

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3157**

4 (By Delegates Miley and Rowan)

5  
6 (Originating in the Committee on Finance)

7 [February 23, 2012]

8  
9  
10 A BILL to amend and reenact §51-2A-3 of the Code of West Virginia,  
11 1931, as amended, relating to providing for an additional  
12 family court judge for the twenty-third family court district.

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

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

16 **ARTICLE 2A. FAMILY COURTS.**

17 **§51-2A-3. Number of family court judges; assignment of family**  
18 **court judges by family court circuits.**

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

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

25 (1) The counties of Brooke, Hancock and Ohio constitute the

1 first family court circuit and have two family court judges;

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

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

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

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

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

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

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

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

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

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

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

26       (13) The counties of Raleigh and Wyoming constitute the

1 thirteenth family court circuit and have two family court judges;

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

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

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

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

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

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

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

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

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

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

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

1 (25) The counties of Hardy, Pendleton and Pocahontas  
2 constitute the twenty-fifth family court circuit and have one  
3 family court judge; and

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

6 (c) Beginning on the first day of January, two thousand nine,  
7 the family court circuits shall be realigned and adjusted to add an  
8 additional ten family court judges, so that a total of forty-five  
9 family court judges shall serve throughout the state: Provided,  
10 That beginning on the first day of January, two thousand thirteen,  
11 the total number of family court judges shall be forty-six,  
12 allocated among a total of twenty-seven family court circuits as  
13 follows:

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

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

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

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

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

26 (6) The county of Cabell shall constitute the sixth family

1 court circuit and have two family court judges;

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

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

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

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

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

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

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

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

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

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

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

26 (18) The counties of Harrison and Doddridge shall constitute

1 the eighteenth family court circuit and have two family court  
2 judges;

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

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

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

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

12 (23) The counties of Mineral, Hampshire and Morgan shall  
13 constitute the twenty-third family court circuit and have one  
14 family court judge: Provided, That effective January 1, 2013, this  
15 family court circuit will have two family court judges;

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

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

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

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

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