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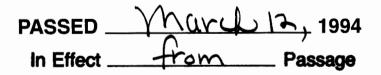
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WEST VIRGINIA LEGISLATURE

**REGULAR SESSION, 1994** 



Boley, et al (By Senator \_\_\_\_ )



## ENROLLED

COMMITTEE SUBSTITUTE

## FOR Senate Bill No. 228

(SENATORS BOLEY, SCHOONOVER, WHITLOW, WAGNER, TOMBLIN, BURDETTE, MR. PRESIDENT, DALTON, BAILEY, ANDERSON AND YODER, original sponsors)

[Passed March 12, 1994; in effect from passage.]

AN ACT to amend and reenact section fifteen-d, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child support and educational expenses; eliminating language providing for college educational expenses; preserving eligibility of handicapped and disabled children for child support beyond age eighteen; and providing for modification of orders entered pursuant to prior to enactment.

Be it enacted by the Legislature of West Virginia:

That section fifteen-d, 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:

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## ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE. §48-2-15d. Child support beyond age eighteen.

1 (a) Upon a specific finding of good cause shown and 2 upon findings of fact and conclusions of law in support 3 thereof, an order for child support may provide that 4 payments of such support continue beyond the date 5 when the child reaches the age of eighteen, so long as 6 the child is unmarried and residing with a parent and is 7 enrolled as a full-time student in a secondary educa-8 tional or vocational program and making substantial 9 progress towards a diploma: Provided, That such 10 payments may not extend past the date that the child 11 reaches the age of twenty.

(b) Nothing herein shall be construed to abrogate or
modify existing case law regarding the eligibility of
handicapped or disabled children to receive child
support beyond the age of eighteen.

16 (c) The reenactment of this section during the regular 17 session of the Legislature in the year one thousand nine hundred ninety-four shall not, by operation of law, have 18 19 any effect upon or vacate any order or portion thereof 20entered under the prior enactment of this section which 21awarded educational and related expenses for an adult 22child accepted or enrolled and making satisfactory 23progress in an educational program at a certified or 24 accredited college. Any such order or portion thereof 25 shall continue in full force and effect until the court. 26 upon motion of a party, modifies or vacates the order 27upon a finding that:

(1) The facts and circumstances which supported the
entry of the original order have changed, in which case
the order may be modified;

(2) The facts and circumstances which supported theentry of the original order no longer exist because the

child has not been accepted or is not enrolled in and
making satisfactory progress in an educational program
at a certified or accredited college, or the parent ordered
to pay such educational and related expenses is no
longer able to make such payments, in which case the
order shall be vacated;

39 (3) The child, at the time the order was entered, was
40 under the age of sixteen years, in which case the order
41 shall be vacated;

(4) The amount ordered to be paid was determined by
an application of child support guidelines in accordance
with the provisions of section eight, article two, chapter
forty-eight-a of this code or legislative rules promulgated thereunder, in which case the order may be
modified or vacated; or

48 (5) The order was entered after the fourteenth day of
49 March, one thousand nine hundred ninety-four, in
50 which case the order shall be vacated.

Enr. Com. Sub. for S. B. No. 228] 4

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly encolled. Chairman Senate Committee C. moore sno Chairman House Committee

Originated in the Senate.

In effect from passage. Clerk of the Senate Clerk of ouse of D tes

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Speaker House of Delegates

M.M.L. this the ... The within *LO. U.L.* day of . 1994Governor

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