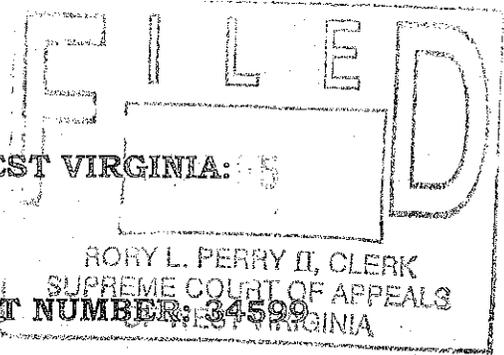


IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA: 5



IN THE MATTER OF
B.B., K.B., T.B., P.B., J.B., B.B., AND T.F.

**SUPPLEMENTAL RESPONSE
OF SUBSTITUTE COUNSEL FOR THE CHILDREN**

Comes now the undersigned substitute counsel^{1*} for the minor children BB, TF, TB, PB, and JB, and would make a supplemental response to the Petition for appeal filed herein on 2 September 2008:

By Order dated 18 December 2008, the honourable Phil Jordan appointed Joyce E. Stewart and M. Z. Harman as substitute counsel for the children.

The undersigned have reviewed the file of the matter, including the transcripts of the proceedings below; have met with the children BB, TF, PB, JB, TB individually²; have convened a Multidisciplinary Team Meeting; have attended a permanency placement review hearing on 18 March 2009; and have visited the residence of the Petitioner Rosemary Cornelius.

¹ Previous counsel for the children, F. Cody Pancake, III, filed response in this Court in October 2008, but was conflicted in further proceedings after 1 January 2009 inasmuch as he assumed the position of Assistant Prosecuting Attorney for Mineral County.

² The named juveniles Kenny B. and Brittany B. have attained the age of 18 since the original petition was filed and are emancipated and are accordingly dismissed from these proceedings.

The undersigned counsel would report that each child is in an appropriate placement. Specifically, BB, aged 15 and TF, aged 15 are in residential care at the Burlington United Methodist Family Services facility in Mineral County, which is an appropriate placement given their therapeutic and behavioral needs. Permanency plan(s) would be foster care upon discharge, which is anticipated upon successful completion of the program. TB, aged 17, PB, aged 13, and JB, aged 10 are placed together in an excellent pre-adoptive foster placement where their medical, emotional and physical issues are being met and where the children have expressed a desire to remain.

With the exception of BB, none of the children desire any contact of any nature with the Petitioner Rosemary C. [redacted] or her son Hiram C. [redacted]. They have threatened to run away if Ordered to return.

A visit to the residence of the Petitioner [redacted] would indicate that same is currently not appropriate, and that much improvement would be necessary to render the house safe for the five children.

The children have been in their respective out of home placements since September 2007, and given that reunification with the [redacted] – a family that had no familial or legal custody of the children at the time of the filing of the original petition – is not possible at this time due to habitability deficiencies, safety concerns and emotional issues, it is not in the best interests of any of the minor children to return to their care. Visitation between the

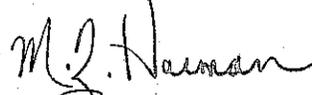
siblings is afforded, but there is no recommendation by the undersigned for further contact with the family.

The undersigned would urge this Court to DENY the Petition for Appeal filed by the Petitioner Rosemary C , and permit the Circuit Court of Mineral County to move forward for permanency for the children as warranted. The children desire and deserve an end to these proceedings.

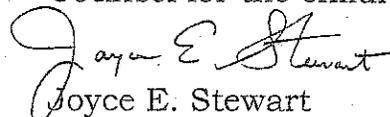
Another permanency placement review is scheduled for 17 June 2009; the undersigned would respectfully request that this Court remand this matter for further proceedings before the Circuit Court so that permanency may be achieved in accordance with the prior disposition. The undersigned would also urge this Court to review the findings of fact as contained in the 24 page disposition Order rendered on 3 July 2008, an entirely correct decision rendered by the honourable Phil Jordan, Judge of the 21st Judicial Circuit.

Please note that the Department concurs with this recommendation in accordance with their response dated 29 January 2009.

Respectfully submitted,



Marla Zelene Harman
Counsel for the children



Joyce E. Stewart
Counsel for the children

CERTIFICATE OF SERVICE

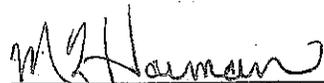
We, Marla Zelene Harman and Joyce Stewart, counsel for B.B., K.B., T.B., P.B., J.B., B.B. and T.F., do hereby certify that I have on 13 April 2009, served the foregoing Response, by mailing the original of same, United States Mail postage prepaid, to the Office of the Clerk of the Supreme Court of Appeals of West Virginia, Room #-302, State Capitol Building, Charleston, West Virginia 25305 and by mailing a copy of same, United States Mail postage prepaid to the following counsel of record, to-wit:

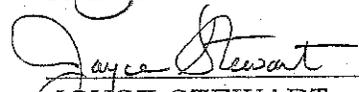
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