

Family court
Former statute

Effective 1/1/02

51-2A-1 family court division of circuit court

51-2A-1 family court

51-2A-10 matters heard by family law master

51-2A-2 jurisdiction family court

51-2A-10(a)(6) hear divorce, annulment,
separate maintenance

51-2A-2(a)(1) hear divorce, annulment,
separate maintenance

51-2A-10(a)(6) second sentence, circuit
court shall hear actions without kids & with
settlement agreement

51-2A-2(b) circuit court has concurrent
jurisdiction for actions without kids & with
settlement agreement

51-2A-10(a)(1) actions for child & spousal
support

51-2A-2(a)(2) actions for child & spousal
support

51-2A-10(a)(2) paternity actions

51-2A-2(a)(3) paternity actions

51-2A-10(a)(10) grandparent visitation

51-2A-2(a)(4) grandparent visitation

51-2A-10(a)(8)&(10) actions under uifsa &
uccjea

51-2A-2(a)(5) actions under uifsa & uccjea

51-2A-10(a)(10) abuse & neglect circuit
court

51-2A-2(c) if abuse & neglect proceeding
filed, circuit court orders on custodial &
decision making trump family court orders

51-2A-10(a)(10) custodial & decision
making orders

51-2A-2(a)(6) custodial & decision making
orders

51-2A-10(a)(3) child habeas

51-2A-2(a)(7) child habeas

51-2A-10(a)(4) temporary orders, but
property referred to circuit

51-2A-2(a)(8) temporary orders, no mention
of property

51-2A-10(a)(5) motions to modify

51-2A-2(a)(9) motions to modify

51-2A-10(a)(9) & (11) proceedings to
enforce support & custody; contempt

51-2A-2(a)(10) proceedings, including
contempt, to enforce support & custody

Former statute	Effective 1/1/02
51-2A-10(a)(7) actions to contest support enforcement	51-2A-2(a)(11) actions to contest support enforcement
51-2A-10(a)(12) final hearings domestic violence	51-2A-2(a)(12) final hearings domestic violence
no provision for property	no provision for property
no previous provision (case law Starcher v Crabtree)	51-2A-2(d) family court court of limited jurisdiction
51-2A-3 assignment family law masters	51-2A-3 number and assignment family court judges
51-2A-4 qualifications family law masters	51-2A-4 qualifications family court judges
51-2A-2(a)&(b) appointment of masters by circuit court	51-2-5 appointment of judges by governor
51-2A-5 term of office family law masters	51-2A-5 term & elections: 10/15/01 appointed by governor, appointed term 11/1/01 to 12/31/02; elections 11/02, elected term 1/1/03 to 12/31/08; thereafter elected 8 year terms
51-2A-8 compensation master & staff	51-2A-6 compensation judge & staff; circuit court loses control of family court bailiffs
51-2A-2(c)-(f); (h)&(i) functions of master	51-2A-7 functions of judge (now independent of circuit judge)
51-2A-9 rules of practice & evidence	51-2A-8 rules of practice & evidence (added recording of hearings, motions in forma pauperis, circuit clerk functions); circuit court review confined to record before family court 51-2A-14(b)
51-2A-11 contempt powers	51-2A-9 contempt powers

Former statute	Effective 1/1/02
no previous provision	51-2A-10 motion to reconsider (parallels rule 60(b) rules of civil procedure)
48-30-201 to 48-30-305 final orders	51-2A-11 appeal to circuit court: right to appeal within 30 days, appeals from final orders only, respondent 15 days to answer, supreme court to develop forms
48-30-201 to 48-30-305 final orders	51-2A-12 stay pending appeal
48-30-201 to 48-30-305 final orders	51-2A-13 motion to dismiss appeal
48-30-201 to 48-30-305 final orders	51-2A-14 circuit court may remand; circuit court to consider only record before family court, review of facts under clearly erroneous, application of law to fact abuse of discretion; circuit court order or order showing why delay within 60 days notice to parties that unless both agree to leave with circuit, appeal will be transferred to supreme court
48-30-201 to 48-30-305 final orders	51-2A-15 supreme court appeal: consent of parties, transfer because circuit court does not act or as appeal from circuit order, heard like other appeal (cert presumably), standard: review of fact clearly erroneous, application of law to fact abuse of discretion; rules to help pro se
no previous provision	51-2A-16 appeal provisions expire 6/30/05; report on results
51-2A-7 procedure to remove	51-2A-17 procedure to remove or discipline (removal only by impeachment)
51-2A-6 vacancy	51-2A-18 vacancy (governor appointment)
no previous provision	51-2A-19 temporary appointments

Former statute

Effective 1/1/02

48-30-401 county commissioners to provide space

51-2A-20 county commissions to provide space

48-30-402 budget family court

51-2A-21 budget family court

48-30-403 family court fund

51-2A-22 family court fund

no previous provision

51-2A-23 operative dates

51-2A-6a terms continued

no equivalent provision

51-2A-12 effects of repealers

no equivalent provision

48-30-101 to 48-30-104

no equivalent provision