WEST VIRGINIA CODE: §59-1-11

§59-1-11. Fees to be charged by clerk of circuit court.

(a) The clerk of a circuit court shall charge and collect for services rendered by the clerk the following fees which shall be paid in advance by the parties for whom services are to be rendered:

(1) Except as provided in §59-1-11(a)(2) and §59-1-11(a)(3) of this code, for instituting any civil action under the Rules of Civil Procedure, any statutory summary proceeding, any extraordinary remedy, the docketing of civil appeals or removals of civil cases from magistrate court, or any other action, cause, suit or proceeding, $200, of which $30 shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code and $45 shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by §59-1-10(c)(4)(B) of this code, and $20 deposited in the special revenue account created in §48-26-603 of this code to provide legal services for domestic violence victims;

(2) For instituting an action for medical professional liability, $400, of which $10 shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code: Provided, That after December 31, 2021, the filing fee for instituting an action for medical professional liability shall be $280, of which $10 shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code;

(3) Beginning on and after July 1, 1999, for instituting an action for divorce, separate maintenance, or annulment, $135;

(4) For petitioning for the modification of an order involving child custody, child visitation, child support, or spousal support, $85;

(5) For petitioning for an expedited modification of a child support order, $35;

(6) For filing any pleading that includes a counterclaim, cross claim, third-party complaint, or motion to intervene, $200, which shall be deposited in the special revenue account designated the Fund for Civil Legal Services for Low Income Persons, established by §59-1-10(c)(4)(B) of this code: Provided, That this subdivision and the fee it imposes does not apply in family court cases nor may more than one such fee be imposed on any one party in any one civil action; and

(7) Except for civil actions within the jurisdiction of family courts, for each defendant or respondent named in the initial pleading upon the institution of a civil action in which there are two or more named defendants, and for each additional defendant, respondent, or third-party defendant subsequently named in a pleading filed in the civil action, $15, payable upon

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the institution of the civil action or upon the filing of the initial pleading that names the additional defendant, respondent, or third-party defendant, of which $10 shall be deposited in the general fund of the county in which the office of the circuit clerk is located, and $5 shall be deposited in the State Police Forensic Laboratory Fund, established under §15-2-24d of this code: Provided, That for purposes of this subdivision, "defendant or respondent named" does not include those defendants or respondents identified as "John/Jane Doe".

(b) In addition to the foregoing fees, the following fees shall be charged and collected:

(1) For preparing an abstract of judgment, $5;

(2) For a transcript, copy, or paper made by the clerk for use in any other court or otherwise to go out of the office, for each page, $1;

(3) For issuing a suggestion and serving notice to the debtor by certified mail, $25;

(4) For issuing an execution, $25;

(5) For issuing or renewing a suggestee execution and serving notice to the debtor by certified mail, $25;

(6) For vacation or modification of a suggestee execution, $1;

(7) For docketing and issuing an execution on a transcript of judgment from magistrate court, $3;

(8) For arranging the papers in a certified question, writ of error, appeal, or removal to any other court, $10, of which $5 shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code;

(9) For each subpoena, on the part of either plaintiff or defendant, to be paid by the party requesting the same, 50 cents;

(10) For additional service, plaintiff or appellant, where any case remains on the docket longer than three years, for each additional year or part year, $20; and

(11) For administering funds deposited into a federally insured interest-bearing account or interest-bearing instrument pursuant to a court order, $50, to be collected from the party making the deposit. A fee collected pursuant to this subdivision shall be paid into the general county fund.

(c) In addition to the foregoing fees, a fee for the actual amount of the postage and express may be charged and collected for sending decrees, orders, or records that have not been ordered by the court to be sent by mail or express.

(d) The clerk shall tax the following fees for services in a criminal case against a defendant

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convicted in such court:

(1) In the case of a misdemeanor, $85; and

(2) In the case of a felony, $105, of which $10 shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code.

(e) The clerk of a circuit court shall charge and collect a fee of $25 per bond for services rendered by the clerk for processing of criminal bonds and the fee shall be paid at the time of issuance by the person or entity set forth below:

(1) For cash bonds, the fee shall be paid by the person tendering cash as bond;

(2) For recognizance bonds secured by real estate, the fee shall be paid by the owner of the real estate serving as surety;

(3) For recognizance bonds secured by a surety company, the fee shall be paid by the surety company;

(4) For 10 percent recognizance bonds with surety, the fee shall be paid by the person serving as surety; and

(5) For 10 percent recognizance bonds without surety, the fee shall be paid by the person tendering 10 percent of the bail amount.

In instances in which the total of the bond is posted by more than one bond instrument, the above fee shall be collected at the time of issuance of each bond instrument processed by the clerk and all fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code. Nothing in this subsection authorizes the clerk to collect the above fee from any person for the processing of a personal recognizance bond.

(f) The clerk of a circuit court shall charge and collect a fee of $10 for services rendered by the clerk for processing of bail piece and the fee shall be paid by the surety at the time of issuance. All fees collected pursuant to this subsection shall be deposited in the Courthouse Facilities Improvement Fund created by §29-26-6 of this code.

(g) No clerk is required to handle or accept for disbursement any fees, costs, or amounts of any other officer or party not payable into the county treasury except on written order of the court or in compliance with the provisions of law governing such fees, costs, or accounts.

(h) Fees for removal of civil cases from magistrate court shall be collected by the magistrate court when the case is still properly before the magistrate court. The magistrate court clerk shall forward the fees collected to the circuit court clerk.

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