IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

September 2026 Term

No. 25-44

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SUPREME COURT OF APPEALS
OF WEST VIRGINIA

CARMEN ANN RILEY,
Petitioner/Petitioner Below,

v.

TERRY ALLEN RILEY,
Respondent/Respondent Below.

Appeal from the Circuit Court of Wood County
Honorable J.D. Beane, Judge
Circuit Court No. CC-54-2024-D-AP-21

REVERSED AND REMANDED

Submitted: September 9, 2026
Filed: November 5, 2026

Gregory Jacomet, Esquire
Legal Aid of West Virginia, Inc.
Parkersburg, West Virginia
Counsel for Petitioner

Justin White, Esquire
Law Office of Justin White
Spencer, West Virginia
Counsel for Respondent

JUSTICE TRUMP delivered the Opinion of the Court.

SYLLABUS BY THE COURT

1. "'In reviewing a final order entered by a circuit court judge upon a review of, or upon a refusal to review, a final order of a family court judge, we review the findings of fact made by the family court judge under the clearly erroneous standard, and the application of law to the facts under an abuse of discretion standard. We review questions of law *de novo.*' Syl. Pt., *Carr v. Hancock*, 216 W. Va. 474, 607 S.E.2d 803 (2004)." Syllabus Point 1, *Jared M. v. Molly A.*, 246 W. Va. 556, 874 S.E.2d 358 (2022).

2. The terms of a domestic violence protective order may include the relief set forth in West Virginia Code § 48-27-503 (2001). When requested, the family court shall hear evidence as to the appropriateness of such relief; exercise its discretion as to whether, and to what extent, relief should be granted; and make findings of fact and conclusions of law explaining its decision to grant or deny the relief requested.

TRUMP, Justice:

Following an incident of domestic violence, Petitioner Carmen Ann Riley filed a petition for a domestic violence protective order ("DVPO") against her husband, Respondent Terry Allen Riley. In the petition, petitioner requested certain economic and other relief that would, in part, aid her in becoming financially and otherwise independent of her abuser, including temporary spousal support, temporary possession of respondent's vehicle, and the return of petitioner's personal property that respondent had removed from the marital home. The Family Court of Wood County refused to consider petitioner's requests on the grounds that the relief she sought either could not be granted in an order of protection or was better suited for consideration in a divorce action. West Virginia Code § 48-27-503 (2001), however, provides that "the terms of a protective order may include" the relief petitioner requested. Consequently, the family court erred in refusing to consider petitioner's requests at the DVP hearing. Therefore, we reverse the order of the Circuit Court of Wood County affirming the family court's order, and we remand this case for further proceedings consistent with this opinion.

I. Facts and Procedural History

The parties were married in May 2024 when petitioner was sixty-eight years old and respondent was age sixty-five. On October 8, 2024, petitioner filed a petition for an emergency DVPO against respondent in the Magistrate Court of Wood County. The petition alleged that, in May 2024, respondent forced petitioner to resign from her retail

job, "leaving [her] financially reliant on him." According to the petition, respondent began verbally abusing petitioner in June 2024, and also began controlling petitioner's phone, including whom she could and could not contact. Petitioner "could not go anywhere without him[.]" The petition alleged that respondent began physically abusing petitioner in August 2024 when he punched her in the chest and threw his phone at her; that on one occasion in September 2024, he punched petitioner's wrist and broke her bracelet; and that on another occasion, told her that "a woman like [her] deserved to be beaten to death and he was going to be the one to do it." The petition further alleged that respondent "regularly made comments in regards to murdering [petitioner] and disposing of [her] body." The petition alleged that on October 6, 2024, respondent drove petitioner to a casket company in Ohio and then onto a backroad where he told her that a man killed his wife there and buried her. The following day, the petition alleged, respondent kicked petitioner three times in the chest, caught her by the throat, and strangled her. As a result, petitioner was hospitalized for two days. Respondent was arrested and incarcerated.

In addition to requesting that respondent be directed to refrain from contacting or communicating with her and "to refrain from entering any school, business or place of employment for the purpose of violating any requirement of a protective order," the petition requested temporary possession of the marital residence, reimbursement of expenses and costs incurred as a result of the domestic violence described in the petition, and exclusive possession and control of the parties' dog. The petition stated that divorce proceedings had not been initiated by either party.

