

# Table of Contents

---

	Page
Sections Affected by 2023 Legislation .....	ix
Chapter 2. Common Law, Statutes, Legal Holidays, Definitions, and Legal Capacity.	
Art. 3. Legal Capacity, § 2-3-1 .....	1
Chapter 5. General Powers and Authority of the Governor, Secretary of State and Attorney General; Board of Public Works; Miscellaneous Agencies, Commissions, Offices, Programs, etc.	
Art. 16B. West Virginia Children’s Health Insurance Program, §§ 5-16B-1 to 5-16B-10 .....	2
Chapter 9. Human Services.	
Art. 3. Application for and Granting of Assistance, §§ 9-3-4 to 9-3-6 .....	8
Chapter 15. Public Safety.	
Art. 11. The Child Protection Act of 2006, §§ 15-11-1, 15-11-2 .....	11
Art. 2. West Virginia State Police, § 15-2-15 .....	12
Art. 3A. Amber Alert Plan, §§ 15-3A-1 to 15-3A-7 .....	13
Art. 13. Child Abuse and Neglect Registration, §§ 15-13-1 to 15-13-8 .....	15
Chapter 15A. Department of Homeland Security.	
Art. 4. Corrections Management, § 15A-4-8a .....	18
Art. 6. Bureau of Juvenile Services, §§ 15A-6-1 to 15A-6-5 .....	19
Chapter 16. Public Health.	
Art. 1. State Public Health System, § 16-1-19 .....	20
Art. 2E. Birthing Centers, § 16-2E-3 .....	20
Art. 5. Vital Statistics, §§ 16-5-1 to 16-5-38 .....	21
Art. 5B. Hospitals and Similar Institutions, §§ 16-5B-2, 16-5B-13 .....	39
Art. 66. Support for Mothers and Babies Act, §§ 16-66-1 to 16-66-3 .....	40
Chapter 18. Education.	
Art. 2. State Board of Education, §§ 18-2-40a, 18-2-41 .....	41
Chapter 21. Labor.	
Art. 6. Child Labor, §§ 21-6-1 to 21-6-11 .....	43
Chapter 25. Division of Corrections.	
Art. 1. Organization, Institutions and Corrections Management, § 25-1-3c .....	48
Art. 1B. West Virginia Correctional Center Nursery Act, §§ 25-1B-1 to 25-1B-7 .....	49
Chapter 29. Miscellaneous Boards and Officers.	
Art. 22. State Lottery Act, § 29-22-27a .....	50
Chapter 33. Insurance.	
Art. 15. Accident and Sickness Insurance, § 33-15-16 .....	51
Art. 16. Group Accident and Sickness Insurance, § 33-16-11 .....	52
Chapter 37. Real Property.	
Art. 4. Partition, §§ 37-4-1 to 37-4-9 .....	52
Chapter 38. Liens.	
Art. 3. Judgment Liens, §§ 38-3-1 to 38-3-19 .....	61
Art. 4. Executions, §§ 38-4-1 to 38-4-32 .....	76
Art. 5. Proceedings in Aid of Execution; Interrogatories; Suggestion, §§ 38-5-1 to 38-5-23 .....	85
Art. 7. Attachment, §§ 38-7-1 to 38-7-46 .....	93
Art. 8. Exemptions from Levy, §§ 38-8-1 to 38-8-15 .....	112
Art. 9. Homestead Exemptions, §§ 38-9-1 to 38-9-6 .....	117
Art. 10. Federal Tax Liens; Orders and Decrees in Bankruptcy, §§ 38-10-1 to 38-10-4 .....	119
Art. 12. Release and Assignment of Liens, §§ 38-12-1 to 38-12-13 .....	122
Chapter 44. Administration of Estates and Trusts.	
Art. 2. Proof and Allowance of Claims Against Estates of Decedents, § 44-2-21 .....	125
Art. 10. Guardians and Wards Generally, §§ 44-10-1 to 44-10-7 .....	127

