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**SENATE BILL NO. 161**

Offered January 13, 2010

Prefiled January 11, 2010

*A BILL to repeal § 20-99 of the Code of Virginia, relating to divorce proceedings; service requirements and waiver of notice of further proceedings.*

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Patron—Edwards

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Referred to Committee for Courts of Justice

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**Be it enacted by the General Assembly of Virginia:****1. That § 20-99 of the Code of Virginia is repealed.**

§ 20-99. How such suits instituted and conducted; costs.

Such suit shall be instituted and conducted as other suits in equity, except as otherwise provided in this section:

1. No divorce, annulment, or affirmation of a marriage shall be granted on the uncorroborated testimony of the parties or either of them.

2. Whether the defendant answers or not, the cause shall be heard independently of the admissions of either party in the pleadings or otherwise.

3. Process or notice in such proceedings shall be served in this Commonwealth by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-293. Service may be made on a nonresident by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-320. *When the defendant has been served with the complaint by personal or substituted service pursuant to § 8.01-296, and the defendant fails to answer, plead, or otherwise appear within 21 days of such service, the defendant shall be deemed to have waived notice of further proceedings in the case and no further service of process upon him shall be required. This subdivision shall not affect the defendant's right to receive notice of a motion to amend the complaint previously served upon the defendant, nor does it affect the defendant's right to receive notice of motions or other pleadings filed to modify or enforce the final order issued in the case.*

4. In cases where such suits have been commenced and an appearance has been made on behalf of the defendant by counsel, then notices to take depositions and of hearings, motions, and other proceedings except contempt proceedings, may be served by delivering or mailing a copy to counsel for opposing party, the foot of such notices bearing either acceptance of service or a certificate of counsel in compliance with the Rules of the Supreme Court of Virginia. "Counsel for opposing party" shall include a pro se party who (i) has entered a general appearance in person or by filing a pleading or endorsing an order of withdrawal of that party's counsel, or (ii) has signed a pleading in the case or who has notified the other parties and the clerk that he appears in the case.

5. Costs may be awarded to either party as equity and justice may require.

INTRODUCED

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