

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-278.16 of the Code of Virginia, relating to capias for nonsupport.*

3 [H 320]

4 Approved

5 **Be it enacted by the General Assembly of Virginia:**6 **1. That § 16.1-278.16 of the Code of Virginia is amended and reenacted as follows:**

7 § 16.1-278.16. Failure to comply with support obligation; payroll deduction; commitment.

8 In cases involving (i) the custody, visitation or support of a child arising under subdivision A 3 of
9 § 16.1-241, (ii) spousal support arising under subsection L of § 16.1-241, (iii) support, maintenance,
10 care, and custody of a child or support and maintenance of a spouse transferred to the juvenile and
11 domestic relations district court pursuant to § 20-79, or (iv) motions to enforce administrative support
12 orders entered pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2, when the court finds that the
13 respondent (i) has failed to perform or comply with a court order concerning the custody and visitation
14 of a child or a court or administrative order concerning the support and maintenance of a child or a
15 court order concerning the support and maintenance of a spouse or (ii) under existing circumstances, is
16 under a duty to render support or additional support to a child or pay the support and maintenance of a
17 spouse, the court may order a payroll deduction as provided in § 20-79.1, or the giving of a
18 recognizance as provided in § 20-114. If the court, ~~upon petition,~~ finds that the respondent has failed to
19 perform or comply with such order, and personal or substitute service has been obtained, the court may
20 issue a civil show cause summons or a capias pursuant to this section. The court also may order the
21 commitment of the person as provided in § 20-115 or the court may, in its discretion, impose a sentence
22 of up to ~~twelve~~ 12 months in jail, notwithstanding the provisions of §§ 16.1-69.24 and 18.2-458, relating
23 to punishment for contempt. If the court finds that an employer, who is under a payroll deduction order
24 pursuant to § 20-79.1, has failed to comply with such order after being given a reasonable opportunity to
25 show cause why he failed to comply with such order, then the court may proceed to impose sanctions
26 on the employer pursuant to subdivision A 9 of § 20-79.3.

ENROLLED

HB320ER