

No. 12-1242 – *In Re: Haylea G.*

FILED

June 18, 2013

released at 3:00 p.m.

RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

Justice Ketchum, concurring, in part, and dissenting, in part:

I agree with the majority decision to terminate the guardianship of Sybil J. and return the child to her mother.

I disagree with the majority's conclusion that the circuit court did not have jurisdiction over the child's Social Security benefits that may have been improperly used by Sybil J.

Sybil J. was the child's payee for her monthly Social Security check. The circuit judge became concerned that the funds were being improperly handled and/or spent. Therefore, the court ordered that the funds be transferred to the guardian ad litem until a further hearing by the court.

I understand these were federal funds issued by the Social Security Administration for the benefit of the child in Fayette County, West Virginia. If it is found that another person used the funds for matters not relating to the child then the circuit court has the absolute right (jurisdiction) to put the remaining funds in trust and conduct hearings to determine if there was wrongdoing.

Just because bank robbers steal *federal* currency (paper money) does not preempt our *state* court's jurisdiction to prosecute the criminals committing such crimes.