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HOUSE JOINT RESOLUTION NO. 607

Offered January 9, 2013

Prefiled January 6, 2013

Requesting the Virginia Bar Association to study the rights of parents to control the care and custody of their children without infringement by third parties. Report.

Patron—Farrell

Referred to Committee on Rules

WHEREAS, the right of parents to direct the upbringing of their children is a fundamental right protected by the United States Constitution and the Constitution of Virginia; and

WHEREAS, in recognition of this fundamental right, §§ 16.1-241 and 20-124.2 of the Code of Virginia require courts to give due regard to the primacy of the parent-child relationship in determining custody and visitation awards; and

WHEREAS, Virginia law permits persons who are not the parents of children (i.e., third parties) to petition for and be awarded custody of and visitation rights with such children and, under certain circumstances, allows courts to disregard the primacy of the parent-child relationship; and

WHEREAS, Virginia law broadly grants to any third party "with a legitimate interest" the ability to petition for and be awarded custody and visitation rights; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Bar Association be requested to study the rights of parents to control the care and custody of their children without infringement by third parties.

In conducting its study, the Virginia Bar Association is encouraged to review (i) Virginia's current laws governing third-party custody and visitation in relation to the parents' constitutional rights to direct the upbringing of their children and (ii) laws in other states regarding third-party custody and visitation in relation to the parent's constitutional rights to direct the upbringing of their children.

All agencies of the Commonwealth shall provide assistance to the Virginia Bar Association for this study, upon request.

The Virginia Bar Association shall complete its meetings by November 30, 2013, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2014 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

INTRODUCED

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