	Page
Chapter 44A. West Virginia Guardianship and Conservatorship Act.	
Art. 1. Definitions and General Provisions, §§ 44A-1-1 to 44A-1-15 .....	133
Chapter 48. Domestic Relations.	
Art. 1. General Provisions; Definitions, §§ 48-1-101 to 48-1-307 .....	140
Art. 1A. Uniform Premarital Agreement Act, §§ 48-1A-101 to 48-1A-1101 .....	159
Art. 2. Marriages, §§ 48-2-101 to 48-2-702 .....	160
Art. 3. Annulment or Affirmation of Marriage, §§ 48-3-101 to 48-3-107 .....	169
Art. 4. Separate Maintenance, §§ 48-4-101 to 48-4-104 .....	172
Art. 5. Divorce, §§ 48-5-101 to 48-5-707 .....	174
Art. 5A. Collaborative Family Law Proceedings, §§ 48-5A-101, 48-5A-102 .....	208
Art. 6. Property Settlement or Separation Agreements, §§ 48-6-101 to 48-6-301 .....	209
Art. 7. Equitable Distribution of Property, §§ 48-7-101 to 48-7-501 .....	216
Art. 8. Spousal Support, §§ 48-8-101 to 48-8-106 .....	229
Art. 9. Allocation of Custodial Responsibility and Decision-Making Responsibility of Children, §§ 48-9-101 to 48-9-604 .....	231
Art. 10. Grandparent Visitation, §§ 48-10-101 to 48-10-1201 .....	249
Art. 11. Support of Children, §§ 48-11-101 to 48-11-108 .....	255
Art. 12. Medical Support, §§ 48-12-101 to 48-12-118 .....	259
Art. 13. Guidelines for Child Support Awards, §§ 48-13-101 to 48-13-902 .....	264
Art. 14. Remedies for the Enforcement of Support Obligations, §§ 48-14-101 to 48-14-1001 .....	290
Art. 15. Enforcement of Support Order through Action Against License, §§ 48-15-101 to 48-15-402 .....	303
Art. 16. Uniform Interstate Family Support Act, §§ 48-16-101 to 48-16-903 .....	308
Art. 17. West Virginia Support Enforcement Commission, §§ 48-17-101 to 48-17-111 .....	327
Art. 18. Bureau for Child Support Enforcement, §§ 48-18-101 to 48-18-206 .....	329
Art. 19. Child Support Enforcement Attorney, §§ 48-19-101 to 48-19-105 .....	347
Art. 20. Uniform Child Custody Jurisdiction and Enforcement Act, §§ 48-20-101 to 48-20-404 .....	349
Art. 21. [Reserved] .....	360
Art. 22. Adoption, §§ 48-22-101 to 48-22-903 .....	360
Art. 23. Voluntary Adoption Registry, §§ 48-23-101 to 48-23-801 .....	374
Art. 24. Establishment of Paternity, §§ 48-24-101 to 48-24-106 .....	378
Art. 25. Change of Name, §§ 48-25-101 to 48-25-107 .....	383
Art. 25A. Infant and Maternal Mortality Review Team, §§ 48-25A-1 to 48-25A-3 .....	386
Art. 26. Domestic Violence Act, §§ 48-26-101 to 48-26-1102 .....	386
Art. 27. Prevention and Treatment of Domestic Violence, §§ 48-27-101 to 48-27-1105 .....	396
Art. 27A. Domestic Violence Fatality Review Team, §§ 48-27A-1 to 48-27A-3 .....	414
Art. 28. Uniform Interstate Enforcement of Domestic Violence Protection Orders Act, §§ 48-28-1 to 48-28-10 .....	415
Art. 28A. Address Confidentiality Program, §§ 48-28A-101 to 48-28A-110 .....	417
Art. 29. Property, Rights and Liabilities of Married Women; Husband and Wife, §§ 48-29-101 to 48-29-303 .....	419
Art. 30. Proceedings Before a Family Law Master [Repealed] .....	420
Art. 31. Uniform Deployed Parents Custody and Visitation Act, §§ 48-31-101 to 48-31-503 .....	421
Chapter 48A. Enforcement of Family Obligations [Repealed] .....	426
Chapter 48B. Uniform Interstate Family Support Act [Repealed] .....	426
Chapter 48C. Uniform Child Custody Jurisdiction and Enforcement Act [Repealed] .....	426
Chapter 49. Child Welfare.	
Art. 1. General Provisions and Definitions, §§ 49-1-101 to 49-1-209 .....	428
Art. 2. State Responsibilities for Children, §§ 49-2-101 to 49-2-1006 .....	439
Art. 3. Specialized Advocacy Programs, §§ 49-3-101, 49-3-102 .....	476
Art. 4. Court Actions, §§ 49-4-101 to 49-4-904 .....	477
Art. 5. Record Keeping and Database, §§ 49-5-101 to 49-5-106 .....	557
Art. 6. Missing Children Information Act, §§ 49-6-101 to 49-6-116 .....	564
Art. 7. Interstate Cooperation, §§ 49-7-101 to 49-7-304 .....	569
Art. 8. Supporting and Strengthening Families Act, §§ 49-8-1 to 49-8-6 .....	581
Art. 9. Foster Care Ombudsman Program, §§ 49-9-101 to 49-9-110 .....	583
Art. 10. Exemption From West Virginia Division of Personnel, §§ 49-10-101 to 49-10-103 .....	586
Art. 11. System Reporting, § 49-11-101 .....	587
Chapter 51. Courts and Their Officers.	
Art. 2A. Family Courts, §§ 51-2A-1 to 51-2A-24 .....	587
Art. 11. The West Virginia Appellate Reorganization Act, §§ 51-11-1 to 51-11-13 .....	600

