

Senate Bill No. 479

(By Senators Trump, Carmichael, Maynard,
Miller, Woelfel, Snyder, Ferns, Palumbo, Nohe,
Beach, Gaunch, Karnes, D. Hall, Kirkendoll,
Romano, Williams and Leonhardt)

[Originating in the Committee on
the Judiciary; reported February 12, 2015.]

A BILL to amend and reenact §51-2A-3 of the Code of West Virginia, 1931, as amended, relating to adding family court judges to certain family court circuits of the state; providing for terms of office; and providing for election of new family court judges at the regular elections held in the year 2016.

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.

1 ~~(a) Until the first day of January, two thousand nine, a total of thirty-five family court judges~~
2 ~~shall serve throughout the state.~~

3 ~~(b) Until the first day of January, two thousand nine, the state shall be divided into twenty-six~~
4 ~~family court circuits with the family court judges allocated as follows:~~

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

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

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

7 (4) ~~The counties of Doddridge, Roane, Calhoun and Gilmer constitute the fourth family court~~
8 ~~circuit and have one family court judge;~~

9 (5) ~~The counties of Mason and Jackson constitute the fifth family court circuit and have one~~
10 ~~family court judge;~~

11 (6) ~~The county of Cabell constitutes the sixth family court circuit and has two family court~~
12 ~~judges;~~

13 (7) ~~The county of Wayne constitutes the seventh family court circuit and has one family court~~
14 ~~judge;~~

15 (8) ~~The county of Mingo constitutes the eighth family court circuit and has one family court~~
16 ~~judge;~~

17 (9) ~~The county of Logan constitutes the ninth family court circuit and has one family court~~
18 ~~judge;~~

19 (10) ~~The counties of Lincoln and Boone constitute the tenth family court circuit and have one~~
20 ~~family court judge;~~

21 (11) ~~The county of Kanawha constitutes the eleventh family court circuit and has four family~~

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1 court judges;

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

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

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

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

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

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

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

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

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

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

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

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

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

7 ~~(25) The counties of Hardy, Pendleton and Pocahontas constitute the twenty-fifth family~~
8 ~~court circuit and have one family court judge; and~~

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

11 ~~(c)(a) Beginning on January 1, 2009, the family court circuits shall be realigned and adjusted~~
12 ~~to add an additional ten family court judges, so that a total of forty-five family court judges shall~~
13 ~~serve throughout the state, allocated among a total of twenty-seven family court circuits as follows:~~

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

16 ~~(2) The counties of Marshall, Wetzel and Tyler shall constitute the second family court~~
17 ~~circuit and have one family court judge;~~

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

20 ~~(4) The counties of Roane, Calhoun, Gilmer and Ritchie shall constitute the fourth family~~
21 ~~court circuit and have one family court judge;~~

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

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

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

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

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

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

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

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

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

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

21 (15) The counties of Greenbrier and Monroe shall constitute the fifteenth family court circuit

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1 and have one family court judge;

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

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

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

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

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

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

14 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
15 circuit and have one family court judge;

16 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third family
17 court circuit and have one family court judge;

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

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

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

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

5 (b) Beginning on January 1, 2017, forty-seven family court judges shall serve throughout the
6 state, allocated among a total of twenty-seven family court circuits as follows:

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

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

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

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

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

17 (6) The county of Cabell shall constitute the sixth family court circuit and have three family
18 court judges;

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

21 (8) The county of Mingo shall constitute the eighth family court circuit and have one family

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1 court judge;

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (22) The counties of Tucker and Randolph shall constitute the twenty-second family court
8 circuit and have one family court judge;

9 (23) The counties of Mineral, Hampshire and Morgan shall constitute the twenty-third family
10 court circuit and have two family court judges;

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

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

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

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

19 (c) Family court judges taking office January 1, 2017, shall be elected at the regularly
20 scheduled election(s) occurring in the year 2016 and shall serve for a term of eight years.

21 (d) The Legislature has the authority and may determine to realign the family court circuits

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1 and has the authority and may determine to increase or decrease the number of family court judges
2 within a family court circuit, from time to time. Any person appointed or elected to the office of
3 family court judge acknowledges the authority of the Legislature to realign family court circuits and
4 the authority of the Legislature to increase or decrease the number of family court judges within a
5 family court circuit.

(Note: The purpose of the bill is to add two family court judges to the family courts of the state; one in the sixth family court circuit (Cabell County) and one in the twenty-third family court circuit (Mineral, Hampshire and Morgan counties). These additional judges are allocated based upon the West Virginia Family Court Judge Workload Study conducted by the State Justice Institute of the National Center for State Courts. The bill further strikes language which is no longer necessary, provides that the additional family court judges will be elected in the regularly scheduled elections taking place in the year 2016, and updates the provisions for the commencement and length of terms of office for family court judges currently serving as well as those elected in the year 2016.

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