

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 20-124.3 of the Code of Virginia, relating to custody and visitation*
3 *orders; exchange of child.*

4 [H 2317]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 20-124.3 of the Code of Virginia is amended and reenacted as follows:**8 **§ 20-124.3. Best interests of the child; visitation.**

9 In determining best interests of a child for purposes of determining custody or visitation
10 arrangements including any pendente lite orders pursuant to § 20-103, the court shall consider the
11 following:

12 1. The age and physical and mental condition of the child, giving due consideration to the child's
13 changing developmental needs;

14 2. The age and physical and mental condition of each parent;

15 3. The relationship existing between each parent and each child, giving due consideration to the
16 positive involvement with the child's life, the ability to accurately assess and meet the emotional,
17 intellectual and physical needs of the child;

18 4. The needs of the child, giving due consideration to other important relationships of the child,
19 including but not limited to siblings, peers and extended family members;

20 5. The role that each parent has played and will play in the future, in the upbringing and care of the
21 child;

22 6. The propensity of each parent to actively support the child's contact and relationship with the other
23 parent, including whether a parent has unreasonably denied the other parent access to or visitation with
24 the child;

25 7. The relative willingness and demonstrated ability of each parent to maintain a close and
26 continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes
27 regarding matters affecting the child;

28 8. The reasonable preference of the child, if the court deems the child to be of reasonable
29 intelligence, understanding, age and experience to express such a preference;

30 9. Any history of family abuse as that term is defined in § 16.1-228 or sexual abuse. If the court
31 finds such a history, the court may disregard the factors in subdivision 6; and

32 10. Such other factors as the court deems necessary and proper to the determination.

33 The judge shall communicate to the parties the basis of the decision either orally or in writing.
34 Except in cases of consent orders for custody and visitation, this communication shall set forth the
35 judge's findings regarding the relevant factors set forth in this section. *At the request of either party, the*
36 *court may order that the exchange of a child shall take place at an appropriate meeting place.*

ENROLLED

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