

# H. B. 4293

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(BY DELEGATES MILEY, FRAZIER,  
LONGSTRETH, BARILL AND JONES)  
[BY REQUEST OF THE SUPREME COURT OF APPEALS]

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[Introduced January 25, 2012; referred to the  
Committee on the Judiciary then Finance.]

A Bill to amend and reenact §51-2A-6 of the Code of West Virginia, 1931, as amended, relating to increasing the compensation caps for secretary-clerks and case coordinators in the family court system.

*Be it enacted by the Legislature of West Virginia:*

That §51-2A-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

## **ARTICLE 2A. FAMILY COURTS.**

### **§51-2A-6. Compensation and expenses of family court judges and their staffs.**

- 1       (a) A family court judge is entitled to receive as
- 2       compensation for his or her services an annual salary of

3 \$62,500: *Provided*, That beginning July 1, 2005, a family  
4 court judge is entitled to receive as compensation for his or  
5 her services an annual salary of \$82,500: *Provided, however*,  
6 That beginning July 1, 2011, the annual salary of a family  
7 court judge shall be \$94,500.

8 (b) The secretary-clerk of the family court judge is  
9 appointed by the family court judge and serves at his or her  
10 will and pleasure. The secretary-clerk of the family court  
11 judge is entitled to receive an annual salary of \$27,036:  
12 *Provided*, That on and after July 1, 2006, the annual salary of  
13 the secretary-clerk shall be established by the administrative  
14 director of the Supreme Court of Appeals, but may not  
15 exceed \$35,000: *Provided, however, That on and after July*  
16 *1, 2012, the annual salary of the secretary-clerk shall be*  
17 *established by the Administrative Director of the Supreme*  
18 *Court of Appeals, but may not exceed \$41,500.* In addition,  
19 any person employed as a secretary-clerk to a family court  
20 judge on the effective date of the enactment of this section  
21 during the sixth extraordinary session of the Legislature in

22 the year 2001 who is receiving an additional \$500 per year  
23 up to ten years of a certain period of prior employment under  
24 the provisions of the prior enactment of section eight of this  
25 article during the second extraordinary session of the  
26 Legislature in the year 1999 shall continue to receive such  
27 additional amount. Further, the secretary-clerk will receive  
28 such percentage or proportional salary increases as may be  
29 provided by general law for other public employees and is  
30 entitled to receive the annual incremental salary increase as  
31 provided in article five, chapter five of this code.

32 (c) The family court judge may employ not more than one  
33 family case coordinator who serves at his or her will and  
34 pleasure. The annual salary of the family case coordinator of the  
35 family court judge shall be established by the Administrative  
36 Director of the Supreme Court of Appeals but may not exceed  
37 \$36,000: *Provided*, That on and after July 1, 2006, the annual  
38 salary of the family case coordinator of the family court judge  
39 may not exceed \$46,060. *Provided, however*, That on and after  
40 July 1, 2012, the annual salary of the family case coordinator

41 shall be established by the Administrative Director of the  
42 Supreme Court of Appeals, but may not exceed \$52,000. The  
43 family case coordinator will receive such percentage or  
44 proportional salary increases as may be provided by general law  
45 for other public employees and is entitled to receive the annual  
46 incremental salary increase as provided in article five, chapter  
47 five of this code.

48 (d) The sheriff or his or her designated deputy shall serve  
49 as a bailiff for a family court judge. The sheriff of each  
50 county shall serve or designate persons to serve so as to  
51 assure that a bailiff is available when a family court judge  
52 determines the same is necessary for the orderly and efficient  
53 conduct of the business of the family court.

54 (e) Disbursement of salaries for family court judges and  
55 members of their staffs are made by or pursuant to the order  
56 of the Director of the Administrative Office of the Supreme  
57 Court of Appeals.

58 (f) Family court judges and members of their staffs are  
59 allowed their actual and necessary expenses incurred in the

60 performance of their duties. The expenses and compensation  
61 will be determined and paid by the Director of the  
62 Administrative Office of the Supreme Court of Appeals  
63 under such guidelines as he or she may prescribe, as  
64 approved by the Supreme Court of Appeals.

65 (g) Notwithstanding any other provision of law, family  
66 court judges are not eligible to participate in the retirement  
67 system for judges under the provisions of article nine of this  
68 chapter.

NOTE: The purpose of this bill is to increase the amount the Supreme Court of Appeals is authorized to compensate secretary-clerks and case coordinators serving the family court system. The bill addresses across-the-board raises for state employees that resulted in some employees exceeded the existing cap.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

This bill was recommended for introduction and passage during the Regular Session of the Legislature by the West Virginia Supreme Court of Appeals.