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SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4575

(By Delegates Fantasia Prezioso  
and Stewart)



Passed March 11, 1994

In Effect 90 Days From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 4575**

(By DELEGATES FANTASIA, PREZIOSO AND STEWART)

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[Passed March 11, 1994; in effect ninety days from passage.]

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AN ACT to amend and reenact section twenty-seven, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to domestic relations; divorce, annulment and separate maintenance; and confidentiality of domestic relations court files.

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

That section twenty-seven, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. DIVORCE, ANNULMENT AND SEPARATE MAINTENANCE.**

**§48-2-27. Confidentiality of domestic relations court files.**

1 All orders in domestic relations cases entered in the  
2 civil order books by circuit clerks are public records.  
3 For purposes of this section, domestic relations cases  
4 shall include actions for divorce, annulment, separate  
5 maintenance, paternity, child support, custody, visita-  
6 tion, actions brought under the provisions of the uniform  
7 reciprocal enforcement of support act and petitions for  
8 writs of habeas corpus wherein the issue is child  
9 custody.

10       Upon the filing of a domestic relations case, all  
11 pleadings, exhibits or other documents contained in the  
12 court file are confidential and not open for public  
13 inspection either during the pendency of the case or  
14 after the case is closed.

15       When sensitive information has been disclosed during  
16 a hearing or in pleadings, evidence, or documents filed  
17 in the record, a circuit judge or family law master may,  
18 sua sponte or upon motion of a party, order such  
19 information sealed in the court file. Sealed documents  
20 or court files shall only be opened by order of a circuit  
21 judge or family law master: *Provided*, That, in any case  
22 pending before a family law master, the master may  
23 open and inspect the entire contents of the court file.

24       The parties, their designees, their attorneys, a duly  
25 appointed guardian ad litem or any person who has  
26 standing to modify or enforce a support order, shall have  
27 the right to examine and copy any document in a  
28 confidential court file which has not been sealed by  
29 order of a circuit judge or family law master. Upon  
30 motion and for good cause shown, the circuit court or  
31 family law master may permit a person not a party to  
32 the action the right to examine and copy such documents  
33 as are necessary to further the interests of justice.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten signature]*

Chairman Senate Committee

*Ernest C. Moore*

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Carroll E. Nelson*

Clerk of the Senate

*Donald L. Hepp*

Clerk of the House of Delegates

*Neil Burdette*

President of the Senate

*Carl Albert*

Speaker of the House of Delegates

The within approved this the 30<sup>th</sup> day of March, 1994.

*Gaston Capner*

Governor

PRESENTED TO THE

GOVERNOR

Date 3/28/94

Time 4:20 pm