

VIRGINIA ACTS OF ASSEMBLY -- 2006 SESSION

CHAPTER 371

An Act to amend and reenact § 20-108 of the Code of Virginia, relating to expedited hearing of a petition.

[S 300]

Approved March 30, 2006

Be it enacted by the General Assembly of Virginia:

1. That § 20-108 of the Code of Virginia is amended and reenacted as follows:

§ 20-108. Revision and alteration of such decrees.

The court may, from time to time after decreeing as provided in § 20-107.2, on petition of either of the parents, or on its own motion or upon petition of any probation officer or the Department of Social Services, which petition shall set forth the reasons for the relief sought, revise and alter such decree concerning the care, custody, and maintenance of the children and make a new decree concerning the same, as the circumstances of the parents and the benefit of the children may require. The intentional withholding of visitation of a child from the other parent without just cause may constitute a material change of circumstances justifying a change of custody in the discretion of the court.

No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification in any court, but only from the date that notice of such petition has been given to the responding party.

Any member of the United States Armed Forces Reserves, Virginia National Guard, or Virginia National Guard Reserves, who files a petition or is a party to a petition requesting the adjudication of the custody, visitation or support of a child based on a change of circumstances because one of the parents has been called to active duty, shall be entitled to have such a petition expedited on the docket of the court.