

SB51 CC #1 3-9

90 Days

Bev 7908

Delegate Foster, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. For Senate Bill No. 51**, Relating to domestic relations.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the House to Engrossed Committee Substitute For Senate Bill No. 51, having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the Senate agree to the following House of Delegates amendment:

On page six, section two hundred six, line eight, after the words "have a" by inserting the word "meaningful".

That both houses recede from their respective positions as to the amendment of the House of Delegates on page seven, section two hundred six, after line forty, and that the Senate and House agreement to an amendment as follows:

(b) The Court may consider the allocation of custodial responsibility arising from temporary agreements made by the parties after separation if the Court finds, by a preponderance of the evidence, that such agreements were consensual. The Court shall afford those temporary consensual agreements the weight the Court believes the agreements are entitled to receive, based upon the evidence. The Court may not consider the temporary allocation of custodial responsibility imposed by a court order on the parties.

And,

By relettering the remaining subsections.

And,

That both houses recede from their respective positions as to the title of the bill and agree to a new title, to read as follows:

**Com. Sub. for S. B. 51** – A Bill to amend and reenact §48-6-301 of the Code of West Virginia, 1931, as amended; and to amend and reenact §48-9-205 and §48-9-206 of said code, all relating to domestic relations; removing language related to child support from code section governing the awarding of spousal support and separate maintenance; directing court to consider certain factors to decide amount and duration of spousal support and separate maintenance; removing the 24-month time frame for a description of the allocation of caretaking and other parenting responsibilities performed from the matters contained in permanent parenting plan; clarifying that the court may accommodate the preferences of a child 14 years of age and older if the court determines it is in the best interests of the child; directing court to allocate custodial responsibility so that custodial time spent with each parent achieves certain objectives; directing courts to consider which parent will encourage and accept a positive relationship between child and other parent and which parent is more likely to keep other parent involved in child's life and activities; and allowing court to consider allocation of custodial responsibility arising from temporary agreements in certain circumstances.

Respectfully submitted,

---

Geoff Foster

*Chair.*

---

Charles S. Trump IV

*Chair.*

---

Jason Harshbarger

---

Randy Smith

---

Phil Isner

*Conferees on the part of the House  
of Delegates.*

---

Mike Woelfel

*Conferees on the part of the Senate.*