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SENATE BILL NO. 1542

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 Surovell)

A *BILL to amend and reenact § 17.1-606 of the Code of Virginia, relating to civil actions; determination of indigency.*

Be it enacted by the General Assembly of Virginia:**1. That § 17.1-606 of the Code of Virginia is amended and reenacted as follows:****§ 17.1-606. Persons allowed services without fees or costs.**

A. Any person who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident of the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is on account of his poverty unable to pay fees or costs, may be allowed by a court to sue or defend a suit therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may assign him, and from all officers, all needful services and process, without any fees, except what may be included in the costs recovered from the opposite party.

B. In determining a person's inability to pay fees or costs on account of his poverty, the court shall consider the factors set forth in subsection B of § 19.2-159, *provided that, in the case of a no-fault divorce proceeding under subdivision A (9) of § 20-91, there shall be a presumption that a person who is a current recipient of a state or federally funded public assistance program for the indigent is unable to pay. In such no-fault divorce proceeding, such person shall certify to the receipt of such benefits under oath.*