

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5670**

By Delegate C. Pritt

[Introduced February 13, 2024; Referred to the  
Committee on Health and Human Resources then the  
Judiciary]

1 A BILL to amend and reenact §48-9-206 of the Code of West Virginia, 1931, as amended, by  
 2 relating to, except of emergency medical treatment, requiring a parent who has been  
 3 allocated custodial responsibility to provide the other parent notice prior to medical  
 4 expenses being incurred that may be greater than \$200.

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

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

**§48-9-206. Allocation of custodial responsibility at final hearing.**

1 (a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code or  
 2 unless harmful to the child, the court shall allocate custodial responsibility so that, except to the  
 3 extent required under §48-9-209 of this code, the custodial time the child spends with each parent  
 4 shall be equal (50-50).

5 (b) The court shall apply the principles set forth in §48-9-403 of this code if one parent  
 6 relocates or proposes to relocate at a distance that will impair the ability of a parent to exercise the  
 7 amount of custodial responsibility that would otherwise be ordered under this section.

8 (c) The court may consider the allocation of custodial responsibility arising from temporary  
 9 agreements made by the parties after separation if the court finds, by a preponderance of the  
 10 evidence, that such agreements were consensual. The court shall afford those temporary  
 11 consensual agreements the weight the court believes the agreements are entitled to receive,  
 12 based upon the evidence. The court may not consider the temporary allocation of custodial  
 13 responsibility imposed by a court order on the parties unless both parties agreed to the allocation  
 14 provided for in the temporary order.

15 (d) In the absence of an agreement of the parents, the court's determination of allocation of  
 16 custodial responsibility under this section shall be made pursuant to a final hearing, which shall be  
 17 conducted by the presentation of evidence. The court's order determining allocation of custodial

18 responsibility shall be in writing, and include specific findings of fact and conclusions of law  
19 supporting the determination.

20 (e) Except in emergencies for medical treatment, a parent who has been allocated  
21 custodial responsibility shall provide the other parent notice prior to medical expenses being  
22 incurred that may be greater than \$200.

NOTE: The purpose of this bill is to, except for emergency medical treatment, require a parent a parent who has been allocated custodial responsibility to provide the other parent notice prior to medical expenses being incurred that may be greater than \$200.

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