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]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §48-9-201a, relating to parenting plans; and permitting parents to file a 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.

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