

HOUSE JOINT RESOLUTION NO. 126

Establishing a joint subcommittee to study the establishment of a domestic relations division in the judicial circuits of the Commonwealth.

Agreed to by the House of Delegates, February 15, 2000

Agreed to by the Senate, March 2, 2000

WHEREAS, divorce affects many families and children in Virginia, and many citizens and members of the bench and bar believe that Virginia needs a more effective and satisfactory forum for the resolution of divorce matters; and

WHEREAS, for almost 50 years, the judicial and legislative branches of government have been concerned about the handling of family law matters in Virginia's courts and have debated whether a different court structure would better serve our citizens; and

WHEREAS, the 1989 General Assembly enacted legislation that directed the Judicial Council to establish an experimental family court program; and

WHEREAS, the 1993 General Assembly passed legislation that established the legal and structural framework for a family court system in Virginia; and

WHEREAS, the statewide implementation of the family court system was never funded by the General Assembly; and

WHEREAS, in 1998, 104,389 new civil cases were filed in Virginia's circuit courts and 34,777 of those, 33 percent, were divorce cases; and

WHEREAS, the feasibility of creating in each judicial circuit a domestic relations division that will have jurisdiction over divorce cases and custody, visitation and support actions incident to the filing of a divorce, needs to be studied; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the feasibility of establishing a domestic relations division in Virginia's circuit courts. The joint subcommittee shall be composed of 15 members, which shall include 8 legislative members and 7 nonlegislative citizen members as follows: five members of the House of Delegates to be appointed by the Speaker of the House, in accordance with the principles of Rule 16 of the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Privileges and Elections; one circuit court judge to be appointed by the Speaker upon the recommendation of the Chief Justice of the Supreme Court of Virginia; one member of the Family Law Section of the Virginia State Bar, and one member of the Virginia Bar Association Coalition Committee of Family Law Legislation to be appointed by the Speaker; one juvenile and domestic relations district court judge to be appointed by the Senate Committee on Privileges and Elections upon the recommendation of the Chief Justice of the Supreme Court of Virginia; one member of the Family Law Section of the Virginia State Bar, and one member of the Virginia Bar Association Coalition Committee of Family Law Legislation to be appointed by the Senate Committee on Privileges and Elections; and the Executive Secretary of the Supreme Court of Virginia.

In conducting this study, the joint subcommittee shall examine:

1. Whether there should be any qualifications other than those mandated in the Virginia Constitution for a domestic relations judge;
2. Whether the domestic relations judge should hear only domestic relations cases;
3. How an overloaded domestic relations docket should be handled;
4. Whether the position of commissioner in chancery should be abolished;
5. Whether the domestic relations division should hear child custody, child and spousal support, and visitation appeals from the juvenile and domestic relations district court;
6. The financial implications, including any personnel costs, of establishing a domestic relations division;
7. Whether a domestic relations division should be established in Virginia's circuit courts; and
8. Whether juvenile and domestic relations district courts should become courts of record for domestic cases.

The direct costs of this study shall not exceed \$12,000.

The Division of Legislative Services shall provide staff support for the study. Technical assistance shall be provided by the Supreme Court of Virginia. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 2001 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

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Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.