	Page
Chapter 55. Actions, Suits and Arbitration; Judicial Sale.	
Art. 17. Procedures for Certain Actions on Behalf of or Against the State, § 55-17-3 .....	604
Chapter 56. Pleading and Practice.	
Art. 3. Writs, Process and Order of Publication, § 56-3-33a .....	606
Art. 6. Trial, § 56-6-31 .....	607
Chapter 61. Crimes and Their Punishment.	
Art. 2. Crimes Against the Person, § 61-2-14h .....	610
Art. 3C. West Virginia Computer Crime and Abuse Act, § 61-3C-14c .....	611
Art. 5. Crimes Against Public Justice, § 61-5-29 .....	611
Art. 8B. Sexual Offenses, §§ 61-8B-9a, 61-8B-9b .....	612
Art. 8D. Child Abuse, §§ 61-8D-1 to 61-8D-10 .....	614
Art. 8F. Special Protections for Disabled Children Act of 2022, §§ 61-8F-1 to 61-8F-7 .....	623
Art. 14. Human Trafficking, §§ 61-14-1 to 61-14-9 .....	624
Chapter 62. Criminal Procedure.	
Art. 15B. Family Drug Treatment Court Act, §§ 62-15B-1, 62-15B-2 .....	628
Rules of Practice and Procedure for Family Court, Rules 1 to 60 .....	631
Appendix A: Forms for Family Court Proceedings .....	648
Form Orders for Proceedings Conducted Under Chapter 49 of the West Virginia Code for Out-of-Home Care of Children .....	700
Appendix B: Guidelines for Guardians <i>ad Litem</i> in Family Court .....	701
West Virginia Rules of Juvenile Procedure, Rules 1 to 52 .....	703
Rules of Procedure for Child Abuse and Neglect Proceedings, Rules 1 to 55 .....	727
Appendix A: Guidelines for Children's Guardians <i>ad Litem</i> in Child Abuse and Neglect Cases .....	750
Appendix B: In the Circuit Court of County, West Virginia .....	752
Rules of Practice and Procedure for Domestic Violence Civil Proceedings, Rules 1 to 28 .....	755
Appendix: Guidelines for Kanawha County Pilot Domestic Violence Court .....	766
Rules of Practice and Procedure for Minor Guardianship Proceedings, Rules 1 to 17 .....	767
Index .....	I-1