

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4536

By Delegate Steele

[Introduced January 10, 2024; Referred to
the Committee on the Judiciary]

1 A BILL to amend and reenact §48-8-101 of the Code of West Virginia, 1931, as amended; and to
 2 repeal §48-8-102, §48-8-103, §48-8-104, §48-8-105, and §48-8-106 of said code, all
 3 relating to abolishing spousal support.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. SPOUSAL SUPPORT.

§48-8-101. General provisions regarding spousal support.

1 ~~(a) An obligation that compels a person to pay spousal support may arise from the terms of~~
 2 ~~a court order, an antenuptial agreement or a separation agreement. In an order or agreement, as~~
 3 ~~an allowance for spousal support whether expressly designated as such or not, unless the~~
 4 ~~provisions of this chapter specifically require the particular type of allowance to be treated as child~~
 5 ~~support or a division of marital property. Spousal support may be paid as a lump sum or as periodic~~
 6 ~~installments without affecting its character as spousal support.~~

7 ~~(b) Spousal support is divided into four classes which are: (1) Permanent spousal support;~~
 8 ~~(2) temporary spousal support, otherwise known as spousal support pendente lite; (3)~~
 9 ~~rehabilitative spousal support; and (4) spousal support in gross.~~

10 ~~(c) An award of spousal support cannot be ordered unless the parties are actually living~~
 11 ~~separate and apart from each other~~

12 Spousal support is hereby abolished in the State of West Virginia. Any prior order,
 13 antenuptial agreement, prenuptial agreement or separation agreement that contains provisions
 14 awarding spousal support is hereby void and of no effect and may not be enforced in any court of
 15 the state.

§48-8-102. Jurisdiction to award spousal support.

1 [Repealed]

§48-8-103. Payment of spousal support.

1 [Repealed]

§48-8-104. Effect of fault or misconduct on award of spousal support.

1 [Repealed]

§48-8-105. Rehabilitative spousal support.

1 [Repealed]

§48-8-106. Payments out of disposable retired or retainer pay.

1 [Repealed]

NOTE: The purpose of this bill is to abolish spousal support.

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