

BILL NO. 35-0330

Thirty-Fifth Legislature of the Virgin Islands

September 18, 2024

An Act amending Title 4 of the Virgin Islands Code by establishing a Probate Division in the Superior Court of the Virgin Islands

PROPOSED BY: Senators Marvin A. Blyden and Angel L. Bolques, Jr.

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 4 Virgin Islands Code, chapter 5 is amended as follows:

(a) Section 71, subsection (a) is amended by:

(1) striking “six (6)” and inserting “eight”;

(2) striking “and” after St. John and inserting a comma; and

(3) inserting “and two of whom must be judges of the Probate Division as provided in section 181(a)” at the end of the sentence after “title”.

(b) Section 79, subsection (a) is amended in the first sentence by inserting “probate,” after “family,”.

SECTION 2. Title 4 Virgin Islands Code, chapter 8, section 123, subsection (a), paragraph (4) is amended by inserting “and” before “small claims cases” and striking “and probate matters”.

SECTION 3. Title 4 Virgin Islands Code is amended by adding chapter 12 to read as follows:

“Chapter 12. Probate Division of the Superior Court

§ 180. Probate Division

There is established in the Superior Court of the Virgin Islands a Probate Division.

§ 181. Appointment of judges in the Probate Division

(a) The Governor shall appoint pursuant, to section 72 of this title, two Superior Court judges to the Probate Division of the Superior Court, one in the division of St. Croix and one in the division of St. Thomas-St. John.

(b) The Presiding Judge shall assign a judge to serve in the Probate Division whenever a vacancy is created pending the appointment of a judge or during the temporary absence of a judge.

§ 182. Jurisdiction of the Probate Division

The Probate Division shall have original jurisdiction over the probating of wills and the administration and final adjudication of decedents’ estates.

§ 183. Facilities and support personnel

The Superior Court shall provide for the Probate Division hearing rooms that are adequate, appropriate, and safely maintained. The Superior Court shall place as a high priority securing courtrooms and support personnel for the Probate Division which are separate and apart from the other courtrooms and support personnel of the Superior Court.”

SECTION 4. (a) There is appropriated in the fiscal year ending September 30, 2024, the sum of \$650,000 from the General Fund of the Government of the Virgin Islands to the Judicial Branch of the Virgin Islands to establish the Probate Division in section 3 of this bill.

(b) The funds appropriated in subsection (a) remain available until expended.

BILL SUMMARY

This bill amends Title 4 of the Virgin Islands Code by creating a Probate Division in the Superior Court; removing probate matters from the jurisdiction of the Magistrate Division and giving original jurisdiction to the Probate Division over the probating of wills and the administration and final adjudication of decedents' estates; requiring the Governor to nominate two Superior Court judges to the Probate Division, one in the division of St. Croix and the one in the division of St. Thomas-St. John; and making an appropriation of \$650,000 to the Judicial Branch of the Virgin Islands to establish the Probate Division.

BR23-0138/October 26, 2023/GC