A hearing on the petition was conducted in family court on October 30, 2024. Respondent, through counsel,[1] contested the allegations in the petition but agreed to the entry of a DVPO, including awarding petitioner temporary possession of the marital home given that he was incarcerated and a monthly payment of $150 to care for his dog.[2]

Petitioner, by counsel, requested that she be permitted to present evidence in support of her request for certain relief available under West Virginia Code § 48-27-503.[3] Specifically, petitioner requested the temporary use of respondent's vehicle, which was the household's only working vehicle and petitioner's sole means of transportation. Petitioner informed the family court that while she was in the hospital recuperating from the injuries respondent inflicted upon her, respondent arranged for the vehicle to be removed from the home and for petitioner to be removed as a covered driver from respondent's motor vehicle insurance. Petitioner also requested temporary spousal support and funds with which to hire a private divorce attorney as respondent had forced petitioner to quit her job when they

[1] Because respondent was incarcerated at the time of the hearing, he was appointed a guardian ad litem who appeared on his behalf.

[2] The household apparently included two dogs, a Dalmatian and a Shih Tzu. In the DVP petition, petitioner requested possession of the Dalmatian. At the DVP hearing, respondent, through counsel, advised the family court that he was willing to pay petitioner $150-$200 per month to care for his dog, the Shih Tzu, while respondent was incarcerated. Ultimately, the DVPO awarded petitioner the exclusive possession of respondent's dog, including reimbursement for its care in the amount of $150 per month; the order does not reference the Dalmatian. *See infra*.

[3] *See* discussion *infra*.

married and had removed all of the funds from the parties' joint bank account[4] while petitioner was in the hospital recovering from the attack. Finally, petitioner requested that respondent be ordered to return petitioner's personal property that respondent removed from the marital home. Although petitioner presented the family court with a letter respondent wrote to petitioner's daughter from prison in which he admitted to taking petitioner's personal property, the family court refused to review the contents of the letter. The family court stated only that petitioner "need[s] to file a [divorce] case" and that she was free to change the locks on the marital home.[5] Despite petitioner's testimony that she was without transportation, the family court repeatedly refused to consider her request for temporary possession of respondent's vehicle because the court did not know in whose name the vehicle was titled, stating that possession of the vehicle was an issue better suited to a divorce proceeding. Regarding petitioner's request for temporary spousal support, the family court informed her that it could not "restore [her] economically through this proceeding," advising her to "get [her]self built up economically" and to file for divorce.

On October 30, 2024, the family court entered a DVPO reflecting that respondent contested the allegations of the petition but consented to the order of protection.

[4] Petitioner informed the court that her social security benefits were deposited directly into the parties' joint bank account.

[5] To this remark, petitioner replied that she did not have the financial resources necessary to change the locks on the home.

The family court ordered respondent to "refrain from contacting, telephoning, communicating with, harassing, or verbally abusing Petitioner[,] . . . . entering any school, business, or place of employment of Petitioner . . . for the purpose of violating this ORDER[,] . . . [and] . . . entering or being present in the immediate environs of the Petitioner[.]" In addition, the family court awarded petitioner temporary possession of the marital residence; the amount of $150 in expenses "related to the acts of domestic violence described in the Petition;" and the exclusive possession of respondent's dog, including reimbursement for its care in the amount of $150 per month. The DVPO also prohibited both parties "from transferring any funds out of their shared account, aside from [petitioner's] monthly Social Security [benefits]." The order did not grant petitioner the other relief she requested. The DVPO was to remain in effect for one year.

Petitioner appealed the DVPO to the circuit court to the extent it did not grant her requests for certain permissive relief, and a hearing was conducted on November 22, 2024. As she did before the family court, petitioner, through counsel, argued that West Virginia Code § 48-27-503 authorized the granting of the requested relief in a protective order. The circuit court refused to entertain petitioner's argument, stating,

> as far as property issues, joint accounts and things like that aren't before me. I can't – I can't remedy all those matters in a domestic violence case. Certainly[,] the medical [expenses] tied to the domestic battery that occurred, I'll award whatever medical and anything that stemmed from that incident. But I can't go into joint accounts and other properties.

Consistent with the family court's reasoning, the circuit court concluded that such issues "will have to be dealt with in another matter" [i.e., a divorce proceeding]. The circuit court affirmed the DVPO issued by the family court *in toto* and dismissed petitioner's appeal. It is from the circuit court's November 22, 2024, order that petitioner now appeals.

II. Standard of Review

This case is an appeal from a decision of the circuit court affirming *in toto* the DVPO entered by the family court. Our review is conducted under the following standard:

> "'In reviewing a final order entered by a circuit court judge upon a review of, or upon a refusal to review, a final order of a family court judge, we review the findings of fact made by the family court judge under the clearly erroneous standard, and the application of law to the facts under an abuse of discretion standard. We review questions of law *de novo.*' Syl. Pt., *Carr v. Hancock*, 216 W. Va. 474, 607 S.E.2d 803 (2004)."

