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SENATE BILL NO. 103

Offered January 14, 2004

Prefiled January 6, 2004

A BILL to amend and reenact §§ 16.1-69.48:5 and 16.1-262 of the Code of Virginia, relating to petitions filed for custody and visitation of any and all children of the parties.

Patron—Devolites

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-69.48:5 and 16.1-262 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-69.48:5. Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.

Except as otherwise provided, upon the initial commencement of any case in the juvenile and domestic relations district court pursuant to subdivision A 3 of § 16.1-241 when the custody or visitation of a child is a subject of controversy or requires determination, there shall be a filing fee of \$25. No case to which this fee is applicable shall be set for hearing by the clerk until this fee has been paid except on account of poverty as provided in § 17.1-606. Fees shall be paid to the clerk in the jurisdiction in which the petition is filed.

Where petitions are filed under this section, a petitioner may combine in a single petition matters relating to custody and visitation for any and all of the children of the parties and there shall be only one filing fee required pursuant to this section to file such petition.

This fee shall not be charged in any case brought by an agent of the Commonwealth or of a local government entity.

When service of process is had on the respondent named in a petition for which the filing fee established by this section has been paid, such petition may be reissued once by changing the return day of such process, for which service there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

§ 16.1-262. Form and content of petition.

A. The petition shall contain the facts below indicated:

"Commonwealth of Virginia, In re " a
(name of child)

child under eighteen years of age.

"In the Juvenile and Domestic Relations District Court of the county (or city)

of

... "

1. Statement of name, age, date of birth, if known, and residence of the child.

2. Statement of names and residence of his parents, guardian, legal custodian or other person standing in loco parentis and spouse, if any.

3. Statement of names and residence of the nearest known relatives if no parent or guardian can be found.

4. Statement of the specific facts which allegedly bring the child within the purview of this law. If the petition alleges a delinquent act, it shall make reference to the applicable sections of the Code which designate the act a crime.

5. Statement as to whether the child is in custody, and if so, the place of detention or shelter care, and the time the child was taken into custody, and the time the child was placed in detention or shelter care.

If any of the facts herein required to be stated are not known by the petitioner, the petition shall so state. The petition shall be verified, except that petitions filed under § 63.2-1237 may be signed by the petitioner's counsel, and may be upon information.

B. In accordance with § 16.1-69.32, the Supreme Court may formulate rules for the form and content of petitions in the juvenile court concerning matters related to the custody, visitation or support of a child and the protection, support or maintenance of an adult where the provisions of this section are not appropriate.

C. Where petitions are filed under this section, a petitioner may combine in a single petition matters

58 *relating to custody and visitation for any and all of the children of the parties and there shall be only*
59 *one filing fee required pursuant to § 16.1-69.48:5 to file such petition.*