

2019 SESSION

SENATE SUBSTITUTE

19105300D

SENATE BILL NO. 1019

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on January 21, 2019)

(Patron Prior to Substitute—Senator Marsden)

A BILL to amend and reenact § 20-124.4 of the Code of Virginia, relating to referral to mediation in child custody, visitation, and support cases.

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.4 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.4. Mediation.

A. In any appropriate case, upon filing of an initial petition or motion, the court shall may refer the parents or persons with a legitimate interest to a dispute resolution orientation session to be conducted by a mediator certified pursuant to guidelines promulgated by the Judicial Council at no cost and in accordance with the procedures set out in Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01. In assessing During the orientation session, the mediator shall assess the appropriateness of a the mediation referral; the court shall ascertain upon motion of a party whether there is a history of family abuse. If an agreement is not reached on any issue through further mediation as agreed to by the parties, prior to the return date set by the court pursuant to § 8.01-576.5, the court shall proceed with a hearing on any unresolved issue, unless a continuance has been granted by the court.

B. The fee of the mediator shall be \$100 per appointment mediated and shall be paid by the Commonwealth from the funds appropriated for payment of appointments made pursuant to subsection B of § 16.1-267. Any referral that includes both (i) custody or visitation and (ii) child or spousal support shall be considered two separate appointments.

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