

1 **Senate Bill No. 481**

2 (By Senators Barnes, Helmick and Sypolt)

3 _____

4 [Introduced February 10, 2011; referred to the Committee on the
5 Judiciary; and then to the Committee on Finance.]

6 _____

7

8

9

10 A BILL to amend and reenact §51-2A-3 of the Code of West Virginia,
11 1931, as amended, relating to courts and their officers;
12 family courts; and adding one family court judge to the
13 twenty-third family court circuit.

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

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

17 **ARTICLE 2A. FAMILY COURTS.**

18 **§51-2A-3. Number of family court judges; assignment of family**
19 **court judges by family court circuits.**

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

22 (b) Until January 1, 2009, the state shall be divided into
23 twenty-six family court circuits with the family court judges
24 allocated as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (23) The counties of Mineral, Hampshire and Morgan constitute

1 the twenty-third family court circuit and have one family court
2 judge;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (23) The counties of Mineral, Hampshire and Morgan shall
17 constitute the twenty-third family court circuit and have one
18 family court judge: Provided, That beginning July 1, 2011, the
19 twenty-third circuit shall have two judges;

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

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

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

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

6 (d) The Legislature has the authority and may determine to
7 realign the family court circuits and has the authority and may
8 determine to increase or decrease the number of family court judges
9 within a family court circuit, from time to time. Any person
10 appointed or elected to the office of family court judge
11 acknowledges the authority of the Legislature to realign family
12 court circuits and the authority of the Legislature to increase or
13 decrease the number of family court judges within a family court
14 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.