

**H. B. 2521**

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(By Delegate Frazier)  
[Introduced January 17, 2011; referred to the  
Committee on the Judiciary.]

10 A BILL to amend and reenact §48-27-311 of the Code of West  
11 Virginia, 1931, as amended, relating to prevention and  
12 treatment of domestic violence; and eliminating the  
13 requirement of serving domestic violence orders by certified  
14 mail to expedite service and eliminating delays in conducting  
15 final hearings.

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

17 That §48-27-311 of the Code of West Virginia, 1931, as  
18 amended, be amended and reenacted to read as follows:

19 **ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.**

20 **§48-27-311. Service of process.**

21 A protective order may be served on the respondent by means of  
22 a Class I legal advertisement published notice, with the  
23 publication area being the county in which the respondent resides,  
24 published in accordance with the provisions of section two, article  
25 three, chapter fifty-nine of this code ~~if: (1) The petitioner~~

1 ~~files an affidavit with the court stating that an attempt at~~  
2 ~~personal service pursuant to Rule 4 of the West Virginia Rules of~~  
3 ~~Civil Procedure has been unsuccessful or evidence is adduced at the~~  
4 ~~hearing for the protective order that the respondent has left the~~  
5 ~~State of West Virginia; and (2) a copy of the order is mailed by~~  
6 ~~certified or registered mail to the respondent at the respondent's~~  
7 ~~last known residence and returned undelivered if personal service~~  
8 ~~by law enforcement has been unsuccessful.~~

9 Any protective order issued by the court of this state which  
10 is served in compliance with the provisions of Rule 4(f) of the  
11 West Virginia Rules of Civil Procedure served outside the  
12 boundaries of this state shall carry the same force and effect as  
13 if it had been personally served within this state's boundaries.

NOTE: The purpose of this bill is to remove language requiring service by certified mail. This will provide for immediate publication if personal service by law enforcement has been unsuccessful and will expedite service and eliminate delays in conducting final hearings.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.