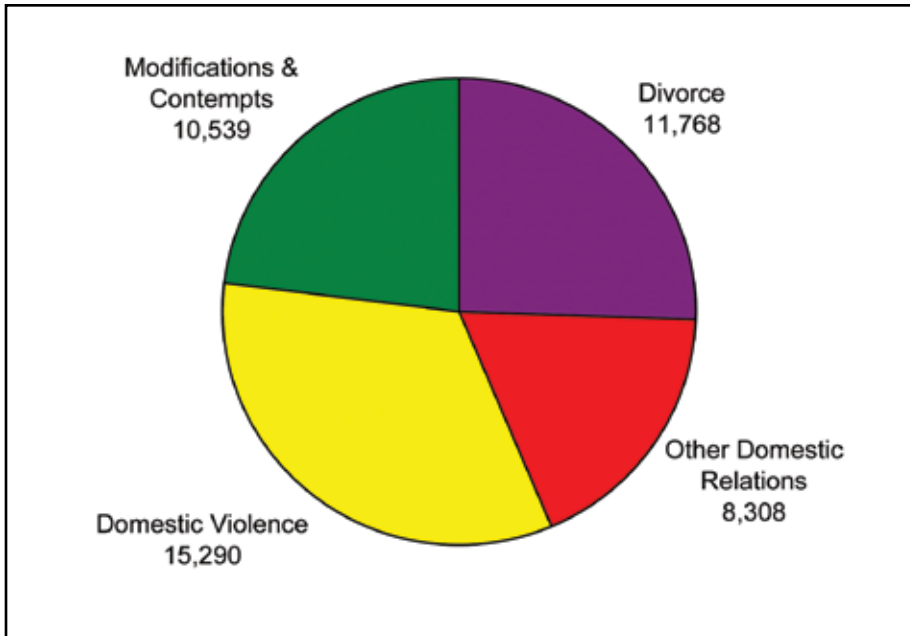


Family Courts

Family Court Caseload in Calendar Year 2008



Before 2001, West Virginia had thirty-three family law masters who served twenty-four family court circuits. Family law masters were special commissioners the governor appointed to hear family court cases and to issue recommended orders to circuit courts. A constitutional amendment approved by voters in November 2000 elevated family courts to a separate court system with thirty-five judges in twenty-six circuits.

The governor appointed the first family court judges to one-year terms. They then stood for election in partisan races in 2002 and took office for initial six-year terms in January 2003. Subsequent terms beginning January 1, 2009, will be for eight years, the same as terms of circuit judges. During the 2007 legislative session, the Legislature added ten additional family court judges, one additional circuit, and restructured nine circuits to balance caseloads statewide. The new judges were elected on November 4, 2008, and are to begin their eight-year terms on January 1, 2009.

Family court judges have authority to make final decisions in family court cases. Circuit courts hear appeals of family court decisions unless both parties agree to appeal divorce and other domestic relations decisions directly to the Supreme Court of Appeals.

Family courts have jurisdiction over divorce, annulment, separate maintenance, paternity, grandparent visitation, name change, infant guardianship, child custody, and family support proceedings, except those incidental to child abuse and neglect. Family court judges also hold final hearings in civil domestic violence protective order proceedings and may perform marriages.

In 2008, there were 35,366 new cases filed in family courts in West Virginia. Of those, 15,290 were domestic violence, 11,768 were divorces, and 8,308 were other domestic relations. There also were 10,539 modification and contempt proceedings in cases reopened during the year, which were not counted as new cases filed. Those proceedings accounted for 23 percent of the family court judges' statewide workload.

Family court judges can refer parents to mediation and parent education and refer children for guardian *ad litem* services. The Supreme Court does not charge families who cannot afford to pay for these services.

Guardians *ad litem* must be attorneys and conduct investigations to help family court judges make decisions in the best interest of the people the guardians represent. Family court judges can appoint guardians *ad litem* on behalf of children, incarcerated persons, and people who have been adjudicated incompetent who are involved in family court disputes.

Family court judges require all parents to attend mediation sessions if they cannot otherwise resolve parenting issues or agree to a parenting plan. Parents first go to individual pre-mediation screening sessions with a trained family case coordinator to determine if they are candidates for mediation. About twenty percent of parents are not candidates for mediation for various reasons.

If parents go to mediation, they must attend a mediation session with a Supreme Court-approved family court mediator who helps them draft a parenting plan to present to a family court judge.

Along with mediation, family court judges order parents who are divorcing to attend a one-time, mandatory parent education class. Every West Virginia county offers such classes. Adults learn about preparing a parenting plan, mediation, and the effects of family dissolution and domestic violence on children. The class teaches parents how to minimize the negative effects of divorce and family dissolution on children.

In 2007 the Supreme Court approved an expansion of “high-conflict” parent education classes and in September 2008 the Court launched child-focused classes for parents who are divorcing. These classes are designed for parents who continue to have disputes after attending the mandatory one-time parent education class required of all divorcing couples who have children. Family courts refer select couples to the series of six, two-hour classes.