Syl. Pt. 1, *Jared M. v. Molly A.*, 246 W. Va. 556, 874 S.E.2d 358 (2022); *accord* W. Va. Code § 48-27-510(d) ("The standard of review of findings of fact made by the family court is clearly erroneous and the standard of review of application of the law to the facts is an abuse of discretion standard.").

III. Discussion

On appeal, petitioner argues that the family court erred by refusing to consider her requests for certain relief in the proceedings below—specifically, the temporary use of respondent's vehicle and the reinstatement of motor vehicle insurance, temporary spousal support, funds with which to hire a private divorce attorney, and the return of her personal property that respondent had removed from the marital home. Petitioner argues that West Virginia Code § 48-27-503 expressly authorized the family court to grant such relief in a protective order as a means of addressing the immediate economic and logistical hardships that often befall victims of domestic violence when their abusers deprive them of the basic resources necessary to escape a dangerous situation and rebuild their lives. Petitioner argues that by deferring consideration of the relief petitioner requested to a hypothetical divorce proceeding,[6] the family court failed to understand the nature of the relief available under the statute or to apply the statute as written.

Respondent counters that, in fact, the family court considered petitioner's requests for temporary spousal support, temporary possession of respondent's vehicle, and the return of her personal property as evidenced by the fact that the court granted petitioner's certain other requests for relief such as temporary possession of the marital home and $150 per month to care for respondent's dog. In addition, the family court

[6] As noted above, the DVPO petition clearly stated that neither party had initiated a divorce action when the petition was filed.

granted petitioner's requests that respondent be ordered to refrain from contacting, communicating, or harassing petitioner; refrain from entering or being present in the immediate environs of petitioner's residence; and refrain from transferring or conveying marital property. Respondent argues that the family court's decision was based upon a lack of evidence justifying the other relief requested. We disagree with respondent.

Our Legislature has acknowledged domestic violence to be a pervasive societal problem and has enacted statutes that are intended to halt, prevent, and reduce such harmful acts of abuse as well as their far-reaching effects. As stated in West Virginia Code § 48-27-101 (2001),

> (a) The Legislature of this state finds that:
> (1) Every person has a right to be safe and secure in his or her home and family and to be free from domestic violence.
> (2) Children are often physically assaulted or witness violence against one of their parents or other family or household members, violence which too often ultimately results in death. These children may suffer deep and lasting emotional harm from victimization and from exposure to domestic violence;
> (3) Domestic violence is a major health and law-enforcement problem in this state with enormous costs to the state in both dollars and human lives. It affects people of all racial and ethnic backgrounds and all socioeconomic classes; and
> (4) Domestic violence can be deterred, prevented or reduced by legal intervention that treats this problem with the seriousness that it deserves.
> (b) This article shall be liberally construed and applied to promote the following purposes:
> (1) To assure victims of domestic violence the maximum protection from abuse that the law can provide;
> (2) To create a speedy remedy to discourage violence against family or household members with whom the perpetrator of domestic violence has continuing contact;

> (3) To expand the ability of law-enforcement officers to assist victims, to enforce the domestic violence law more effectively, and to prevent further abuse;
> (4) To facilitate equal enforcement of criminal law by deterring and punishing violence against family and household members as diligently as violence committed against strangers;
> (5) To recognize that domestic violence constitutes serious criminal behavior with potentially tragic results and that it will no longer be excused or tolerated; and
> (6) To recognize that the existence of a former or on-going familial or other relationship should not serve to excuse, explain or mitigate acts of domestic violence which are otherwise punishable as crimes under the laws of this state.

A critical means of accomplishing the stated purposes and objectives of this legislation is to provide for the safety and welfare of victims of domestic violence through orders of protection. *See, e.g.*, W. Va. Code § 48-27-403 (2018) (outlining the procedure for obtaining a protective order); *id.* § 48-27-501 (2001) (requiring entry of a protective order if allegations of domestic violence are proven by a preponderance of the evidence or if respondent does not contest the relief sought); *id.* §§ 48-27-901 through 903 (providing for sanctions for violating protective orders). Protective orders are required to include certain "mandatory provisions" such as "order[ing] the respondent to refrain from abusing, harassing, stalking, threatening or otherwise intimidating the petitioner or the minor children, or engaging in other conduct that would place the petitioner or the minor children in reasonable fear of bodily injury" and "prohibit[ing] the respondent from possessing any firearm or ammunition." *Id.* § 48-27-502(a) and (b) (2012).

