

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5560**

By Delegates Foster and Kirby

[Introduced February 12, 2024; Referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §48-9-201 of the Code of West Virginia, 1931, as amended, all  
 2 relating to prohibiting child custody exchanges after 8:00 p.m. for children under the age of  
 3 ten unless the parents agree.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. ALLOCATION OF CUSTODIAL RESPONSIBILITY AND DECISION-  
 MAKING RESPONSIBILITY OF CHILDREN.**

**PART 2. PARENTING PLANS.**

**§48-9-201. Parenting agreements.**

1 (a) If the parents agree to one or more provisions of a parenting plan, the court shall so  
 2 order, unless it makes specific findings that:

3 (1) The agreement is not knowing or voluntary; or

4 (2) The plan would be harmful to the child.

5 (b) The court, at its discretion and on any basis it deems sufficient, may conduct an  
 6 evidentiary hearing to determine whether there is a factual basis for a finding under subdivision (1)  
 7 or (2), subsection (a) of this section. When there is credible information that child abuse as defined  
 8 by section 49-1-3 of this code or domestic violence as defined by section 27-202 of this code has  
 9 occurred, a hearing is mandatory and if the court determines that abuse has occurred, appropriate  
 10 protective measures shall be ordered.

11 (c) If an agreement, in whole or in part, is not accepted by the court under the standards  
 12 set forth in subsection (a) of this section, the court shall allow the parents the opportunity to  
 13 negotiate another agreement: Provided, That, no child under the age of ten shall be subject to  
 14 exchange after 8:00 p.m. between parents, grandparents, guardians, or caregivers under a  
 15 temporary or permanent custody order unless necessary to accommodate the parent's work  
 16 schedule.

NOTE: The purpose of this bill is to prohibit child custody exchanges after 8:00 p.m. for children under the age of ten unless the parents agree.

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