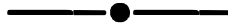


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SECRETARY OF STATE

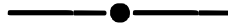
WEST VIRGINIA LEGISLATURE
SECOND EXTRAORDINARY SESSION, 2010



ENROLLED

House Bill No. 212

(By Mr. Speaker, Mr. Thompson, and Delegate Armstead)
[By Request of the Executive]



Passed July 21, 2010

In Effect From Passage

11/20/11

E N R O L L E D

FILED

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H. B. 212

OFFICE WEST VIRGINIA
SECRETARY OF STATE

(BY MR. SPEAKER, MR. THOMPSON, AND DELEGATE ARMSTEAD)
[BY REQUEST OF THE EXECUTIVE]

[Passed July 21, 2010; in effect from passage.]

AN ACT to amend and reenact §51-2A-16 of the Code of West Virginia, 1931, as amended, relating to family court appellate procedures; extending the sunset provisions regarding appeal of family court decisions; requiring the Supreme Court of Appeals to report to the Joint Committee on Government and Finance before the 2011 Legislative session; setting forth issues to be discussed in the report; and applying amendments to section retroactively.

Be it enacted by the Legislature of West Virginia:

That §51-2A-16 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. FAMILY COURTS.

§51-2A-16. Expiration of appellate procedures; exceptions; report requirements.

- 1 (a) The provisions of sections eleven, twelve, thirteen,
- 2 fourteen and fifteen of this article shall expire and be of no

3 force and effect after June 30, 2011, except as otherwise
4 provided by subsection (b) of this section.

5 (b) Appeals that are pending before a circuit court or the
6 Supreme Court of Appeals on June 30, 2011, but not decided
7 before July 1, 2011 shall proceed to resolution in accordance
8 with the provisions of sections eleven, twelve, thirteen,
9 fourteen and fifteen of this article, notwithstanding the
10 provisions of subsection (a) of this section that provide for
11 the expiration of those sections. The Supreme Court of
12 Appeals shall, by rule, provide procedures for those appeals
13 that are remanded but not concluded prior to July 1, 2011, in
14 the event that the appeals process set forth in sections eleven,
15 twelve, thirteen, fourteen and fifteen of this article is
16 substantially altered as of July 1, 2011.

17 (c) Prior to the 2011 regular session of the Legislature
18 and annually thereafter, the Supreme Court of Appeals shall
19 provide a detailed report to the Joint Committee on
20 Government and Finance the number of appeals from final
21 orders of the family court filed in the various circuit courts
22 and in the Supreme Court of Appeals, the number of pro se
23 appeals filed, the subject matter of the appeals, the time
24 periods in which appeals are concluded, the number of cases
25 remanded upon appeal, recommendations and supporting
26 data on the feasibility, need and effect of creating an
27 intermediate appellate court or other system of appellate
28 procedure for family court matters and such other detailed
29 information so as to enable the Legislature to study the
30 appellate procedures for family court matters and to consider
31 the possible necessity and feasibility of creating an
32 intermediate appellate court or other system of appellate
33 procedure.

34 (d) The amendments to this section in the second
35 extraordinary session of the Legislature in 2010 shall apply

36 retroactively so that the provisions of sections eleven, twelve,
37 thirteen, fourteen and fifteen of this article shall be construed
38 as if they did not expire after June 30, 2010.

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

Eric P. Wells
Member ~~Chairman~~ Senate Committee

Sam Wells
Chairman House Committee

Originating in the House.

In effect from passage.

Darrell G. Holcomb
Clerk of the Senate

Gregory M. Sawyer
Clerk of the House of Delegates

Carl Roy Tomblin
President of the Senate

Robert Taylor
Speaker of the House of Delegates

The within is approved this the 26th
day of July, 2010.

[Signature]
Governor

OFFICE OF THE
SECRETARY OF STATE

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PRESENTED TO THE
GOVERNOR

JUL 26 2010

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