WEST virginia legislature

2022 regular session

Introduced

House Bill 4041

By Delegates Summers, Zukoff, Mandt and Kimble

[Introduced January 12, 2022; Referred to the Committee on Senior, Children, and Family Issues then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-10-1301, relating to providing for an expedited hearing for grandparent visitation when one of the parents has died.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. GRANDPARENT VISITATION.

PART 13. DEATH OF PARENT.

§48-10-1301. Death of parent; expedited hearing.

(a) Upon the death of a parent, the grandparent or grandparents who were the parents of that parent, may, by motion or petition, make application to the circuit court or family court of the county in which that child resides for an order granting visitation with his or her grandchild.

(b) The family court, shall, in such instances, expedite the hearing process on such petition and shall hold a hearing within 45 days.

(c) All other provisions of this article remain applicable.

NOTE: The purpose of this bill is to expedite hearings for grandparent visitation upon the death of a parent.

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