

HB 2926 S

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2007



ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2926**

(By Delegates Brown, Hatfield, Mahan, Guthrie,
Staggers, Fleischauer and Marshall)



Passed March 9, 2007

In Effect Ninety Days from Passage

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FOR

H. B. 2926

(BY DELEGATES BROWN, HATFIELD, MAHAN, GUTHRIE,
STAGGERS, FLEISCHAUER AND MARSHALL)

[Passed March 9, 2007; in effect ninety days from passage.]

AN ACT to amend and reenact §48-27-401 of the Code of West Virginia, 1931, as amended, relating to domestic violence protective orders; providing for the development of rules by the Supreme Court of Appeals regarding the provision of notice to the parties, law-enforcement and the domestic violence registry when a domestic violence protective order is extended by the reopening of or filing of certain civil actions between the parties; and, providing that a party's right to a domestic violence order is not affected by the entry of a procedural order in a separate domestic relations action between the parties.

Be it enacted by the Legislature of West Virginia:

That §48-27-401 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.

§48-27-401. Interaction between domestic proceedings.

1 (a) During the pendency of a divorce action, a person
2 may file for and be granted relief provided by this article
3 until an order other than a procedural order is entered in the
4 divorce action pursuant to Part 5-501, et seq.

5 (b) If a person who has been granted relief under this
6 article should subsequently become a party to an action for
7 divorce, separate maintenance or annulment, such person
8 shall remain entitled to the relief provided under this article
9 including the right to file for and obtain any further relief, so
10 long as no temporary order other than a procedural order has
11 been entered in the action for divorce, annulment and
12 separate maintenance, pursuant to Part 5-501, et seq.

13 (c) Except as provided in section 5-509 of this chapter
14 and section 27-402 of this article for a petition and a
15 temporary emergency protective order, no person who is a
16 party to a pending action for divorce, separate maintenance
17 or annulment in which an order other than a procedural order
18 has been entered pursuant to Part 5-501, et seq. of this
19 chapter, shall be entitled to file for or obtain relief against
20 another party to that action under this article until after the
21 entry of a final order which grants or dismisses the action for
22 divorce, annulment or separate maintenance.

23 (d) Notwithstanding the provisions set forth in section
24 27-505, when an action seeking a divorce, an annulment or
25 separate maintenance, the allocation of custodial
26 responsibility or a habeas corpus action to establish custody,
27 the establishment of paternity, the establishment or
28 enforcement of child support, or other relief under the
29 provisions of this chapter is filed or is reopened by petition,
30 motion or otherwise, then any order issued pursuant to this
31 article which is in effect on the day the action is filed or

32 reopened shall remain in full force and effect by operation of
33 this statute until: (1) A temporary order other than a
34 procedural order or a final order is entered pursuant to the
35 provisions of Part 5-501, et seq. or Part 6-601 et seq., of this
36 chapter; or (2) an order is entered modifying such order
37 issued pursuant to this article; or (3) the entry of a final order
38 granting or dismissing the action. The Supreme Court of
39 Appeals shall provide by rule for notice of the extension of
40 the Domestic Violence Order to be provided to the parties,
41 law enforcement and the domestic violence registry by the
42 clerk of the court, or clerks of the courts, in which the action
43 or actions are filed.

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



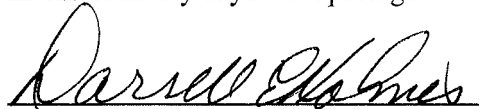
Chairman Senate Committee



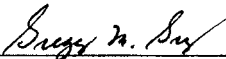
Chairman House Committee

Originating in the House.

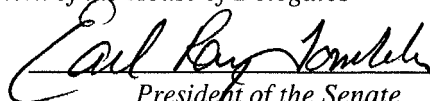
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Clerk of the Senate



Clerk of the House of Delegates

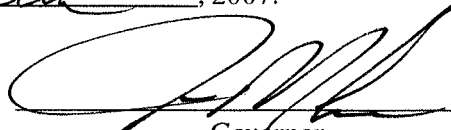


President of the Senate



Speaker of the House of Delegates

The within is approved this the 23rd
day of March, 2007.



Governor

PRESENTED TO THE
GOVERNOR

MAR 18 2007

Time 4:00 pm