

# **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]



1 A BILL to amend and reenact §48-5-706 of the Code of West Virginia, 1931, as amended, relating  
2 to the revision of an order concerning distribution of marital property; and, providing  
3 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.**

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

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

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

6 (3) The alteration of the prior order as it relates to the distribution of marital property is  
7 necessary to avoid an inequitable or unjust result which would be caused by the manner in which  
8 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.