

2002 SESSION

INTRODUCED

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HOUSE BILL NO. 458

Offered January 9, 2002

Prefiled January 8, 2002

A BILL to amend and reenact § 20-124.5 of the Code of Virginia, relating to child custody and visitation; notification of relocation of child.

Patron—Griffith

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.5 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.5. Custody and visitation; relocation; notification; material change of circumstances.

A. In any proceeding involving custody or visitation, the court shall include as a condition of any custody or visitation order a requirement that thirty days' advance written notice be given to the court and the other party by any party intending to relocate and of any intended change of address, unless the court, for good cause shown, orders otherwise. The court may require that the notice be in such form and contain such information as it deems proper and necessary under the circumstances of the case.

B. Relocation that involves a change in the child's residence and (i) adds more than fifty miles to the existing distance between the parents, (ii) is from within the Commonwealth to outside the Commonwealth, or (iii) that significantly impedes or prevents the exercise of an existing court order for visitation shall constitute a material change of circumstances sufficient to allow a court to change custody or visitation.

C. Before permitting the relocation of the child, the court shall consider each of the following factors:

1. Whether the relocation has the capacity to improve the quality of life for the child.

2. The degree to which each parent has complied with, and utilized his time under, a court order governing custody and visitation with the child, and whether the relocation would significantly impact the child's time with the noncustodial parent.

3. The degree to which the court is satisfied that, if the court permits the relocation, the custodial parent is likely to comply with any modifications in the visitation order.

4. If domestic violence is an issue, regardless of whether the violence was directed against or witnessed by the child.

D. The parent who is relocating has the burden to prove that relocating the child promotes the best interest of the child and will not unreasonably disrupt access to the other parent.

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