

SUPREME COURT OF APPEALS OF WEST VIRGINIA

In re A.W. and J.W.

No. 25-8 (Harrison County CC-17-2021-JA-139 and CC-17-2021-JA-140) · No. 25-8 · Decided November 25, 2025

SUMMARY

The West Virginia Supreme Court of Appeals affirmed the termination of a father's parental rights to A.W. and J.W. The court held that the father's prolonged lack of contact, failure to provide support, and abandonment supported the finding that there was no reasonable likelihood that the conditions of neglect could be substantially corrected. The court also concluded that termination was necessary to provide the children with permanency and stability.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Chief Justice William R. Wooton; Justice C. Haley Bunn; Justice Charles S. Trump IV; Justice Thomas H. Ewing; Senior Status Justice John A. Hutchison
JURISDICTION	West Virginia Supreme Court of Appeals
DECIDED	November 25, 2025
DOCKET	25-8
DISPOSITION	affirmed
PROCEDURAL POSTURE	Petitioner Father R.W. appealed the Circuit Court of Harrison County's final dispositional order terminating his parental rights to A.W. and J.W. in an abuse and neglect proceeding.
STANDARD OF REVIEW	The circuit court's findings of fact are reviewed for clear error and its conclusions of law are reviewed de novo.
PRECEDENTIAL VALUE	Published memorandum decision
PARTIES	R.W., Petitioner Father v. West Virginia Department of Human Services, A.W. and J.W., through their guardian ad litem

TOPICS

- termination of parental rights
- parental rights
- family law procedure
- appellate procedure
- standard of review

PRACTICE AREAS

family law

child welfare

termination of parental rights

appellate procedure

QUESTIONS PRESENTED

1. Whether the circuit court properly found that there was no reasonable likelihood that the conditions of neglect could be substantially corrected in the near future based on R.W.'s abandonment of the children.
2. Whether termination of R.W.'s parental rights was necessary for the welfare of the children.
3. Whether the circuit court erred by denying R.W.'s motion for a post-adjudicatory improvement period.

HOLDINGS

1. The circuit court properly found no reasonable likelihood that the conditions of neglect could be substantially corrected because R.W.'s conduct constituted abandonment of the children.
2. Termination was necessary for the children's welfare because the children had been in DHS custody for approximately forty months and required permanency and stability.
3. The court declined to find reversible error in the denial of the post-adjudicatory improvement period because R.W. failed to adequately support the argument with relevant record documents or authority.

KEY QUOTATIONS

"abandonment" means any conduct that demonstrates the settled purpose to forgo the duties and parental responsibilities to the child[ren]." (2)

"The "paramount need[s]" for children are "permanency, security, stability, and continuity."" (2)

"children are entitled to permanency to the greatest degree possible." (2)

FACTUAL BACKGROUND

The children were placed in the custody of the Department of Human Services after a 2021 proceeding involving allegations of abandonment and exposure to substance abuse and a drug-endangered environment. Although R.W. maintained some contact with the children while incarcerated, the circuit court found that he contacted DHS only once during approximately thirty-nine months of DHS custody, failed to provide financial support during an eight-month release from incarceration, and had not contacted either child for more than a year by the dispositional hearing. The court found that this conduct demonstrated a settled purpose to forgo his parental duties and that the children's need for permanency and stability required termination.

PROCEDURAL HISTORY

The West Virginia Department of Human Services filed an abuse and neglect petition in May 2021. After preliminary and adjudicatory proceedings, the circuit court initially amended R.W.'s status to non-offending parent, but DHS filed an amended petition in June 2024 alleging abandonment after R.W. had ceased contact with the children and failed to support them. Following an adjudicatory hearing, the circuit court found abandonment and neglect, denied R.W.'s motion for a post-adjudicatory improvement period, and terminated his parental rights at a dispositional hearing. The Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Cecil T., 228 W. Va. 89, 717 S.E.2d 873 (2011)
- In re Isaiah A., 228 W. Va. 176, 718 S.E.2d 775 (2010)
- In re Kristin Y., 227 W. Va. 558, 712 S.E.2d 55 (2011)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/west-virginia-supreme-court-of-appeals-supreme-court-of-appeals-of-west-virginia/2025/in-re-a-w-and-j-w-lt957gkf>