasted for approximately four months. Although the family therapist met individually with the parties, she clarified that the parties never progressed to joint sessions because the petitioner took no accountability for the harm he had caused his children; believed that no abuse and/or neglect had occurred; and remained more focused on his relationship with the mother than the children. Additionally, the therapist explained that T.C.-1 expressed severe fear and distress when discussing possible contact with the petitioner, which resulted in the child later being hospitalized for self-harm and attempted arson of the family home. At the conclusion of this hearing, the court ordered the petitioner to have no contact with the mother or the children.

At the August 2025 dispositional hearing, the circuit court took judicial notice of the above evidence. The court then heard from a CPS worker who testified that the children were unwilling to have contact with the petitioner and remained fearful of him. The CPS worker stated that multiple multidisciplinary team ("MDT") meetings were held throughout the case and that, during the prior family court and juvenile status cases, the petitioner participated in a psychological evaluation, individualized therapy, and reunification therapy. However, the CPS worker emphasized that, despite receiving these services, the petitioner failed to take responsibility for his abusive and/or neglectful conduct and consistently blamed others, leading to the conclusion that there were no further services the DHS could offer to help the petitioner reunify with the family. The petitioner testified that since the initiation of the family court case, he participated in extensive therapeutic services including family therapy, individual therapy, and pastoral counseling, and that he had met with at least four different counselors. He also confirmed that he participated in a psychological evaluation during the prior cases. However, when asked about the harm he caused the children, the petitioner denied responsibility and claimed he was acting in self-defense when physically abusing T.C.-2. Finally, the petitioner's psychological evaluator testified that the petitioner lacked insight regarding his improper actions, endorsed high levels of abusive characteristics, maintained a poor prognosis for improved parenting within a reasonable degree of psychological certainty, and, overall, took minimal acceptance of his wrongdoings. Ultimately, the court found that the petitioner continued to minimize and justify his abusive behavior and lacked insight into the emotional impact it had on the children. The court reasoned that this "ongoing minimization, lack of insight, and failure to accept responsibility demonstrate[d] that [the petitioner was] unable or unwilling to correct the conditions of abuse and neglect, despite the provision of extensive services." As such, the court concluded that there was no reasonable likelihood the petitioner could correct the conditions of abuse and/or neglect in the near future. The court also found that the DHS had made reasonable efforts to reunify the family, noting that the DHS's past efforts of providing the petitioner with a psychological evaluation and therapy

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<sup>3</sup> The record reflects that there was a preexisting no-contact order between the mother and the petitioner stemming from the family court case. Additionally, due to safety concerns, a no-contact order between T.C.-2 and the petitioner was granted in December 2024 during a review hearing in the juvenile status case and remained ongoing.

services were ineffective. Considering the children’s need for stability and best interests, the court concluded that termination was necessary for their welfare. Accordingly, the circuit court terminated the petitioner’s parental rights to T.C.-1 and T.C.-2.<sup>4</sup> It is from this 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 erred by terminating his parental rights because this was not the least restrictive dispositional alternative. We disagree. West Virginia Code § 49-4-604(c)(6) allows circuit courts to terminate parental rights without the use of less restrictive alternatives “[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.” We have repeatedly emphasized that “[i]n 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.” *See 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)). Here, testimony from multiple service providers and a CPS worker emphasized the petitioner’s failure to take responsibility for his actions and lack of insight into how his conduct detrimentally affected the children, making remediation impossible. Notably, even after stipulating to the abuse and neglect, the petitioner continued to deny that his actions constituted abuse and/or neglect and attempted to justify his physical abuse of T.C.-2. As such, the circuit court had ample evidence to find that there was no reasonable likelihood that the petitioner could substantially correct the conditions of abuse and/or neglect in the near future. The circuit court also considered the children’s need for stability and best interests in finding that termination was necessary for their welfare—a finding the petitioner does not challenge on appeal. Thus, we conclude that the circuit court did not err in terminating the petitioner’s parental rights.

The petitioner also argues that the DHS failed to make reasonable efforts to preserve the family because no services or assistance were offered to him during the instant proceedings. We again disagree. West Virginia Code § 49-4-604(c)(6)(C) requires the circuit court to consider “the efforts made by the department to provide remedial and reunification services to the parent” and to state whether the DHS made these efforts when terminating parental rights. However, West Virginia Code § 49-4-604(c)(7)(A) enumerates a non-exhaustive list of aggravated circumstances

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<sup>4</sup> The nonabusing mother’s parental rights remain intact. T.C.-1’s permanency plan is to remain with the mother. Upon completion of his residential treatment program, the permanency plan for T.C.-2 is to also remain with the mother.

where the DHS is not required to make reasonable efforts. Specifically, this statute provides that “the [DHS] is not required to make reasonable efforts to preserve the family if the court determines . . . [t]he parent has subjected the child . . . to aggravated circumstances which include, *but are not limited to*, abandonment, torture, chronic abuse, and sexual abuse.” *Id.* (emphasis added). We have previously addressed circumstances similar to this case and concluded that aggravated circumstances existed where a mother received extensive services (to no avail) for years in a prior abuse and neglect case and out-of-court services for months before a new petition was filed. *See In re A.G.*, No. 21-0889, 2022 WL 1506050, at \*3-4 (W. Va. May 12, 2022) (memorandum decision). Likewise, here, the record reflects that prior to these proceedings, the DHS provided the petitioner with a psychological evaluation, individual therapy, and reunification therapy. Despite receiving these services for an extended period, the petitioner’s adamant and consistent failure to acknowledge his abuse and/or neglect of the children continued to render these services unsuccessful. Testimony further established that the DHS could provide no additional remedial services because the petitioner’s lack of accountability made services futile. Accordingly, we conclude that under these specific circumstances, the DHS was not required to make reasonable efforts to preserve the family and, therefore, no error occurred.

For the foregoing reasons, we find no error in the decision of the circuit court and affirm the circuit court’s November 18, 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