

No: 1652

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

—●—

ENROLLED

Com. Sub. for
HOUSE BILL No. 1652

(By Mr. Del. Underwood)

—●—

Passed April 10, 1985

In Effect July 1, 1985 ~~Passage~~



ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 1652
(By DELEGATE UNDERWOOD)

[Passed April 10, 1985; in effect July 1, 1985.]

AN ACT to amend and reenact section seven, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the right to sue for a divorce; residency requirements.

Be it enacted by the Legislature of West Virginia:

That section seven, 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.

§48-2-7. Right to sue for divorce.

- 1 No action for divorce shall be maintainable:
- 2 (a) If the cause for divorce is adultery, whether the cause
- 3 of action arose in or out of this state, unless one of the parties,
- 4 at the commencement of the action, is a bona fide resident
- 5 of this state. In such case if the defendant is a nonresident
- 6 of this state and cannot be personally served with process
- 7 within this state, such action shall not be maintainable unless
- 8 the plaintiff has been an actual bona fide resident of this state
- 9 for at least one year next preceding the commencement of the
- 10 action; or

11 (b) If the cause for divorce is other than adultery, unless
12 one of the parties was, at the time the cause of action arose,
13 or has since that time become, an actual bona fide resident
14 of this state and has continued so to be for at least one year
15 next preceding the commencement of the action: *Provided,*
16 That if the marriage sought to be dissolved was entered into
17 within this state, the action shall be maintainable if one of the
18 parties is an actual bona fide resident of this state at the time
19 of commencement of the action, without regard to the length
20 of time residency has continued.

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

Harrell Edlman
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect July 1, 1985.

Todd C. Willis
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tomlin
President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within *approved* this the *2nd*
May
day of _____, 1985.
Rich A. Pomeroy, Jr.
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/85

Time 7:02 p.m.