

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 78

BY SENATORS CLINE AND BALDWIN

[Introduced January 9, 2019; Referred
to the Committee on the Judiciary]

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:

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.

The purpose of this bill is to specify forms of grandparent visitation, allowing daytime and overnight visits, as well as electronic communication. The bill defines the term "electronic communication."

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