WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4358

By Delegate C. Pritt

[Introduced January 10, 2024 ; Referred

to the Committee on the Judiciary]

1   A BILL to amend and reenact §48-5-102 of the Code of West Virginia, 1931, as amended, relating

2   to domestic relations and divorce; and providing that West Virginia has no jurisdiction over

3   an action for divorce filed in another state.

Be it enacted by the Legislature of West Virginia:

ARTICLE   5.   DIVORCE.

PART 1. GENERAL PROVISIONS.

§48-5-102.   Subject   matter   jurisdiction.

1   (a) The Legislature hereby finds and declares that it has the authority to establish, by

2   general law, the jurisdiction of circuit courts and family courts over domestic relations matters:

3   *Provided,* That no jurisdiction may be vested in circuit courts and family courts of this state in the

4   case of an action for divorce filed in another state.

5   (b) The circuit courts and family courts of this state, by act of the Legislature, are vested

6   with concurrent jurisdiction over the subject matter of divorce. Generally, a family court has the

7   right and authority to adjudicate actions for divorce and the power to carry its judgment and order

8   into execution. Circuit courts have limited jurisdiction in divorce actions, as provided in section two,

9   article two-a, chapter fifty-one of this code and as otherwise specifically provided in this chapter.

10   Jurisdiction of the subject matter of divorce embraces the power to determine every issue or

11   controverted question in an action for divorce, according to the court's view of the law and the

12   evidence.

NOTE: The purpose of this bill is to clarify that circuit courts and family courts of this state have no jurisdiction in the case of an action for divorce filed in another state.

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