

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 78

BY SENATOR TRUMP

[Introduced February 10, 2021; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §48-8-105 of the Code of West Virginia, 1931, as amended, relating
2 to correcting erroneous cross-references within this section regarding factors considered
3 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 ~~section 8-103 of this article~~ §48-
5 6-301 of this code. An award of rehabilitative spousal support is appropriate when the dependent
6 spouse evidences a potential for self-support that could be developed through rehabilitation,
7 training, or academic study.

8 (b) The court may modify an award of rehabilitative spousal support if a substantial change
9 in the circumstances under which rehabilitative spousal support was granted warrants
10 terminating, extending, or modifying the award or replacing it with an award of permanent spousal
11 support. In determining whether a substantial change of circumstances exists which would
12 warrant a modification of a rehabilitative spousal support award, the court may consider a
13 reassessment of the dependent spouse's potential work skills and the availability of a relevant job
14 market, the dependent spouse's age, health and skills, the dependent spouse's ability or inability
15 to meet the terms of the rehabilitative plan and other relevant factors as provided for in ~~section 8-~~
16 ~~103 of this article~~ §48-6-301 of this code.

NOTE: The purpose of this bill is to correct erroneous cross-references within this section relating to Factors Considered in Awarding Spousal Support and Separate Maintenance.

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