WEST virginia legislature

2021 regular session

Introduced

Senate Bill 57

By Senator Sypolt

[Introduced February 10, 2021; referred  
to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-27-313, relating to staying civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order.

Be it enacted by the Legislature of West Virginia:

ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIOLENCE.

PART 3. PROCEDURE.

§48-27-313. Stay of civil proceedings.

Notwithstanding any provision of law or any procedural rule to the contrary, any civil action for damages resulting from domestic violence, actions initiated by the Respondent, the Respondent’s family members, cohorts, and anyone else acting on Respondent’s behalf, or any action that collaterally attacks, intentionally, negligently, or functionally, the orders of the family court, or to harass the victim shall be stayed for 60 days from the date of entry of a final domestic violence protective order.

NOTE: The purpose of this bill is to stay civil actions resulting from domestic violence for 60 days from the date of entry of a final domestic violence protective order. The bill forces a cooling off period on the Respondent as to not overwhelm the victim immediately after suffering a domestic violence event.

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