

# WEST VIRGINIA CODE: §49-4-118

## **§49-4-118. Child protection commissioner created; powers and duties.**

(a) The Supreme Court of Appeals is requested to create a pilot project utilizing child protection commissioners to encourage efficiency and ensure accountability in court actions filed pursuant to this chapter.

(b) A child protection commissioner is a judicial officer and shall be appointed, and may be removed, by the Supreme Court of Appeals for a two-year term that may be renewed, and is subject to the administrative oversight, training, and standards established by the Supreme Court of Appeals.

(c) A child protection commissioner shall be an attorney licensed to practice law in this state and possess experience or training in juvenile law, as determined by rules of the Supreme Court of Appeals.

(d) The Administrative Director of the Supreme Court of Appeals may designate multi-circuit child protection commissioner regions to carry out the purpose of this section, and a child protection commissioner may serve in that capacity in more than one circuit simultaneously.

(e) Subject to the direction and oversight of the chief circuit judge, a child protection commissioner may authorize emergency removals as permitted by law, monitor diversion and pre-petition matters, conduct evidentiary and status hearings, compel witnesses to testify and place them under oath, order services and visitation, determine child-support, custody, sibling visitation, grandparent visitation, and post termination-visititation in matters pending in circuit court under Rule 6 of the Rules of Procedure for Child Abuse and Neglect Proceedings, facilitate multi-disciplinary team meetings, manage discovery, oversee improvement periods and case plans, remove individuals from treatment court programs, and perform all other duties authorized by rules promulgated by the Supreme Court of Appeals.

(f) The child protection commissioner may issue a non-binding report and recommendations to the presiding circuit judge regarding findings of fact and conclusions of law for a preliminary, adjudication, disposition, or permanency hearing, contempt, termination of an improvement period, placement, or referral to a treatment court; however, the circuit court shall retain the sole authority to enter orders on these matters. A child protection commissioner shall not exercise independent contempt authority. Any party may object to a child protection commissioner's report and recommendations within 10 days of their entry and filing, and the circuit judge shall review the record made before the child protection commissioner, the recommended decision of the child protection commissioner, and the objections and exceptions which have been filed, and the court shall enter an order.

(g) A child protection commissioner shall be paid by the Supreme Court of Appeals at the

rate it establishes and may also receive travel reimbursement as provided by Supreme Court of Appeals policy. The Supreme Court of Appeals shall provide all necessary equipment for a child protection commissioner to perform his or her duties, and may, at its discretion, acquire or lease the necessary facilities as required. A child protection commissioner may be either a full-time employee or paid hourly depending on workload necessities as determined by the Administrative Director.

(h) The Administrative Director of the Supreme Court of Appeals will identify and report annually, to the Joint Committee on Government and Finance, on measurable outcomes to be improved for the pilot program referenced in this section, and those measures shall include, but not be limited to, a baseline of pre-implementation outcome metrics and the annual costs for the pilot program.