

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5198**

By Delegates C. Pritt, Jeffries, Akers, Steele, and

Kirby

[Introduced January 25, 2024; Referred to the  
Committee on Senior, Children, and Family Issues  
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §48-9-201a, relating to parenting plans; and permitting parents to file a  
 3 consenting parenting plan, without divorce or separation actions having been instituted.

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

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-  
 MAKING RESPONSIBILITY OF CHILDREN.**

**PART 2. PARENTING PLANS.**

**§48-9-201a. Consenting Parenting agreements without divorce or separation actions.**

1 Notwithstanding any other provision of this article of code to the contrary, parents of a child  
 2 or children may file a consenting contingent parenting plan agreement, to become effective upon  
 3 the ending of their relationship. The agreement shall be filed with a petition for allocation of  
 4 custodial responsibility and become effective upon entry of an order. The parenting plan shall  
 5 become effective without further intervention of the court and continue to be in effect until such  
 6 time as the parents return to court for a proceeding under this article. The ending of a relationship  
 7 for purposes of this section shall be made with written notice, whether by letter, text, or electronic  
 8 mail. The agreement shall be incorporated by reference into an order of the family court with or  
 9 without a hearing. The basis for any hearing shall be when a parenting plan lacks clarity that could  
 10 result in uncertainty as to which parent has custodial responsibility at any given time.

NOTE: The purpose of this bill is to permit court filing of a parent plan agreement without being a part of a divorce or separation.

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