

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 286

BY SENATORS CLINE, BOSO AND RUCKER

[Originating in the Committee on the Judiciary;

reported on March 27, 2017.]

1 A BILL to amend and reenact §48-10-802 of the Code of West Virginia, 1931, as amended; and
2 to amend said code by adding thereto a new section, designated §48-10-803, all relating
3 to specifying forms of grandparent visitation; allowing daytime and overnight visits, as well
4 as electronic communication; and defining the term “electronic communication”.

Be it enacted by the Legislature of West Virginia:

1 That §48-10-802 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and that said code be amended by adding thereto a new section, designated §48-10-
3 803, all to read as follows:

ARTICLE 10. GRANDPARENT VISITATION.

§48-10-802. Supervised visitation; conditions on visitation. Grandparent visitation orders.

1 ~~In the court’s discretion, an order granting visitation privileges to a grandparent may~~
2 ~~require supervised visitation or may place such conditions on visitation that it finds are in the best~~
3 ~~interests of the child, including, but not limited to, the following:~~

4 ~~(1) That the grandparent not attempt to influence any religious beliefs or practices of the~~
5 ~~children in a manner contrary to the preferences of the child’s parents;~~

6 ~~(2) That the grandparent not engage in, permit or encourage activities, or expose the~~
7 ~~grandchild to conditions or circumstances, that are contrary to the preferences of the child’s~~
8 ~~parents; or~~

9 ~~(3) That the grandparent not otherwise act in a manner to contradict or interfere with child-~~
10 ~~rearing decisions made by the child’s parents.~~

11 In the court’s discretion, an order granting visitation privileges to a grandparent may
12 provide for daytime visits, overnight visits and electronic communications. For the purposes of
13 this section, the term “electronic communications” includes, but is not limited to, communications
14 by telephone, email, Skype, Facetime, text messaging and instant messaging.

§48-10-803. Supervised visitation; conditions on visitation.

1 In the court’s discretion, an order granting visitation privileges to a grandparent may

2 require supervised visitation or may place such conditions on visitation that it finds are in the best
3 interests of the child, including, but not limited to, the following:

4 (1) That the grandparent not attempt to influence any religious beliefs or practices of the
5 children in a manner contrary to the preferences of the child's parents;

6 (2) That the grandparent not engage in, permit or encourage activities, or expose the
7 grandchild to conditions or circumstances that are contrary to the preferences of the child's
8 parents; or

9 (3) That the grandparent not otherwise act in a manner to contradict or interfere with child-
10 rearing decisions made by the child's parents.

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