

Senate Bill No. 39

(By Senators Williams and Cookman)

[Introduced January 8, 2014; referred to the Committee on the
Judiciary; and then to the Committee on Finance.]

**FISCAL
NOTE**

A BILL to amend and reenact §51-2A-3 of the Code of West Virginia,
1931, as amended, relating to courts and their officers;
family courts; and adding one family court judge to the
twenty-third family court circuit.

Be it enacted by the Legislature of West Virginia:

That §51-2A-3 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 2A. FAMILY COURTS.

**§51-2A-3. Number of family court judges; assignment of family
court judges by family court circuits.**

(a) Until January 1, 2009, a total of thirty-five family court
judges shall serve throughout the state.

(b) Until January 1, 2009, the state shall be divided into
twenty-six family court circuits with the family court judges

1 allocated as follows:

2 (1) The counties of Brooke, Hancock and Ohio constitute the
3 first family court circuit and have two family court judges;

4 (2) The counties of Marshall, Wetzel and Tyler constitute the
5 second family court circuit and have one family court judge;

6 (3) The counties of Pleasants, Ritchie, Wood and Wirt
7 constitute the third family court circuit and have two family court
8 judges;

9 (4) The counties of Doddridge, Roane, Calhoun and Gilmer
10 constitute the fourth family court circuit and have one family
11 court judge;

12 (5) The counties of Mason and Jackson constitute the fifth
13 family court circuit and have one family court judge;

14 (6) The county of Cabell constitutes the sixth family court
15 circuit and has two family court judges;

16 (7) The county of Wayne constitutes the seventh family court
17 circuit and has one family court judge;

18 (8) The county of Mingo constitutes the eighth family court
19 circuit and has one family court judge;

20 (9) The county of Logan constitutes the ninth family court
21 circuit and has one family court judge;

22 (10) The counties of Lincoln and Boone constitute the tenth
23 family court circuit and have one family court judge;

1 (11) The county of Kanawha constitutes the eleventh family
2 court circuit and has four family court judges;

3 (12) The counties of McDowell and Mercer constitute the
4 twelfth family court circuit and have two family court judges;

5 (13) The counties of Raleigh and Wyoming constitute the
6 thirteenth family court circuit and have two family court judges;

7 (14) The counties of Fayette and Summers constitute the
8 fourteenth family court circuit and have one family court judge;

9 (15) The counties of Greenbrier and Monroe constitute the
10 fifteenth family court circuit and have one family court judge;

11 (16) The counties of Clay, Nicholas and Webster constitute the
12 sixteenth family court circuit and have one family court judge;

13 (17) The counties of Braxton, Lewis and Upshur constitute the
14 seventeenth family court circuit and have one family court judge;

15 (18) The county of Harrison constitutes the eighteenth family
16 court circuit and has one family court judge;

17 (19) The county of Marion constitutes the nineteenth family
18 court circuit and has one family court judge;

19 (20) The county of Monongalia constitutes the twentieth family
20 court circuit and has one family court judge;

21 (21) The counties of Barbour, Preston and Taylor constitute
22 the twenty-first family court circuit and have one family court
23 judge;

1 (22) The counties of Grant, Tucker and Randolph constitute the
2 twenty-second family court circuit and have one family court judge;

3 (23) The counties of Mineral, Hampshire and Morgan constitute
4 the twenty-third family court circuit and have one family court
5 judge;

6 (24) The counties of Berkeley and Jefferson constitute the
7 twenty-fourth family court circuit and have two family court
8 judges;

9 (25) The counties of Hardy, Pendleton and Pocahontas
10 constitute the twenty-fifth family court circuit and have one
11 family court judge; and

12 (26) The county of Putnam constitutes the twenty-sixth family
13 court circuit and has one family court judge.

