

STATE OF WEST VIRGINIA

SCA EFiled: Sep 30 2025
03:41PM EDT

On September 30, 2025, at the Supreme Court of Appeals of West Virginia, the following order was made and entered:

RE: **PROVISIONAL ADOPTION AND REQUEST FOR PUBLIC COMMENT ON PROPOSED AMENDMENTS TO RULE 37A OF THE RULES OF PRACTICE AND PROCEDURE FOR FAMILY COURT, No. 25-535**

On August 19, 2025, Lisa Tackett, Director of Circuit and Family Court Services, presented to the Court a proposal to amend Rule 37a of the Rules of Practice and Procedure for Family Court. The Court has jurisdiction to consider 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 37a of the Rules of Practice and Procedure for Family Court should be, and are, provisionally adopted effective October 1, 2025. The Court further orders the amendments to 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 October 30, 2025. The proposed amendments to Rule 37a of the Rules of Practice and Procedure for Family Court are set forth below. Deletions are indicated by strike-through and additions by underlining.

Rules of Practice and Procedure for Family Court

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Rule 37a. Advanced Child-focused Parent Education.

(a) *Course format and content.* — In addition to the mandatory parent education class described in Rule 37, family courts ~~in regions designated by the supreme court of appeals~~ may order parties in proceedings involving minor children to attend advanced child-focused parent education classes sponsored by the ~~s~~Supreme ~~e~~Court of ~~a~~Appeals. The advanced child-focused parent education classes shall include 8 hours of content designated to six sessions and educate parties on reducing

parental conflict, focusing on their children's best interests, and effectively negotiating parenting issues plans. The parties in a particular case shall attend the class ~~together~~, unless otherwise ordered by the court.

(b) *Mandatory attendance.* — Family courts ~~in designated advanced child-focused parent education regions~~ may order parties to attend advanced child-focused parent education classes for reasons including, but not limited to, the following: repeated court appearances on modification and/or contempt issues related to parenting time and decision-making authority; parties' apparent inability or unwillingness to resolve conflict effectively; or parties' communicating inappropriate messages through the children or speaking negatively about the other party or the other party's family in the presence of the children. Only by order of the court may parties attend the advanced child-focused parent education classes approved by the Supreme Court of Appels.

~~(c) Screening. — Before parties may attend advanced child-focused parent education classes together, the family court shall consider whether domestic violence, child abuse or neglect, acts or threats of duress or coercion, substance abuse, mental illness or other such elements would adversely affect the safety of a party or the ability of a party to participate meaningfully, freely, and voluntarily in the parent education class. If the family court determines that it is inappropriate for the parties to attend the class together, then it may require the parties to attend separate classes.~~

(cd) *Fees.* — The fee for each party to attend is \$75~~\$60~~, which includes \$10 for each of the six ~~advanced child-focused parent education sessions, classes~~. The fee for each class shall be paid in full prior to attending for a total of \$60 and is payable to the circuit clerk in the county in which the case is pending. The clerk of the circuit court shall, on ~~the~~ or before the tenth day of each month, ~~shall~~ transmit all fees collected under this rule to the state treasurer for deposit in the state treasury to the credit of the special revenue fund known as "parent education fund" established by West Virginia Code, §~~Chapter 48, Article -9, Section -6~~104. The order requiring parties to attend an advanced child-focused parent education class shall specify the fee each party shall pay prior to attending the advanced child-focused parent education class. A party who has filed a financial affidavit and received a fee waiver shall not be required to pay a fee. The family court may review any fee waiver in accord with West Virginia Code § 51-2A-8(e). The family court, in its sound discretion, may ~~waive or reduce the fee for a party who has not filed a financial affidavit or the family court may~~ require one party to pay the fees for both parties.

~~(e) Presenters and Security. — Presenters of the advanced child-focused parent education classes shall be selected by the family courts and approved by the supreme court of appeals. Presenters shall use a class format approved by the supreme court of appeals. Each child-focused parent education session shall have a security guard in attendance.~~

(df) *Confidentiality.* — Advanced child-focused parent education sessions shall be considered confidential ~~settlement negotiations~~ subject to Rule 25.12 of the Trial Court Rules. ~~An advanced child-focused parent education presenter shall maintain the confidentiality of all parent education sessions and records.~~ The only information that a presenter shall provided to the court is whether number of sessions that a party completes the course. ~~An advanced child-focused parent education~~

~~presenter shall not be subpoenaed or called to testify or otherwise be subject to process requiring disclosure of confidential information.~~

(eg) *Information Reporting.* — All court personnel and providers of advanced child focused parent education shall provide the Supreme Court of Appeals such information as the court determines necessary for assessing these programs.

~~(h) Immunity. — Advanced child focused parent education presenters shall have immunity in the same manner and to the same extent as a family court judge.~~

A True Copy

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

