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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2003



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 2500

(By Delegates Fleischauer, Amores, Webster, Brown, Foster, Warner and Faircloth)



Passed March 6, 2003

In Effect Ninety Days from Passage

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FOR

H. B. 2500

(BY DELEGATES FLEISCHAUER, AMORES, WEBSTER,
BROWN, FOSTER, WARNER AND FAIRCLOTH)

[Passed March 6, 2003; in effect ninety days from passage.]

AN ACT to amend and reenact section six hundred eight, article five, and section four hundred one, article twenty-seven, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to domestic relations generally and clarifying the authority of the courts to continue protective orders during certain proceedings.

Be it enacted by the Legislature of West Virginia:

That section six hundred eight, article five and section four hundred one, article twenty-seven, chapter forty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 5. DIVORCE.

§48-5-608. Injunctive relief or protective orders.

1 (a) When allegations of abuse have been proved, the court
2 shall enjoin the offending party from molesting or interfering
3 with the other, or otherwise imposing any restraint on the
4 personal liberty of the other or interfering with the custodial or
5 visitation rights of the other. The order may permanently enjoin
6 the offending party from entering the school, business or place
7 of employment of the other for the purpose of molesting or
8 harassing the other; or from contacting the other, in person or
9 by telephone, for the purpose of harassment or threats; or from
10 harassing or verbally abusing the other in a public place.

11 (b) Any order entered by the court to protect a party from
12 abuse may grant relief pursuant to the provisions of article
13 twenty-seven of this chapter.

**ARTICLE 27. PREVENTION AND TREATMENT OF DOMESTIC VIO-
LENCE.**

**PART IV. COORDINATION WITH PENDING
COURT ACTIONS.**

§48-27-401. Interaction between domestic proceedings.

1 (a) During the pendency of a divorce action, a person may
2 file for and be granted relief provided by this article, until an
3 order is entered in the divorce action pursuant to part 5-501, *et*
4 *seq.*

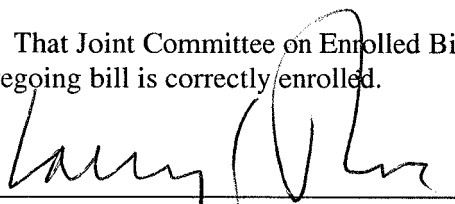
5 (b) If a person who has been granted relief under this article
6 should subsequently become a party to an action for divorce,
7 separate maintenance or annulment, such person shall remain
8 entitled to the relief provided under this article including the
9 right to file for and obtain any further relief, so long as no
10 temporary order has been entered in the action for divorce,

11 annulment and separate maintenance, pursuant to part 5-501, *et*
12 *seq.*

13 (c) Except as provided in section 5-509 of this chapter and
14 section 27-402 of this article for a petition and a temporary
15 emergency protective order, no person who is a party to a
16 pending action for divorce, separate maintenance or annulment
17 in which an order has been entered pursuant to part 5-501, *et*
18 *seq.* of this chapter, shall be entitled to file for or obtain relief
19 against another party to that action under this article until after
20 the entry of a final order which grants or dismisses the action
21 for divorce, annulment or separate maintenance.

22 (d) Notwithstanding the provisions set forth in section
23 27-505, any order, issued pursuant to this article where a
24 subsequent action is filed seeking a divorce, an annulment or
25 separate maintenance, the allocation of custodial responsibility
26 or a habeas corpus action to establish custody, the establishment
27 of paternity, the establishment or enforcement of child support,
28 or other relief under the provisions of this chapter, shall remain
29 in full force and effect by operation of this statute until a
30 temporary or final order is entered pursuant to part 5-501, *et*
31 *seq.* of this chapter, or a final order is entered granting or
32 dismissing the action.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



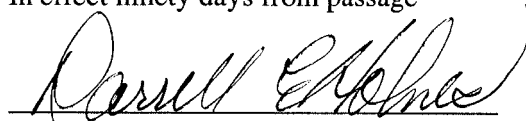
Chairman Senate Committee



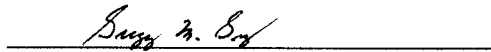
Chairman House Committee

Originating in the House.

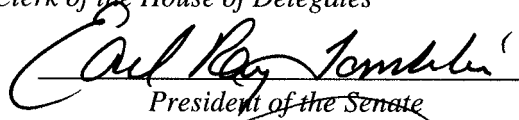
In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates

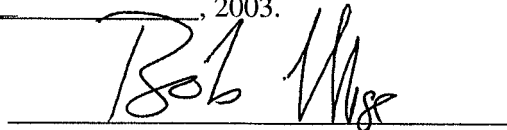


President of the Senate



Speaker of the House of Delegates

The within is approved this the 8th
day of March, 2003.



Governor

PRESENTED TO THE
GOVERNOR

Date 3/12/03

Time 11:00 am