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OFFICE OF THE GOVERNOR

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1983

— ● —

ENROLLED

HOUSE BILL No. 1314

(By Mr. Sluss)

— ● —

Passed March 12, 1983

In Effect Ninety Days From Passage



1314 - Veto

ENROLLED

H. B. 1314

(By MR. SLUSS)

[Passed March 12, 1983; in effect ninety days from passage.]

AN ACT to amend and reenact section fifteen, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to joint custody of children.

Be it enacted by the Legislature of West Virginia:

That section fifteen, 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.

§48-2-15. Alimony; custody and maintenance of children.

1 Upon ordering a divorce, the court may make such further
2 order as it shall deem expedient, concerning the maintenance
3 of the parties, or either of them; and upon ordering the
4 annulment of a marriage, or a divorce, the court may make
5 such further order as it shall deem expedient, concerning
6 the care, custody, education and maintenance of the minor
7 children, and may determine whether to create joint custody
8 between the parties or, if not, with which of the parents or
9 other proper person or persons the children or any of them,
10 may remain; and the court may, from time to time afterward,
11 on the verified petition of either of the parties, revise or
12 alter such order concerning the maintenance of the parties,

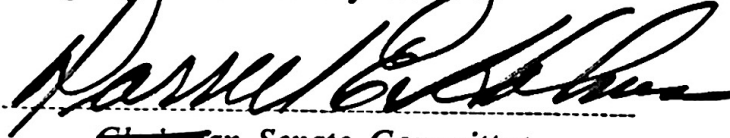
13 or either of them, and make a new order concerning the same,
14 as the altered circumstances or needs of the parties may
15 render necessary to meet the ends of justice; and the court
16 may also from time to time afterward, on the verified
17 petition of either of the parties or other proper person
18 having actual or legal custody of such child or children,
19 revise or alter such order concerning the care, custody,
20 education and maintenance of the children, and make a new
21 order concerning the same, as the circumstance of the parents
22 or other proper person or persons and the benefit of the
23 children may require. In making any such order respecting
24 custody of minor children, there shall be no legal presumption
25 that, as between the natural parents, either the father or the
26 mother should be awarded custody of said children, but the
27 court shall make an award of custody solely for the best
28 interest of the children based upon the merits of each case.
29 In any case where the divorce or the annulment is denied,
30 if the parties are living separate and apart from each other,
31 the court shall retain jurisdiction of the case for the purpose
32 of determining with which of the parents or other proper
33 person or persons the children or any of them may remain
34 and of making such order concerning the care, custody, edu-
35 cation and maintenance of the minor children, or any of them,
36 as to the court may seem proper and the benefit of the child
37 or children may require; and such order may, from time to
38 time afterward, on verified petition of either of the parties
39 or other proper person having actual or legal custody of such
40 child or children, be revised or altered, and a new order
41 made, as the circumstances of the parties or the needs of
42 the children may require. For the purpose of making effectual
43 any order provided for in this section the court may make
44 any order concerning the estate of the parties, or either of
45 them, as it shall deem expedient.

46 In any case where a divorce is granted in this state upon
47 constructive service of process, and personal jurisdiction is
48 thereafter obtained of the defendant in such case, the court
49 may make such further order as it shall deem expedient,
50 concerning the maintenance of the parties, or either of them,
51 or concerning the care, custody, education and maintenance
52 of the minor children, and in any case where an annulment

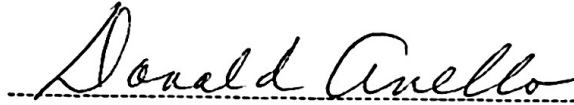
53 is granted in this state upon constructive service of process,
54 and personal jurisdiction is thereafter obtained of the defen-
55 dant in such case, the court may make such further order
56 as it shall deem expedient concerning the care, custody, educa-
57 tion and maintenance of the minor children.

58 Upon ordering the annulment of a marriage or a divorce,
59 the court may, in its discretion, make such further order as
60 it shall deem expedient, concerning the grant of reasonable
61 visitation rights to any grandparent of the minor children
62 upon application, if the grandparent or grandparents are
63 related to such minor child through a party to such action
64 whose whereabouts are unknown or through a party who did
65 not answer or otherwise appear and defend the cause of
66 action in which such divorce or annulment is granted, and the
67 court may issue any necessary order to enforce such order
68 or decree.

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



Chairman Senate Committee



Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates

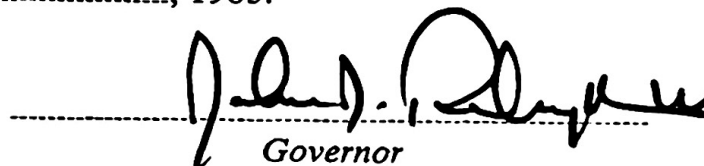


President of the Senate



Speaker House of Delegates

The within is disapproved this the 29
day of March, 1983.



Governor

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