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HOUSE BILL NO. 1322

Offered January 9, 2013

Prefiled October 26, 2012

A *BILL to amend the Code of Virginia by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166, 20-167, and 20-168, relating to the application of foreign law in Virginia courts; domestic relations.*

Patrons—Morris and Cole

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166, 20-167, and 20-168, as follows:

CHAPTER 10.**APPLICATION OF FOREIGN LAWS.****§ 20-166. Definitions.**

For the purposes of this chapter, unless the context requires a different meaning:

"Domestic relations" means any matter regarding the affirmance or annulment of a marriage, divorce, custody or visitation of a child, spousal or child support, control or disposition of a child, adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2, or any other domestic relations matter under Title 16.1 or Title 20.

"Foreign law" means any law, legal code, or system established and used or applied in a jurisdiction outside of the states or territories of the United States.

§ 20-167. Application of foreign law by courts, etc.

It shall be considered a violation of the public policy of the Commonwealth for a court, arbitrator, administrative agency, or other adjudicative or enforcement authority in any domestic relations matter to base its ruling or decision in any matter at issue, in whole or in part, on any foreign law, including any ruling or decision to grant comity to any judgment, if the ruling or decision would violate a person's fundamental rights guaranteed by the United States Constitution and the Constitution of Virginia. Any ruling or decision that violates this section shall be void and unenforceable.

§ 20-168. Application of foreign law; exceptions.

The provisions of this chapter shall not be construed to conflict with any federal treaty or other international agreement to which the United States is a signatory to the extent that such treaty or other agreement controls over the law of the Commonwealth.

INTRODUCED

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