

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4041

BY DELEGATES SUMMERS, ZUKOFF, MANDT AND KIMBLE

[Introduced January 12, 2022; Referred to the
Committee on Senior, Children, and Family Issues
then the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §48-10-1301, relating to providing for an expedited hearing for grandparent
 3 visitation when one of the parents has died.

Be it enacted by the Legislature of West Virginia:

ARTICLE 10. GRANDPARENT VISITATION.

PART 13. DEATH OF PARENT.

§48-10-1301. Death of parent; expedited hearing.

1 (a) Upon the death of a parent, the grandparent or grandparents who were the parents of
 2 that parent, may, by motion or petition, make application to the circuit court or family court of the
 3 county in which that child resides for an order granting visitation with his or her grandchild.

4 (b) The family court, shall, in such instances, expedite the hearing process on such petition
 5 and shall hold a hearing within 45 days.

6 (c) All other provisions of this article remain applicable.

NOTE: The purpose of this bill is to expedite hearings for grandparent visitation upon the death of a parent.

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