

HB 4619

FILED

2008 MAR 31 PM 4:56

OFFICE OF THE  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2008



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 4619

(By Delegates Schoen and Webster)



Passed March 8, 2008

In Effect from Passage

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4619**

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(BY DELEGATES SCHOEN AND WEBSTER)

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[Passed March 8, 2008; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended by adding thereto a new article, designated §48-5A-101 and §48-5A-102, all relating to requesting the Supreme Court of Appeals to study collaborative law procedures and to present its finding to the Legislature; and providing legislative findings.

*Be it enacted by the Legislature of West Virginia:*

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §48-5A-101 and §48-5A-102, all to read as follows:

**ARTICLE 5A. COLLABORATIVE FAMILY LAW PROCEEDINGS.**

**§48-5A-101. Legislative findings.**

1 The Legislature finds that parties to family law actions  
2 often have particular needs and interests that may not be

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3 addressed through traditional litigation. The Legislature also  
4 finds that in the area of family law there may be an  
5 alternative approach to dispute resolution which targets  
6 settlement from the outset and which employs cooperative  
7 negotiation and problem solving that encourages compromise  
8 and direct communication among the parties.

**§48-5A-102. Collaborative law generally; requesting the  
Supreme Court to study collaborative law  
procedures for possible implementation in  
this state.**

1 (a) Collaborative law is a procedure in which parties who  
2 are involved in family law matters and the involved attorneys  
3 agree in writing to use their best efforts and make a  
4 good-faith attempt to resolve their disputes arising from  
5 family law matters on an agreed basis without resorting to  
6 judicial intervention, except to have a court approve the  
7 settlement agreement, make the legal pronouncements and  
8 sign the orders required by law to effectuate the agreement of  
9 the parties as the court determines appropriate.

10 (b) Several states have passed laws adopting  
11 collaborative law procedures. The Legislature requests that  
12 the Supreme Court of Appeals study the use of collaborative  
13 law procedures in the family courts of this state and, should  
14 the Court find that the procedures would be an effective  
15 alternative approach to dispute resolution in family law  
16 matters, promulgate rules for the implementation of the  
17 collaborative law procedures. The Legislature further  
18 requests that the Supreme Court of Appeals present its  
19 findings and any rules promulgated to the Legislature at the  
20 regular session of the Legislature, 2009.

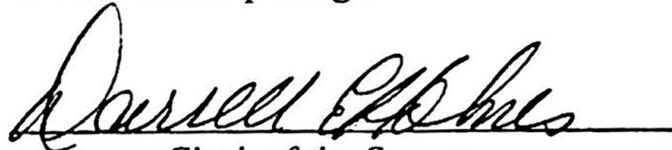
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

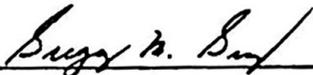
  
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Chairman Senate Committee

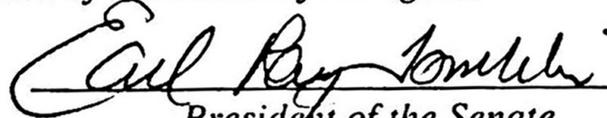
  
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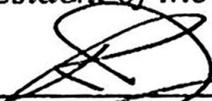
Originating in the House.

In effect from passage.

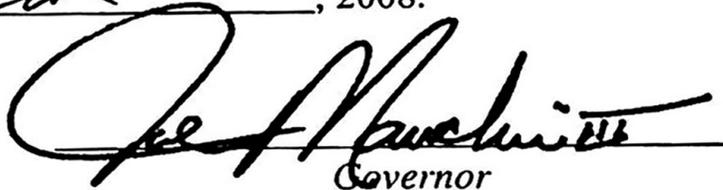
  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker of the House of Delegates

The within is approved this the 31<sup>st</sup>  
day of March, 2008.

  
\_\_\_\_\_  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 25 2008

Time 10:35 Am