14 (c) Beginning on January 1, 2009, the family court circuits
15 shall be realigned and adjusted to add an additional ten family
16 court judges, and that beginning on July 1, 2014, the family court
17 circuits shall be realigned and adjusted to add one additional
18 family court judge, so that a total of ~~forty-five~~ forty-six family
19 court judges shall serve throughout the state, allocated among a
20 total of twenty-seven family court circuits as follows:

21 (1) The counties of Brooke, Hancock and Ohio shall constitute
22 the first family court circuit and have two family court judges;

23 (2) The counties of Marshall, Wetzel and Tyler shall

1 constitute the second family court circuit and have one family
2 court judge;

3 (3) The counties of Pleasants and Wood shall constitute the
4 third family court circuit and have two family court judges;

5 (4) The counties of Roane, Calhoun, Gilmer and Ritchie shall
6 constitute the fourth family court circuit and have one family
7 court judge;

8 (5) The counties of Mason, Jackson and Wirt shall constitute
9 the fifth family court circuit and have two family court judges;

10 (6) The county of Cabell shall constitute the sixth family
11 court circuit and have two family court judges;

12 (7) The county of Wayne shall constitute the seventh family
13 court circuit and have one family court judge;

14 (8) The county of Mingo shall constitute the eighth family
15 court circuit and have one family court judge;

16 (9) The county of Logan shall constitute the ninth family
17 court circuit and have two family court judges;

18 (10) The counties of Lincoln and Boone shall constitute the
19 tenth family court circuit and have two family court judges;

20 (11) The county of Kanawha shall constitute the eleventh
21 family court circuit and have five family court judges;

22 (12) The counties of McDowell and Mercer shall constitute the
23 twelfth family court circuit and have three family court judges;

1 (13) The counties of Raleigh, Summers and Wyoming shall
2 constitute the thirteenth family court circuit and have three
3 family court judges;

4 (14) The county of Fayette shall constitute the fourteenth
5 family court circuit and have one family court judge;

6 (15) The counties of Greenbrier and Monroe shall constitute
7 the fifteenth family court circuit and have one family court judge;

8 (16) The counties of Clay and Nicholas shall constitute the
9 sixteenth family court circuit and have one family court judge;

10 (17) The counties of Braxton, Lewis and Upshur shall
11 constitute the seventeenth family court circuit and have one family
12 court judge;

13 (18) The counties of Harrison and Doddridge shall constitute
14 the eighteenth family court circuit and have two family court
15 judges;

16 (19) The county of Marion shall constitute the nineteenth
17 family court circuit and have one family court judge;

18 (20) The counties of Monongalia and Preston shall constitute
19 the twentieth family court circuit and have two family court
20 judges;

21 (21) The counties of Barbour and Taylor shall constitute the
22 twenty-first family court circuit and have one family court judge;

23 (22) The counties of Tucker and Randolph shall constitute the

1 twenty-second family court circuit and have one family court judge;

2 (23) The counties of Mineral, Hampshire and Morgan shall
3 constitute the twenty-third family court circuit and have one
4 family court judge: Provided, That beginning July 1, 2014, the
5 twenty-third circuit shall have two family court judges;

6 (24) The counties of Berkeley and Jefferson shall constitute
7 the twenty-fourth family court circuit and have three family court
8 judges;

9 (25) The counties of Hardy, Pendleton and Grant shall
10 constitute the twenty-fifth family court circuit and have one
11 family court judge;

12 (26) The county of Putnam shall constitute the twenty-sixth
13 family court circuit and have one family court judge; and

14 (27) The counties of Webster and Pocahontas shall constitute
15 the twenty-seventh family court circuit and have one family court
16 judge.

17 (d) The Legislature has the authority and may determine to
18 realign the family court circuits and has the authority and may
19 determine to increase or decrease the number of family court judges
20 within a family court circuit, from time to time. Any person
21 appointed or elected to the office of family court judge
22 acknowledges the authority of the Legislature to realign family
23 court circuits and the authority of the Legislature to increase or

1 decrease the number of family court judges within a family court
2 circuit.

NOTE: The purpose of this bill is to add one family court judge to the twenty-third family court circuit, comprising the counties of Mineral, Hampshire and Morgan.

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