Relevant here is whether the family court was authorized, in its discretion, to also grant other specific relief that petitioner requested at the DVP hearing. It was. West Virginia Code § 48-27-503 (entitled "permissive provisions in a protective order") provides:

> The terms of a protective order *may* include:
>
> > (1) Granting possession to the petitioner of the residence or household jointly resided in at the time the abuse occurred;
> > (2) Ordering the respondent to refrain from entering or being present in the immediate environs of the residence of the petitioner;
> > (3) Awarding temporary custody of or establishing temporary visitation rights with regard to minor children named in the order;
> > (4) Establishing terms of temporary visitation with regard to the minor children named in the order including, but not limited to, requiring third party supervision of visitations if necessary to protect the petitioner and/or the minor children;
> > (5) Ordering the noncustodial parent to pay to the caretaker parent a sum for temporary support and maintenance of the petitioner and children, if any;
> > (6) Ordering the respondent to pay to the petitioner a sum for temporary support and maintenance of the petitioner, where appropriate;
> > (7) Ordering the respondent to refrain from entering the school, business or place of employment of the petitioner or household or family members for the purpose of violating the protective order;
> > (8) Ordering the respondent to participate in an intervention program for perpetrators;
> > (9) Ordering the respondent to refrain from contacting, telephoning, communicating, harassing or verbally abusing the petitioner;
> > (10) Providing for either party to obtain personal property or other items from a location, including granting temporary possession of motor vehicles owned by either or both of the parties, and providing for the safety of the parties while this occurs, including ordering a law-enforcement officer to accompany one or both of the parties;

> (11) Ordering the respondent to reimburse the petitioner or other person for any expenses incurred as a result of the domestic violence, including, but not limited to, medical expenses, transportation and shelter;
> (12) Ordering the petitioner and respondent to refrain from transferring, conveying, alienating, encumbering or otherwise dealing with property which could otherwise be subject to the jurisdiction of the court or another court in an action for divorce or support, partition or in any other action affecting their interests in property;
> (13) Awarding the petitioner the exclusive care, possession, or control of any animal owned, possessed, leased, kept or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and prohibiting the respondent from taking, concealing, molesting, physically injuring, killing or otherwise disposing of the animal and limiting or precluding contact by the respondent with the animal; and
> (14) Ordering any other relief the court deems necessary to protect the physical safety of petitioner or those persons for whom a petition may be filed as provided in subdivision (2), section three hundred five of this article.

(Emphasis added).

It is well established that "[a] statutory provision which is clear and unambiguous and plainly expresses the legislative intent . . . will be given full force and effect." Syl. Pt. 3, in part, *State v. Epperly*, 135 W. Va. 877, 65 S.E.2d 488 (1951). *See also DeVane v. Kennedy*, 205 W.Va. 519, 529, 519 S.E.2d 622, 632 (1999) ("When the language of a statutory provision is plain, its terms should be applied as written and not construed.").

The provisions of West Virginia Code § 48-27-503 are clear and unambiguous: the Legislature intended for victims of domestic violence to obtain, where

appropriate, certain immediate relief within the DVPO framework. The scope of available relief obviously includes that which may be necessary to ensure and maintain a victim's physical safety and welfare both immediately and in the future. *See* W. Va. Code § 48-27-503(2) (4) (7) (8) (9) (10) and (13). And indeed, here, the family court exercised its discretion in ordering respondent to "refrain from contacting, telephoning, communicating with, harassing, or verbally abusing Petitioner[,] . . . . entering any school, business, or place of employment of Petitioner . . . for the purpose of violating this ORDER[,] . . . [and] . . . entering or being present in the immediate environs of the Petitioner[.]"

Beyond that, and pertinent here, is that West Virgina Code § 48-27-503 also authorizes the family court to exercise its discretion in the granting of immediate economic or comparable relief in a DVPO to help enable domestic abuse victims to gain independence—financial and otherwise—from their abusers. The scope of relief available to a petitioner under this legislation is broad.[7] Specifically, where appropriate, subsection

