

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 595

By Senator Chapman

[Introduced January 23, 2026; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §48-9-207 of the Code of West Virginia, 1931, as amended, relating
2 to decision-making responsibility of custodial parents; and providing that non-emergency
3 and non-life-threatening medical procedures on behalf of the child may only be permitted
4 after both parents agree.

Be it enacted by the Legislature of West Virginia:

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

**§48-9-207. Allocation of significant decision-making responsibility at temporary or final
hearing.**

1 (a) Unless otherwise resolved by agreement of the parents under §48-9-201 of this code,
2 the court shall allocate responsibility for making significant life decisions on behalf of the child,
3 including the child's education and health care, to one parent or to both parents jointly, in
4 accordance with the child's best interest, in light of the ability or inability of the parents, based upon
5 the evidence before the court, to work collaboratively and in cooperation with each other in
6 decisionmaking on behalf of the child, and the existence of any criteria as set forth in §48-9-209 of
7 this code.

8 (1) The level of each parent's participation in past decision making on behalf of the child;
9 (2) The wishes of the parents; and
10 (3) The level of ability and cooperation the parents have demonstrated in decisionmaking
11 on behalf of the child.

12 (b) If each of the child's parents has been exercising a reasonable share of the parenting
13 functions for the child, there shall be a rebuttable presumption that an allocation of decision-
14 making responsibility to both parents jointly is in the child's best interests. The presumption may
15 be rebutted by a showing that joint allocation of decision-making responsibility is not in the child's
16 best interest upon proof by a preponderance of the evidence of relevant factors under §48-9-209

17 of this code. The court's determination shall be in writing and include specific findings of fact
18 supporting any determination that joint allocation of decision-making responsibility is not in the
19 child's best interest.

20 (c) Unless otherwise agreed to by the parents or ordered by the court, each parent who is
21 exercising custodial responsibility shall be given sole responsibility for day-to-day decisions for the
22 child, while the child is in that parent's care and control, including emergency decisions affecting
23 the health and safety of the child.

24 (d) The court shall allocate that non-emergency and non-life-threatening medical
25 procedures on behalf of the child may only be permitted after both parents agree.

NOTE: The purpose of this bill is to require non-emergency and non-life-threatening medical procedures on behalf of the child only be permitted after both parents agree.

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