Family Court Division

The Division of Family Court Services held the first Domestic Violence Firearms Summit in 2008. The “Coordinated Community Response to Enforcement of Domestic Violence Protective Orders and Prohibition” was held September 23 and 24 at Tamarack in Beckley. More than ninety participants from law enforcement, the judiciary, domestic violence advocacy groups, and Legal Aid learned in detail about federal and state firearms laws, and how to work together to implement them so there can be better enforcement of protective orders in West Virginia. The format of the summit will be used in a series of regional meetings around West Virginia in April 2009.

The summit was the result of Family Court Division Director Lisa Tackett’s participation in a September 2006 conference in Los Angeles, “Domestic Violence and Firearms: A National Summit for Community Safety.” Ms. Tackett, Tonia Thomas of the West Virginia Coalition Against Domestic Violence, and Larry Nelson of the West Virginia Regional Community Policing Institute came back to West Virginia with information about how to present similar meetings and how to apply for a grant to “Encourage Arrest and Enforcement of Protective Orders” from the Office on Violence Against Women, U.S. Department of Justice.

The Supreme Court of Appeals wrote a grant proposal, which included a memorandum of understanding signed by the Court, the West Virginia State Police, the Coalition Against Domestic Violence, the West Virginia Regional Community Policing Institute, and the West Virginia Division of Criminal Justice Services. The \$815,000 grant, which the Supreme Court received, was used to purchase technology for a Domestic Violence Registry and money to hire a staff to run it. It also provided funding for training in its use and funding for a series of firearms summits. The Court hopes to launch the Domestic Violence Registry in 2009. The grant also provides funding for ten circuit judges, ten family court judges, and ten magistrates to attend national training on domestic violence.

Also in 2008, the Family Court Division focused on ensuring that there will be courtrooms and offices for the ten new family court judges who are to take office on January 1, 2009.

West Virginians Served by Supreme Court-Supported Family Visitation Centers in 2008	
Category	Number
Total Parents Served*	945
Fathers	443
Mothers	454
Grandparents/Legal Guardians	43
Children Involved	736
Supervised Visitation	447
Neutral Drop-off	357
*Total number of parents served = fathers + mothers + grandparents/legal guardians	

Family Court County Filings

CY 2002 - 2008

County	2008	2007	2006	2005	2004	2003	2002
Barbour	236	244	247	184	138	141	244
Berkeley	1,740	1,728	1,814	1,803	1,722	1,603	1,569
Boone	553	645	621	605	663	610	608
Braxton	209	208	235	220	233	243	282
Brooke	300	318	304	344	332	308	323
Cabell	2,483	2,475	2,454	2,388	2,328	2,440	2,341
Calhoun	147	113	119	142	174	158	130
Clay	249	258	325	326	282	243	288
Doddridge	117	121	124	142	133	125	126
Fayette	1,039	933	1,030	946	990	897	981
Gilmer	122	86	126	66	50	58	123
Grant	192	186	180	250	127	191	121
Greenbrier	685	593	640	685	713	736	630
Hampshire	307	308	282	279	333	254	276
Hancock	456	519	595	443	388	516	505
Hardy	230	264	276	289	257	247	218
Harrison	1,282	1,263	1,354	1,268	1,187	1,181	1,092
Jackson	446	560	456	487	457	419	472
Jefferson	736	768	752	775	826	783	677
Kanawha	4,244	4,153	4,302	4,741	4,270	4,418	4,375
Lewis	282	265	276	233	285	241	283
Lincoln	417	474	528	549	511	631	550
Logan	1,156	1,052	1,185	1,283	1,210	1,192	1,225
Marion	920	858	843	849	836	901	842
Marshall	554	513	448	526	465	547	461
Mason	433	529	562	474	524	461	480
McDowell	622	684	781	3,220	817	804	788
Mercer	1,724	1,834	1,894	1,943	1,830	1,644	1,691
Mineral	467	507	403	362	380	407	426
Mingo	874	1,025	1,061	1,125	1,119	1,097	1,157
Monongalia	1,235	1,208	1,171	1,183	1,228	1,150	1,110
Monroe	303	329	295	289	298	233	222
Morgan	212	186	223	218	274	226	249
Nicholas	521	507	518	471	495	457	460
Ohio	678	620	731	717	1,386	659	674
Pendleton	96	78	95	87	56	58	60
Pleasants	105	131	156	129	108	109	136
Pocahontas	182	172	214	221	211	184	183
Preston	600	554	523	514	559	521	499
Putnam	930	957	904	946	923	890	871
Raleigh	1,637	1,594	1,669	1,617	1,529	1,319	1,637
Randolph	560	552	511	505	428	500	502
Ritchie	174	148	156	185	145	189	228
Roane	357	300	362	305	329	278	319
Summers	252	270	305	284	246	445	221
Taylor	217	241	221	214	169	199	178
Tucker	100	77	81	99	92	98	124
Tyler	117	151	136	132	145	147	154
Upshur	308	347	343	312	339	357	397
Wayne	676	776	780	821	840	909	800
Webster	230	243	237	193	238	206	179
Wetzel	264	279	230	248	222	290	273
Wirt	90	106	131	103	114	117	131
Wood	1,633	1,633	1,607	1,647	1,524	1,420	1,506
Wyoming	667	763	663	793	746	661	768
TOTAL	35,366	35,706	36,479	39,180	36,224	35,118	35,165