

1 **ENROLLED**

2 **H. B. 4522**

3  
4 (By Delegates Poore, Hunt, Sobonya, Guthrie, Ireland,  
5 Lawrence, Michael, Miley, White, Frazier and Skaff)

6  
7 [Passed March 10, 2012; in effect July 1, 2012.]

8  
9 AN ACT to amend and reenact §51-2A-9 of the Code of West Virginia,  
10 1931, as amended, relating to providing additional contempt  
11 powers for family court judges in civil contempt cases; and  
12 providing for alternatives to incarceration until the person  
13 has purged himself or herself of the contempt.

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

15 That §51-2A-9 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-9. Contempt powers of family court judge.**

19 (a) In addition to the powers of contempt established in  
20 chapter forty-eight of this code, a family court judge may:

21 (1) Sanction persons through civil contempt proceedings when  
22 necessary to preserve and enforce the rights of private parties or  
23 to administer remedies granted by the court;

24 (2) Regulate all proceedings in a hearing before the family  
25 court judge; and

1           (3) Punish direct contempts that are committed in the presence  
2 of the court or that obstruct, disrupt or corrupt the proceedings  
3 of the court.

4           (b) A family court judge may enforce compliance with his or  
5 her lawful orders with remedial or coercive sanctions designed to  
6 compensate a complainant for losses sustained and to coerce  
7 obedience for the benefit of the complainant. Sanctions must give  
8 the contemnor an opportunity to purge himself or herself. In  
9 selecting sanctions, the court must use the least possible power  
10 adequate to the end proposed. A person who lacks the present  
11 ability to comply with the order of the court may not be confined  
12 for a civil contempt. Sanctions may include, but are not limited  
13 to, seizure or impoundment of property to secure compliance with a  
14 prior order. Ancillary relief may provide for an award of  
15 attorney's fees.

16           (c) Upon a finding that a person is in civil contempt, the  
17 court, when otherwise appropriate and in its discretion, and as an  
18 alternative to incarceration, may place the person on work release,  
19 in a weekend jail program, in an existing community service  
20 program, in an existing day-reporting center program, in any other  
21 existing community corrections program or on home confinement until  
22 the person has purged himself or herself of the contempt.