

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on October 21, 2024, the following order was made and entered:

**RE: REQUEST FOR PUBLIC COMMENT ON AMENDMENTS TO RULE 7 OF
THE WEST VIRGINIA RULES OF PROCEDURE FOR CHILD ABUSE
AND NEGLECT PROCEEDINGS, No. 24-562**

On October 16, 2024, the Court considered proposed amendments to Rule 7 of the West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings. The Court has jurisdiction of court rules under Article VIII, §§ 1 and 3 of the West Virginia Constitution.

Upon consideration and review, the Court is of the opinion that the following amendments to Rule 7 of the West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings should be published for a period of public comment for 30 days. Comments may be filed in writing with the office of the clerk on or before November 20, 2024. The changes would take effect on January 1, 2025. Additions are indicated by underscoring, and deletions are indicated by strike-through.

West Virginia Rules of Procedure for Child Abuse and Neglect Proceedings

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Rule 7. Time Computation; extensions of time and continuances.

~~Time frames prescribed in these rules shall be computed in accord with Rule 6(a) of the W.Va. Rules of Civil Procedure.~~

(a) *Computing time.* The following rules apply in computing any period of time specified by these rules, by the local rules of any court, by order of court, or by any applicable statute,

(1) *Period Stated in Days or Longer Units.* When the period is stated in days or a longer unit, exclude the day of the event that triggers the period. The last day of the period shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday or a legal holiday.

(2) *Weekends and Holidays.* When the period of time prescribed or allowed is fewer than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. As used in this rule, "legal holiday" includes New Year's Day, Martin Luther King's Birthday, Lincoln's Birthday, Washington's Birthday, Memorial Day, West Virginia

Day, Independence Day, Labor Day, Columbus Day, Veteran's Day, Thanksgiving Day, Christmas Day, any day on which a general, special or primary election is held in the state or in the county in which the circuit court sits, and any other day appointed as a holiday by the Governor or by the President of the United States as a day of special observance or thanksgiving, or a day for the general cessation of business.

(b) Except as provided for in Rule 5, extensions of time and continuances beyond the times specified in these rules or by other applicable law shall be granted only for good cause, regardless of whether the parties are in agreement. If a continuance is granted in accordance with this rule, the court shall set forth in a written order its reasons for finding good cause.

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A True Copy

Attest: /s/ C. Casey Forbes
Clerk of Court

