

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

**Senate Bill No. 387**

(By SENATORS COOKMAN, UNGER, PLYMALE AND PALUMBO)

[PASSED APRIL 11, 2013; IN EFFECT FROM PASSAGE.]

E N R O L L E D

**Senate Bill No. 387**

(BY SENATORS COOKMAN, UNGER, PLYMALE AND PALUMBO)

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[Passed April 11, 2013; in effect from passage.]

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AN ACT to amend and reenact §51-2A-7 of the Code of West Virginia, 1931, as amended, relating generally to the powers of family court judges; and granting family court judges the authority to compel and supervise the production of criminal background investigations when appropriate.

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

That §51-2A-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**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  
2       authority provided in this article, in chapter forty-eight of this  
3       code or as otherwise provided by general law. Additionally,  
4       the family court judge has the authority to:

5       (1) Manage the business before them;

6       (2) Summon witnesses and compel their attendance in  
7       court;

8           (3) Exercise reasonable control over discovery;

9           (4) Compel and supervise the production of evidence,  
10 including criminal background investigations when  
11 appropriate;

12          (5) Discipline attorneys;

13          (6) Prevent abuse of process; and

14          (7) Correct errors in a record.

15          (b) The family court judge has responsibility for the  
16 supervision and administration of the family court. A family  
17 court judge may promulgate local administrative rules  
18 governing the conduct and administration of the family court.  
19 In family court circuits with more than one family court  
20 judge, all family court judges must agree to the rules. If all  
21 of the family court judges in a family court circuit cannot  
22 agree, the chief judge of each circuit court in the counties in  
23 which the family court circuit is located shall promulgate the  
24 local administrative rules. If the chief judges of the circuit  
25 courts cannot agree, the Supreme Court of Appeals may  
26 promulgate the local administrative rules. Local  
27 administrative rules are subordinate and subject to the rules  
28 of the Supreme Court of Appeals or the orders of the chief  
29 justice. Rules promulgated by the family or circuit court are  
30 made by order entered upon the order book of the circuit  
31 court and are effective when filed with the Clerk of the  
32 Supreme Court of Appeals.

33          (c) Prior to the 2003 regular session of the Legislature  
34 and annually thereafter, the Supreme Court of Appeals shall  
35 report to the Legislature on the caseload in each family court  
36 circuit and shall recommend changes to the management of  
37 the family court as the Supreme Court of Appeals deems  
38 warranted or necessary to improve the family court.

39           (d) The Supreme Court of Appeals shall promulgate a  
40 procedural rule to establish time-keeping requirements for  
41 family court judges, family case coordinators and secretary-  
42 clerks of family court judges so as to assure the maximum  
43 funding of incentive payments, grants and other funding  
44 sources available to the state for the processing of cases filed  
45 for the location of absent parents, the establishment of  
46 paternity and the establishment, modification and  
47 enforcement of child support orders.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....  
Day of ....., 2013.

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*Governor*