

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals, continued and held at Charleston, Kanawha County, on October 5, 2016, the following order was made and entered:

RE: APPROVAL OF AMENDMENTS TO RULE 6 OF THE RULES OF PRACTICE AND PROCEDURE FOR DOMESTIC VIOLENCE CIVIL PROCEEDINGS, Docket No. 16-RULES-09

On a former day, May 5, 2016, came Lisa Tackett, Director of Family Court Services, and presented to the Court proposed amendments to Rule 6 of the Rules of Practice and Procedure for Domestic Violence Civil Proceedings. The proposed amendments were published for comment and the public comment period closed on Tuesday, July 5, 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 deletions by strikethrough as follows:

Rule 6. Confidentiality of court records.

(a) Rule 6 of the Rules of Practice and Procedure for Family Court shall govern the confidentiality of the court records in domestic violence civil proceedings-, provided however, if a minor child is the petitioner or respondent in a domestic violence civil proceeding, all records contained in the magistrate clerk's office and the circuit clerk's office shall be confidential and not subject to public inspection, except as otherwise provided in W.Va. Code, Chapter 48 and this rule, unless opened for inspection by an order of a Family Court Judge or Circuit Court Judge.

* * *

(c) West Virginia domestic violence database. The information and records contained on the West Virginia domestic violence database pursuant to W.Va. Code § 51-1-21 shall not be open for public inspection. The West Virginia domestic violence database shall contain such information and records the West Virginia Supreme Court deems necessary for the service and enforcement of domestic violence protective orders issued by the court. The West Virginia Supreme Court may in its discretion provide access to the information and records contained on the West Virginia domestic violence database to any and all authorized court personnel, state and

federal law enforcement agencies, the department of health and human services, or other state and federal agencies the court deems necessary in the furtherance of enforcement of the orders of the court and improvement of the database and response to domestic violence-, provided however, if a minor child is the petitioner or respondent in a domestic violence civil proceeding and any protective order entered has expired or been terminated, said record shall remain confidential and not subject to inspection on the West Virginia domestic violence database unless by an order of a Family Court Judge or Circuit Court Judge. If the petitioner is a minor and the respondent is not a minor, then the petitioner's information only shall be redacted from the database.

A True Copy

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

