

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-244 of the Code of Virginia, relating to juvenile court jurisdiction.*

3 [S 475]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 16.1-244 of the Code of Virginia is amended and reenacted as follows:**

7 § 16.1-244. Concurrent jurisdiction; exceptions.

8 A. Nothing contained in this law shall deprive any other court of the concurrent jurisdiction to
9 determine the custody of children upon a writ of habeas corpus under the law, or to determine the
10 custody, guardianship, visitation or support of children when such custody, guardianship, visitation or
11 support is incidental to the determination of causes pending in such courts, nor deprive a circuit court of
12 jurisdiction to determine spousal support in a suit for separate maintenance. However, when a suit for
13 divorce has been filed in a circuit court, in which the custody, guardianship, visitation or support of
14 children of the parties or spousal support is raised by the pleadings and a hearing is set by the circuit
15 court on any such issue for a date certain to be heard within twenty-one days of the filing, the juvenile
16 and domestic relations district courts shall be divested of the right to enter any further decrees or orders;
17 *to determine custody, guardianship, visitation or support when raised for such hearing and* such matters
18 shall be determined by the circuit court unless both parties agreed to a referral to the juvenile court.
19 ~~Upon a showing of need to continue any preliminary protective order issued by the juvenile and~~
20 ~~domestic relations district court, the circuit court shall grant a hearing to the parties as a preferential~~
21 ~~matter on the court docket.~~ Nothing in this section shall deprive a circuit court of the authority to refer
22 any such case to a commissioner for a hearing or shall deprive the juvenile and domestic relations
23 district courts of the jurisdiction to enforce its valid orders prior to the entry of a conflicting order of
24 any circuit court for any period during which the order was in effect or to temporarily place a child in
25 the custody of any person when that child has been adjudicated abused, neglected, in need of services or
26 delinquent subsequent to the order of any circuit court.

27 B. Jurisdiction of cases involving violations of federal law by a child shall be concurrent and shall
28 be assumed only if waived by the federal court or the United States attorney.

ENROLLED

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