

SB # 228

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

Committee Substitute for
SENATE BILL NO. 228

(By Senator Boley, et al)



PASSED March 12, 1994
In Effect from Passage

E N R O L L E D
COMMITTEE SUBSTITUTE
FOR
Senate Bill No. 228

(SENATORS BOLEY, SCHOONOVER, WHITLOW, WAGNER,
TOMBLIN, BURDETTE, MR. PRESIDENT, DALTON, BAILEY,
ANDERSON AND YODER, *original sponsors*)

[Passed March 12, 1994; in effect from passage.]

AN ACT to amend and reenact section fifteen-d, article two, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to child support and educational expenses; eliminating language providing for college educational expenses; preserving eligibility of handicapped and disabled children for child support beyond age eighteen; and providing for modification of orders entered pursuant to prior to enactment.

Be it enacted by the Legislature of West Virginia:

That section fifteen-d, 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.

§48-2-15d. Child support beyond age eighteen.

1 (a) Upon a specific finding of good cause shown and
2 upon findings of fact and conclusions of law in support
3 thereof, an order for child support may provide that
4 payments of such support continue beyond the date
5 when the child reaches the age of eighteen, so long as
6 the child is unmarried and residing with a parent and is
7 enrolled as a full-time student in a secondary educa-
8 tional or vocational program and making substantial
9 progress towards a diploma: Provided, That such
10 payments may not extend past the date that the child
11 reaches the age of twenty.

12 (b) Nothing herein shall be construed to abrogate or
13 modify existing case law regarding the eligibility of
14 handicapped or disabled children to receive child
15 support beyond the age of eighteen.

16 (c) The reenactment of this section during the regular
17 session of the Legislature in the year one thousand nine
18 hundred ninety-four shall not, by operation of law, have
19 any effect upon or vacate any order or portion thereof
20 entered under the prior enactment of this section which
21 awarded educational and related expenses for an adult
22 child accepted or enrolled and making satisfactory
23 progress in an educational program at a certified or
24 accredited college. Any such order or portion thereof
25 shall continue in full force and effect until the court,
26 upon motion of a party, modifies or vacates the order
27 upon a finding that:

28 (1) The facts and circumstances which supported the
29 entry of the original order have changed, in which case
30 the order may be modified;

31 (2) The facts and circumstances which supported the
32 entry of the original order no longer exist because the

33 child has not been accepted or is not enrolled in and
34 making satisfactory progress in an educational program
35 at a certified or accredited college, or the parent ordered
36 to pay such educational and related expenses is no
37 longer able to make such payments, in which case the
38 order shall be vacated;

39 (3) The child, at the time the order was entered, was
40 under the age of sixteen years, in which case the order
41 shall be vacated;

42 (4) The amount ordered to be paid was determined by
43 an application of child support guidelines in accordance
44 with the provisions of section eight, article two, chapter
45 forty-eight-a of this code or legislative rules promul-
46 gated thereunder, in which case the order may be
47 modified or vacated; or

48 (5) The order was entered after the fourteenth day of
49 March, one thousand nine hundred ninety-four, in
50 which case the order shall be vacated.

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

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature: Ernest C. Moore]
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten signature]
.....
Clerk of the Senate

[Handwritten signature]
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within is approved this the *30th* day of *March*, 1994.

[Handwritten signature: Gaston Caperton]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/29/24

Time 11:37am