WEST virginia legislature

2024 regular session

Committee Substitute

for

House Bill 5093

By Delegate Kirby

[Originating in the Committee on the Judiciary; Reported on February 21, 2024]

A BILL to amend and reenact §48-5-706 of the Code of West Virginia, 1931, as amended, relating to the revision of an order concerning distribution of marital property; and, providing guidelines for the same.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. DIVORCE.

§48-5-706. Revision of order concerning distribution of marital property.

In modifying a final divorce order, the court may ~~when other means are not conveniently available~~ alter any prior order of the court with respect to the distribution of marital property, if:

(1) The property is still held by the parties;

(2) The alteration of the prior order as it relates to the distribution of marital property is necessary to give effect to a modification of spousal support, child support or child custody; ~~or~~ and

(3) The alteration of the prior order as it relates to the distribution of marital property is necessary to avoid an inequitable or unjust result which would be caused by the manner in which the modification will affect the prior distribution of marital property.

NOTE: The purpose of this bill is to clean up language relating to the revision of order concerning distribution of marital property.

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