

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 663

By Senator Chapman

[Introduced January 29, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §51-2A-7 of the Code of West Virginia, 1931, as amended, relating
2 to prohibiting a family court judge to order a medical procedure or medical treatment for a
3 child if a parent objects.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. FAMILY COURTS.

§51-2A-7. Powers; administrative and judicial functions of family court judge.

1 (a) The family court judge will exercise any power or authority provided in this article, in
2 chapter forty-eight of this code or as otherwise provided by general law. Additionally, the family
3 court judge has the authority to:

- 4 (1) Manage the business before them;
- 5 (2) Summon witnesses and compel their attendance in court;
- 6 (3) Exercise reasonable control over discovery;
- 7 (4) Compel and supervise the production of evidence, including criminal background
8 investigations when appropriate;
- 9 (5) Discipline attorneys;
- 10 (6) Prevent abuse of process; and
- 11 (7) Correct errors in a record.

12 (b) The family court judge has responsibility for the supervision and administration of the
13 family court. A family court judge may promulgate local administrative rules governing the conduct
14 and administration of the family court. In family court circuits with more than one family court judge,
15 all family court judges must agree to the rules. If all of the family court judges in a family court
16 circuit cannot agree, the chief judge of each circuit court in the counties in which the family court
17 circuit is located shall promulgate the local administrative rules. If the chief judges of the circuit
18 courts cannot agree, the Supreme Court of Appeals may promulgate the local administrative rules.
19 Local administrative rules are subordinate and subject to the rules of the Supreme Court of
20 Appeals or the orders of the chief justice. Rules promulgated by the family or circuit court are made

21 by order entered upon the order book of the circuit court and are effective when filed with the Clerk
22 of the Supreme Court of Appeals.

23 (c) Prior to the 2003 regular session of the Legislature and annually thereafter, the
24 Supreme Court of Appeals shall report to the Legislature on the caseload in each family court
25 circuit and shall recommend changes to the management of the family court as the Supreme Court
26 of Appeals deems warranted or necessary to improve the family court.

27 (d) The Supreme Court of Appeals shall promulgate a procedural rule to establish time-
28 keeping requirements for family court judges, family case coordinators and secretary-clerks of
29 family court judges so as to assure the maximum funding of incentive payments, grants and other
30 funding sources available to the state for the processing of cases filed for the location of absent
31 parents, the establishment of paternity and the establishment, modification and enforcement of
32 child support orders.

33 (e) Except in cases of medical neglect, a family court judge may not order a medical
34 procedure or treatment of a child if a parent objects to such medical procedure or treatment.

NOTE: The purpose of this bill is to prohibit a family court judge from order medical treatment against the parent's wishes.

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