

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 959

**FISCAL
NOTE**

By Senator Oliverio

[Introduced February 16, 2026; referred
to the Committee on the Judiciary; and then to the
Committee on Finance]

1 A BILL to amend and reenact §48-9-104 and §48-9-501 of the Code of West Virginia, 1931, as
 2 amended, relating to closure of the Parent Education Fund and redirection of remaining
 3 balance and certain fees and civil penalties; specifying Family Court Fund to receive
 4 certain portion of fee for attending parent education classes; closing Parent Education
 5 Fund as of certain date; transferring remaining balance to Family Court Fund; and
 6 specifying Family Court Fund to receive certain portion of civil penalties for certain
 7 violations of court-ordered parenting plan.

Be it enacted by the Legislature of West Virginia:

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

**PART 1. SCOPE; OBJECTIVES; PARTIES
 AND PARENT EDUCATION CLASSES.**

§48-9-104. Parent education classes.

1 (a) The family court shall, by order, and with the approval of the Supreme Court of Appeals,
 2 designate an organization or agency to establish and operate education programs designed for
 3 parents who have filed an action for divorce, paternity, support, separate maintenance or other
 4 custody proceeding and who have minor children. The education programs shall be designed to
 5 instruct and educate parents about the effects of divorce and custody disputes on their children
 6 and to teach parents ways to help their children and minimize their trauma.

7 (b) The family court shall issue an order requiring parties to an action for divorce involving a
 8 minor child or children to attend parent education classes established pursuant to subsection (a) of
 9 this section unless the court determines that attendance is not appropriate or necessary based on
 10 the conduct or circumstances of the parties. The court may, by order, establish sanctions for failure
 11 to attend. The court may also order parties to an action involving paternity, separate maintenance
 12 or modification of a divorce decree to attend such classes.

13 (c) The family court may require that each person attending a parent education class pay a
 14 fee, not to exceed \$25, to the clerk of the circuit court to defray the cost of materials and of hiring
 15 teachers: *Provided*, That where it is determined that a party is indigent and unable to pay for such
 16 classes, the court shall waive the payment of the fee for such party. The clerk of the circuit court
 17 shall, on or before the tenth day of each month, transmit all fees collected under this subsection to
 18 the state Treasurer for deposit in the state Treasury to the credit of ~~special revenue fund to be~~
 19 ~~known as the "parent education fund" which is hereby created. All moneys collected and received~~
 20 ~~under this subsection and paid into the state Treasury and credited to the parent education fund~~
 21 ~~shall be used by the administrative office of the Supreme Court of Appeals solely for reimbursing~~
 22 ~~the provider of parent education classes for the costs of materials and of providing such classes.~~
 23 ~~Such moneys shall not be treated by the Auditor and treasurer as part of the general revenue of~~
 24 ~~the state~~ the Family Court Fund established in §51-2A-22 of this code.

25 (d) ~~The administrative office of the Supreme Court of Appeals shall submit a report to the~~
 26 ~~Joint Committee on Government and Finance summarizing the effectiveness of any program of~~
 27 ~~parent education no later than two years from the initiation of the program. On July 1, 2026, the~~
 28 ~~Parent Education Fund created by prior enactment of this section shall be closed, and any~~
 29 ~~unexpended balances remaining in the fund shall be transferred to the Family Court Fund~~
 30 ~~established in §51-2A-22 of this code.~~

PART 5. ENFORCEMENT OF PARENTING PLANS.

§48-9-501. Enforcement of parenting plans.

1 (a) If, upon a parental complaint, the court finds a parent intentionally and without good
 2 cause violated a provision of the court-ordered parenting plan, it shall enforce the remedy
 3 specified in the plan or, if no remedies are specified or they are clearly inadequate, it shall find the
 4 plan has been violated and order an appropriate remedy, which may include:

5 (1) In the case of interference with the exercise of custodial responsibility for a child by the
 6 other parent, substitute time for that parent to make up for time missed with the child;

7 (2) In the case of missed time by a parent, costs in recognition of lost opportunities by the
8 other parent, in child care costs and other reasonable expenses in connection with the missed
9 time;

10 (3) A modification of the plan, if the requirements for a modification are met under section
11 9-209, section 9-401, 402 or 403 of this article, including an adjustment of the custodial
12 responsibility of the parents or an allocation of exclusive custodial responsibility to one of them;

13 (4) An order that the parent who violated the plan obtain appropriate counseling;

14 (5) A civil penalty, in an amount of not more than \$100 for a first offense, not more than
15 \$500 for a second offense, or not more than \$1,000 for a third or subsequent offense, to be paid to
16 the ~~parent education fund as established under section 9-104~~ Family Court Fund established in
17 §51-2A-22 of this code;

18 (6) Court costs, reasonable attorney's fees and any other reasonable expenses in
19 enforcing the plan; and

20 (7) Any other appropriate remedy.

21 (b) Except as provided in a jointly submitted plan that has been ordered by the court,
22 obligations established in a parenting plan are independent obligations, and it is not a defense to
23 an action under this section by one parent that the other parent failed to meet obligations under a
24 parenting plan or child support order.

25 (c) An agreement between the parents to depart from the parenting plan can be a defense
26 to a claim that the plan has been violated, even though the agreement was not made part of a court
27 order, but only as to acts or omissions consistent with the agreement that occur before the
28 agreement is disaffirmed by either parent.

NOTE: The purpose of this bill is to close the Parent Education Fund and redirect the remaining balance, certain fees, and civil penalties to the Family Court Fund.

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