FILED

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CFFICE WEST VIRGINIA SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006

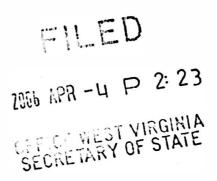
ENROLLED

FOR House Bill No. 4313

(By Delegates Brown, Amores, Howard and Longstreth)

Passed March 10, 2006

In Effect Ninety Days from Passage



ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 4313

(BY DELEGATES Brown, Amores, Howard and Longstreth)

[Passed March 10, 2006; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-510 of the Code of West Virginia, 1931, as amended, relating to petitions of appeal of domestic violence protective orders.

Be it enacted by the Legislature of West Virginia:

That §48-27-510 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

§48-27-510. Appeals.

- 1 (a) A petitioner who has been denied an emergency
- 2 protective order may file a petition for appeal of the denial,
- 3 within five days of the denial, to the family court.

- 4 (b) Any party who alleges that he or she will be adversely affected or aggrieved by a final protective order, or the denial or dismissal of a petition for a protective order, may file a petition for appeal with the circuit court within ten days of the entry of the order by the family court. The order shall remain in effect pending an appeal unless stayed by order of the family court sua sponte or upon motion of a party, or by order of the circuit court upon motion of a party. No bond shall be required for any appeal under this section.
- 13 (c) A petition for appeal filed pursuant to this section shall 14 be heard by the court within ten days from the filing of the 15 petition.
- 16 (d) The standard of review of findings of fact made by the 17 family court is clearly erroneous and the standard of review of 18 application of the law to the facts is an abuse of discretion 19 standard.

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

Chairman Senate Committee

Chairman House Committee

Chairman House Committee

Chairman House Committee

Chairman House Committee

8 28/

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within Appload this the 4th day of _______, 2006.

GOVERNOR

MAR 2 2 2006

Time

V