

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 794**

By Senator Willis

[Introduced February 6, 2026; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §51-11-4 of the Code of West Virginia, 1931, as amended, relating to  
2 appeals of orders or decrees of adoption; and clarifying that the Intermediate Court of  
3 Appeals does not have appellate jurisdiction over appeals of adoption orders or decrees.

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

**ARTICLE 11. THE WEST VIRGINIA APPELLATE REORGANIZATION ACT.**

**§51-11-4. Jurisdiction; limitations.**

1 (a) The Intermediate Court of Appeals has no original jurisdiction.  
2 (b) Unless specifically provided otherwise in this article, appeals of the following matters  
3 shall be made to the Intermediate Court of Appeals, which has appellate jurisdiction over such  
4 matters:  
5 (1) Final judgments or orders of a circuit court in all civil cases, including, but not limited to,  
6 those in which there is a request for legal or equitable relief, entered after June 30, 2022: *Provided,*  
7 That the Supreme Court of Appeals may, on its own accord, obtain jurisdiction over any civil case  
8 filed in the Intermediate Court of Appeals;  
9 (2) Final judgments or orders of a family court, entered after June 30, 2022, except for final  
10 judgments or final orders issued by a family court in any domestic violence proceeding pursuant to  
11 ~~W. Va. Code §48-27-1 §48-27-101~~ et seq. of this code, which appeals shall first be made to a  
12 circuit court;  
13 (3) Final judgments or orders of a circuit court concerning guardianship or conservatorship  
14 matters entered after June 30, 2022, pursuant to §44A-1-1 et seq. of this code;  
15 (4) Final judgments, orders, or decisions of an agency or an administrative law judge  
16 entered after June 30, 2022, heretofore appealable to the Circuit Court of Kanawha County  
17 pursuant to §29A-5-4 or any other provision of this code;  
18 (5) Final orders or decisions of the Health Care Authority issued prior to June 30, 2022, in a  
19 certificate of need review, but transferred to the jurisdiction of the Intermediate Court of Appeals  
20 upon termination of the Office of Judges pursuant to §16-2D-16a of this code;

21 (6) Final orders or decisions issued by the Office of Judges after June 30, 2022, and prior  
22 to its termination, as provided in §16-2D-16 and §23-5-8a of this code; and

23 (7) Final orders or decisions of the Workers' Compensation Board of Review pursuant to  
24 §23-5-1 *et seq.* of this code, entered after June 30, 2022.

25 (c) In appeals properly filed pursuant to subsection (b) of this section, the parties shall be  
26 afforded a full and meaningful review on the record of the lower tribunal and an opportunity to be  
27 heard.

28 (d) The Intermediate Court of Appeals does not have appellate jurisdiction over the  
29 following matters:

36 (3) Judgments or final orders issued in child abuse and neglect proceedings pursuant to  
37 §49-4-601 *et seq.* of this code;

38 (4) Orders of commitment, issued pursuant to §27-5-1 *et seq.* of this code;

39 (5) Any proceedings of the Lawyer Disciplinary Board;

40 (6) Any proceedings of the Judicial Investigation Commission;

41 (7) Final decisions of the Public Service Commission, issued pursuant to §24-5-1 of this  
42 code;

#### 43 (8) Interlocutory appeals;

#### 44 (9) Certified questions of law;

45 (10) Judgments or final orders issued in proceedings where the relief sought is one or more  
46 of the following extraordinary remedies: writ of prohibition, writ of mandamus, writ of quo warranto,

47      writ of certiorari, writ of habeas corpus, special receivers, arrests in civil cases, and personal  
48      safety orders; and

49                    (11) Judgments or final orders issued by circuit court upon its review of a family court  
50      judgment or final order in any domestic violence proceeding pursuant to §48-27-101 *et seq.* of this  
51      code; and

52                    (12) Orders or decrees of adoption entered pursuant to §48-22-704 of this code.

NOTE: The purpose of this bill is to clarify that the Intermediate Court of Appeals does not have appellate jurisdiction over appeals of adoption orders or decrees.

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