

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-16-81

Time 3:00 p.m.

No: 1143

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

HOUSE BILL No. 1143

(By Mr. Chambers + Mr. Gilliam)

— ● —

Passed March 5, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 1143

(By MR. CHAMBERS AND MR. GILLIAM)

[Passed March 5, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-eight, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing either spouse to maintain an action for separate maintenance in the circuit courts of the state.

Be it enacted by the Legislature of West Virginia:

That section twenty-eight, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

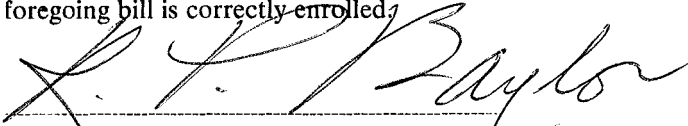
ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.

§48-2-28. Action for separate maintenance.

1 Whenever a spouse shall, without good and sufficient cause,
2 have failed to provide suitable support for the other spouse,
3 or have abandoned or deserted such spouse, or if one spouse
4 shall have grounds for divorce, the court of any county that
5 would have jurisdiction of an action for divorce between the
6 parties, shall, at the action of such spouse, whether or not
7 a divorce be prayed for, order to such spouse as alimony and
8 separate maintenance such sum out of the other spouse's
9 earnings or income as the court may determine, considering
10 the circumstances of the parties and their stations in life,
11 and may prohibit the other spouse from imposing any re-

12 straint on the personal liberty of such spouse and may free
13 such spouse's real and personal property from possession,
14 control or any interest of the other spouse; and during the
15 pendency of the action the court shall have the same powers
16 to make such orders as are provided for actions for divorce
17 by section thirteen of this article insofar as the same are
18 applicable on behalf of either spouse. Any order entered in
19 the case shall be effective during such time as the court shall
20 by its order direct, or until the further order of the court
21 thereon, and upon the petition of either party, the court may,
22 from time to time afterwards, revise or alter such order, or
23 make further orders, concerning the maintenance of either
24 spouse and the interest of one spouse in the property of the
25 other spouse, and the care, custody, education and main-
26 tenance of the minor children of the parties, and may deter-
27 mine with which of their parents the children or any of them
28 shall remain.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

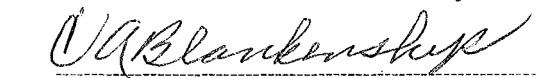
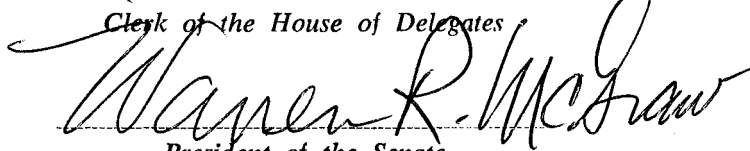
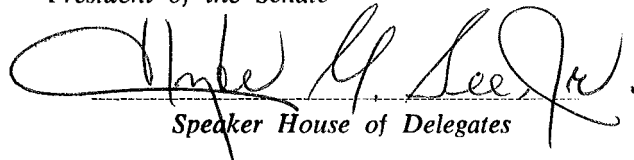

Chairman Senate Committee


Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 16
day of March, 1981.


Governor

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OFFICE OF THE GOVERNOR

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SECY. OF STATE