

STATE OF WEST VIRGINIA

At a Regular Term of the Supreme Court of Appeals continued and held at Charleston, Kanawha County, on the 19<sup>th</sup> day of October, 2010, the following order was made and entered:

On this day came the Court, on its own motion and proceeded to consider the proposed amendments to the Rules of Procedure for Child Abuse and Neglect Proceedings, necessitated by the adoption of the Revised Rules of Appellate Procedure, previously published for comment. Upon consideration whereof, the Court is of opinion to and does hereby adopt said amendments, effective December 1, 2010, with deletions indicated by strikethroughs and insertions indicated by underscoring, to read as follows:

Rule 49. Accelerated appeal for abuse and neglect and termination of parental rights cases.

In order to provide the most inexpensive and expeditious procedure for appeal of Circuit Court orders under W. Va. Code § 49-6-1 et seq., a petitioner shall file his or her petition for appeal within sixty (60) days of judgment ~~without presentation of a transcript using the procedure provided in Rule 4A and may proceed without a transcript pursuant to Rule 11~~ of the Rules of Appellate Procedure. As provided therein, petitioner may submit a part of the transcript of testimony or those sections which are necessary evidence to support his or her petition. An extension of the time limitations for appeal not to exceed an additional sixty (60) days, may be granted by the court on the grounds that no transcript of the proceedings has been prepared but only upon a showing of extraordinary circumstances, and further provided that the request for an extension of time has been filed and served prior to the expiration of the initial sixty (60) day time period for filing the petition for appeal. ~~The bond for costs otherwise required by Rule 4A(e) of the Rules of Appellate Procedure shall be waived pursuant to this rule.~~ The Supreme Court of Appeals shall give priority to appeals of abuse and/or neglect proceedings and termination of parental rights cases and shall establish and administer an accelerated schedule in each case, to include the completion of the record, briefing, oral argument, and decision.

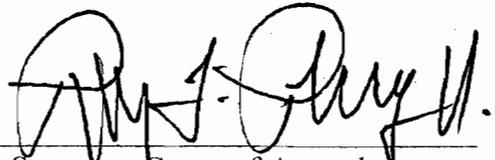
Rule 50. Stays on appeal.

The filing of a petition for appeal does not operate to automatically stay the proceedings or orders of the circuit court in abuse, neglect, and/or termination of parental right cases, but

the circuit court or the Supreme Court of Appeals may grant a stay upon a showing of good cause. Any party seeking a stay from the Supreme Court of Appeals pursuant to Rule 28 of the Rules of Appellate Procedure pending an appeal of neglect, abuse, and/or termination of parental rights cases shall submit a written motion for the stay and a brief statement explaining the need for the stay, discussing the effect of the stay on the ability of the circuit court to plan for the child and on the best interests of the child. This rule shall not preclude any motion to the circuit court for a stay which includes a brief statement of the issues previously set forth.

A True Copy

Attest:



Clerk, Supreme Court of Appeals