

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-244 of the Code of Virginia, relating to juvenile and domestic*  
3 *relations district courts; concurrent jurisdiction; suits for divorce.*

4 [H 1991]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 16.1-244 of the Code of Virginia is amended and reenacted as follows:**8 **§ 16.1-244. Concurrent jurisdiction; exceptions.**

9 A. Nothing contained in this law shall deprive any other court of the concurrent jurisdiction to  
10 determine the custody of children upon a writ of habeas corpus under the law, or to determine the  
11 custody, guardianship, visitation or support of children when such custody, guardianship, visitation or  
12 support is incidental to the determination of causes pending in such courts, nor deprive a circuit court of  
13 jurisdiction to determine spousal support in a suit for separate maintenance. However, when a suit for  
14 divorce has been filed in a circuit court, in which the custody, guardianship, visitation or support of  
15 children of the parties or spousal support is raised by the pleadings and a hearing, including a pendente  
16 lite hearing, is set by the circuit court on any such issue for a date certain or *placed* on a motions  
17 docket ~~to be heard~~ within 21 days of the filing, *though such hearing itself may occur after such 21-day*  
18 *period*, the juvenile and domestic relations district courts shall be divested of the right to enter any  
19 further decrees or orders to determine custody, guardianship, visitation or support when raised for such  
20 hearing and such matters shall be determined by the circuit court unless both parties agreed to a referral  
21 to the juvenile court. In any case in which the jurisdiction of the juvenile and domestic relations district  
22 court has been divested pursuant to this section and no final support order has been entered, any award  
23 for child support or spousal support in the circuit court shall be retroactive to the date on which the  
24 proceeding was commenced by the filing of the action in the juvenile and domestic relations district  
25 court, provided that the petitioner exercised due diligence in the service of the respondent. Nothing in  
26 this section shall deprive a circuit court of the authority to refer any such case to a commissioner for a  
27 hearing or shall deprive the juvenile and domestic relations district courts of the jurisdiction to enforce  
28 its valid orders prior to the entry of a conflicting order of any circuit court for any period during which  
29 the order was in effect or to temporarily place a child in the custody of any person when that child has  
30 been adjudicated abused, neglected, in need of services or delinquent subsequent to the order of any  
31 circuit court.

32 B. Jurisdiction of cases involving violations of federal law by a child shall be concurrent and shall  
33 be assumed only if waived by the federal court or the United States attorney.