

SUPREME COURT OF APPEALS OF WEST VIRGINIA

J.F. v. F.C.

No. 18-0756 (Tucker County 17-DV-16) (W. Va. Feb. 24, 2020) · No. No. 18-0756 · Decided February 24, 2020

SUMMARY

The Supreme Court of Appeals of West Virginia affirmed a circuit court order upholding a lifetime domestic violence protective order against J.F. The court held that the family court had made findings of aggravating circumstances supporting the protective order and rejected J.F.'s argument that the order had expired before modification.

CASE DETAILS

COURT	Supreme Court of Appeals of West Virginia
WRITING FOR THE COURT	Per Curiam; Chief Justice Tim Armstead; Justice Margaret L. Workman; Justice Elizabeth D. Walker; Justice Evan H. Jenkins; Justice John A. Hutchison
JURISDICTION	West Virginia
DECIDED	February 24, 2020
DOCKET	No. 18-0756
DISPOSITION	affirmed
PROCEDURAL POSTURE	J.F. appealed the Tucker County Circuit Court's refusal to review the Tucker County Family Court's order extending a domestic violence protective order for his lifetime.
STANDARD OF REVIEW	In reviewing a final order entered by a circuit court upon review of, or refusal to review, a final family court order, factual findings are reviewed for clear error, application of law to facts for abuse of discretion, and questions of law de novo.
PRECEDENTIAL VALUE	Nonprecedential memorandum decision
PARTIES	J.F. v. F.C.

TOPICS

[domestic violence](#)[family law procedure](#)[appellate procedure](#)[standard of review](#)[remedies](#)

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the family court's initial one-year protective order was invalid because the court did not make the aggravating-factor findings required by West Virginia Code § 48-27-505.
2. Whether the family court therefore lacked jurisdiction to modify or extend the protective order in May 2018.

HOLDINGS

1. The initial one-year protective order was not shown to be invalid because the circuit court reviewed the family court recording and found that the family court had made the required findings of aggravated circumstances on the record.
2. The family court did not lack jurisdiction to modify the protective order because the record supported the validity of the initial one-year order, and the circuit court correctly rejected J.F.'s contrary argument.

KEY QUOTATIONS

“In reviewing a final order entered by a circuit court judge upon a review of, or upon a refusal to review, a final order of a family court judge, we review the findings of fact made by the family court judge under the clearly erroneous standard, and the application of law to the facts under an abuse of discretion standard.” (at 1)

“Accordingly, we find no error. For the foregoing reasons, we affirm.” (at 2)

FACTUAL BACKGROUND

F.C. sought a domestic violence protective order against her husband or ex-husband, J.F., in June 2017. Although J.F. contested the allegations, he agreed to entry of a protective order, which was initially effective for one year. In May 2018, the family court extended the order for J.F.'s lifetime after finding that he continued to engage in harassment and threats through third parties and by driving past F.C.'s house; the circuit court found that the family court had made the required aggravated-circumstances findings on the record.

PROCEDURAL HISTORY

F.C. obtained a temporary domestic violence protective order against J.F. in June 2017. The family court entered a one-year protective order after J.F. agreed to its entry, and in May 2018 granted F.C.'s petition to modify and extended the order for J.F.'s lifetime based on continuing harassment and threats. The circuit court denied J.F.'s appeal, and the Supreme Court of Appeals affirmed.

DISPOSITION

affirmed

CASES CITED

- Carr v. Hancock, 216 W. Va. 474, 607 S.E.2d 803 (2004)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/west-virginia-supreme-court-of-appeals-of-west-virginia/2020/j-f-v-f-c-9vknzptv>