[7] *Accord Moore v. Moore*, 657 S.E.2d 743, 747 (S.C. 2008) (observing that a family court may "order payment of temporary financial support. By expediting the provision of child support, [South Carolina's Protection from Domestic Abuse Act] helps prevent the abused spouse from returning to her abuser based on financial reasons." (internal citation omitted)); *Coburn v. Coburn*, 674 A.2d 951, 955 (Md. 1996) (stating that Maryland's domestic violence statute "provides for a wide variety and scope of available remedies designed to separate the parties and avoid future abuse. Thus, the primary goals of the statute are preventative, protective and remedial[.]"); *In re Marriage of J.Q. & T.B.*, 167 Cal. Rptr.3d 574, 585 (Ct. App. 2014) (declaring that "[t]he evil [the Domestic Violence Prevention Act] seeks to remedy is the commission of domestic violence, and its purpose in part is to provide for the parties' separation and to ensure the applicant's safety. A trial court must consider an applicant's physical safety and financial needs in making its

(1) authorizes the family court to grant the petitioner possession "of the residence or household jointly resided in at the time the abuse occurred" while subsection (10) allows "for either party to obtain personal property or other items from a location, including granting temporary possession of motor vehicles *owned by either or both of the parties*[.]" (Emphasis added). Under subsection (6), the family court may "order[] the respondent to pay to the petitioner a sum for temporary support and maintenance of the petitioner[.]" Subsection (11) provides that the court may require "the respondent to reimburse the petitioner or other person for any expenses incurred as a result of the domestic violence, including, but not limited to, medical expenses, transportation and shelter[.]" Pursuant to subsection (13), the court may "award[] the petitioner the exclusive care, possession or control of any animal" owned by either party or a minor child, and finally, subsection (14) authorizes the court to "order[] any other relief the court deems necessary to protect the physical safety of [the] petitioner or those persons for whom a petition" for a protective order may also be filed as set forth therein.

We have recognized that "[i]n addition to the mandatory provisions which must appear in every protective order pursuant to West Virginia Code § 48–27–502 (2001), West Virginia Code § 48–27–503 (2001) also lists other provisions which a court may include in a protective order based upon the circumstances of a particular case." *Thomas v.*

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determination whether to award spousal support. . . . The Legislature clearly contemplated financial independence is a paramount concern for domestic violence victims.").

Morris, 224 W. Va. 661, 669 n.6, 687 S.E.2d 760, 768 n.6 (2009). Given all of the above, therefore, the terms of a domestic violence protective order may include the relief set forth in West Virginia Code § 48-27-503. When requested, the family court shall hear evidence as to the appropriateness of such relief; exercise its discretion as to whether, and to what extent, relief should be granted; and make findings of fact and conclusions of law explaining its decision to grant or deny the relief requested.[8] A well-supported order will facilitate a meaningful review on appeal. *See Province v. Province,* 196 W.Va. 473, 483, 473 S.E.2d 894, 904 (1996) (instructing that the family court's "order must be sufficient to indicate the factual and legal basis for the [court's] ultimate conclusion so as to facilitate a meaningful review of the issues presented.").

Based upon our review of the record, we find that the family court erred in refusing to consider petitioner's request for certain relief despite the plain and unambiguous language of West Virginia Code § 48-27-503. The statute clearly permitted the court to grant petitioner's requests for temporary possession of the household's only working vehicle, regardless of which party owned the vehicle, and for the return of her

[8] In the event the form DVPO used in family court proceedings lacks adequate space for the necessary findings and conclusions, we direct the family court to the "Domestic Violence Continuation Sheet" form available on the Court's intranet or website at http://www.courtswv.gov/public-resources/domestic/DVforms/MDVCONT-ContinuationSheet.pdf. *See Lacy B. v. Chase W.*, No. 22-0128, 2023 WL 6144849, at *3 n.5 (W. Va. Sept. 20, 2023) (memorandum decision).

personal property that was removed from the marital home, *id.* § 48-27-503(10). The statute further permitted the court to award petitioner temporary financial support *id.* § 48-27-503(6), and funds to hire a private divorce attorney. *id.* § 48-27-503(14), given that she was no longer employed, was financially reliant on respondent, and the contents of the parties' joint bank account had been depleted while she was hospitalized due to respondent's physical attack on her. Instead, the family court counseled petitioner to file for divorce, at which time her specific requests for relief would be considered. This was error. We therefore reverse the order of the circuit court affirming the DVPO entered by the family court and remand this case to the family court with directions to conduct a hearing on petitioner's request for permissive relief under West Virginia Code § 48-27-503 and to enter an order consistent with this opinion and any and all other applicable legal authority.

IV. Conclusion

For the reasons stated above, we reverse the order of the Circuit Court of Wood County entered on November 22, 2024, and remand this case to the Family Court of Wood County for further proceedings consistent with this opinion.

Reversed and Remanded.