

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

**Enrolled**

### **Senate Bill 78**

BY SENATOR TRUMP

[Passed April 5, 2021; in effect 90 days from passage (July 4, 2021)]



1 AN ACT to amend and reenact §48-8-105 of the Code of West Virginia, 1931, as amended,  
2 relating to correcting erroneous cross-references within this section regarding factors  
3 considered in awarding spousal support and separate maintenance.

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

**ARTICLE 8. SPOUSAL SUPPORT.**

**§48-8-105. Rehabilitative spousal support.**

1 (a) The court may award rehabilitative spousal support for a limited period of time to allow  
2 the recipient spouse, through reasonable efforts, to become gainfully employed. When awarding  
3 rehabilitative spousal support, the court shall make specific findings of fact to explain the basis  
4 for the award, giving due consideration to the factors set forth in §48-6-301 of this code. An award  
5 of rehabilitative spousal support is appropriate when the dependent spouse evidences a potential  
6 for self-support that could be developed through rehabilitation, training, or academic study.

7 (b) The court may modify an award of rehabilitative spousal support if a substantial change  
8 in the circumstances under which rehabilitative spousal support was granted warrants  
9 terminating, extending, or modifying the award or replacing it with an award of permanent spousal  
10 support. In determining whether a substantial change of circumstances exists which would  
11 warrant a modification of a rehabilitative spousal support award, the court may consider a  
12 reassessment of the dependent spouse's potential work skills and the availability of a relevant job  
13 market, the dependent spouse's age, health and skills, the dependent spouse's ability or inability  
14 to meet the terms of the rehabilitative plan and other relevant factors as provided for in §48-6-301  
15 of this code.



The 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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*Chairman, House Committee*

Originated in the Senate.

In effect 90 days 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*

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The within ..... this the.....  
Day of ....., 2021.

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*Governor*