

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, September 14, 2016, the following order was made and entered:

RE: APPROVAL OF AMENDMENTS TO RULES 17(a) AND 32(a) OF THE RULES OF PROCEDURE FOR CHILD ABUSE AND NEGLECT PROCEEDINGS, Docket No. 16-RULES-08

On a former day, May 24, 2016, came Nikki Tennis, former Director of the Division of Children's Services, and presented to the Court proposed amendments to Rules 17(a) and 32(a) of the Rules of Procedure for Child Abuse and Neglect Proceedings. The proposed amendments were published for comment and the public comment period closed on August 15, 2016. No comments were received.

The Court has carefully considered the proposed amendments. Upon consideration, the Court is of the opinion to and does hereby approve and adopt the following amendments. Insertions are indicated by underscoring and the deletions by strikethrough as follows:

Rule 17. Pleadings allowed, Form of motions and other papers.

(a) Pleadings. – There shall be a verified petition and a verified answer. Upon ~~mutual~~ consent of the co-petitioners, the verified petition may have co-petitioners, in which case each petitioner must indicate which allegation(s) he/she verifies in the petition. If one of the petitioners is a parent, then that parent shall be appointed counsel pursuant to W. Va. Code § 49-4-601(f), separate from the prosecuting attorney. The Department, a parent, or reputable person may move to be joined as a co-petitioner after the filing of the initial petition. No other pleading shall be allowed except by permission of the court. The petition shall not be taken as confessed. Other than in a criminal prosecution for false swearing, evidence shall not be given against an accused of any statement made by him in any pleadings filed pursuant to these rules.

* * *

Rule 32. Time of disposition hearing.

(a) Time Frame. – The disposition hearing shall commence within forty-five (45) days of the entry of the final adjudicatory order unless an improvement period is granted pursuant to W.Va. Code § 49-4-610(2) and then no later than ~~sixty (60) days~~ thirty (30) days after the end of the improvement period.

* * *

A True Copy

Attest: //s// Edythe N. Gaiser
Deputy Clerk of Court

