WEST VIRGINIA CODE: §48-1-301

PART III. MISCELLANEOUS PROVISIONS

RELATING TO DOMESTIC RELATIONS.

§48-1-301. Communications between clergy and party.

- (a) A party to a domestic relations action cannot compel a member of the clergy to testify regarding any communications or statements made to the member of the clergy in his or her capacity as spiritual counselor or spiritual adviser by a party to the action, if the following conditions exist:
- (1) Both the clergy and the party making such communications or statements claim that the communications or statements were made to the clergy in his capacity as a clergy and spiritual counselor or spiritual adviser to such party;
- (2) No person, other than a member of the clergy, a party and the spouse of the party, was present when such communications or statements were made; and
- (3) The party making such communications or statements does not either consent to their disclosure or otherwise waive the privilege granted by this section.
- (b) The privilege granted by this section shall be in addition to and not in derogation of any other privileges recognized by law.