

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

BY REQUEST

INTRODUCED

House Bill 2925

BY DELEGATES PHILLIPS, WESTFALL, HOLLEN, WALTERS,
HANSHAW, LANE, MILLER, R. AND ROHRBACH

[Introduced March 10, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended by adding thereto a new section,
 2 designated §48-9-605, relating to domestic relations; and permitting a child sixteen years
 3 of age or older to petition for a change of parental custody.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §48-9-605, to read as follows:

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

§48-9-605. Modification of parenting plan upon petition by child.

1 Notwithstanding the provisions of this chapter to the contrary:

2 (1) A child who is sixteen years of age or older and who is subject to a custody order or
 3 decree may file a petition to change custody and visitation.

4 (2) A petitioner under this section may file the proceeding in the petitioner's own name
 5 and need not proceed by the guardian or next friend. If a petitioner under this section petitions a
 6 court to amend a custody order or decree, the court:

7 (A) Shall hold a hearing; and

8 (B) May amend the order or decree and place the child in the custody visitation of the
 9 parent designated by the child.

NOTE: The purpose of this bill is to permit a child sixteen years of age or older to petition for a change of parental custody.

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