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HOUSE BILL NO. 417

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact § 20-124.3 of the Code of Virginia, relating to factors in determining the best interest of a minor child.

Patron—Reese

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 20-124.3 of the Code of Virginia is amended and reenacted as follows:**

§ 20-124.3. Best interests of the child; visitation.

In determining best interests of a child for purposes of determining custody or visitation arrangements including any pendente lite orders pursuant to § 20-103, the court shall consider the following:

1. The age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs, *including parental alienation syndrome, a disturbance in which a child is obsessed with deprecation and criticism of a parent and denigration that is unjustified or exaggerated;*

2. The age and physical and mental condition of each parent;

3. The relationship existing between each parent and each child, giving due consideration to the positive involvement with the child's life, the ability to accurately assess and meet the emotional, intellectual and physical needs of the child;

4. The needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers and extended family members;

5. The role which each parent has played and will play in the future, in the upbringing and care of the child;

6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child *or has alienated the child's respect, confidence, affection and attachment for the other parent resulting in hostile or indifferent behavior;*

7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child;

8. The reasonable preference of the child, if the court deems the child to be of reasonable intelligence, understanding, age and experience to express such a preference;

9. Any history of family abuse as that term is defined in § 16.1-228; ~~and~~

10. *A parenting action plan submitted by both or each parent, sets forth parental decision-making, parenting time, financial responsibilities, and residential arrangements for the child; and*

11. Such other factors as the court deems necessary and proper to the determination.

The judge shall communicate to the parties the basis of the decision either orally or in writing, *articulating the factors considered, and shall include an explanation of why frequent and continuing contact with both parents is not appropriate.*

INTRODUCED

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