

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 16.1-69.35 of the Code of Virginia, as it is currently effective and as it*  
 3 *may become effective, relating to designation of judges in the district courts.*

4 [S 713]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 16.1-69.35 of the Code of Virginia, as it is currently effective and as it may become**  
 8 **effective, is amended and reenacted as follows:**

9 § 16.1-69.35. Administrative duties of chief district judge; same judge may be both general district  
 10 judge and juvenile and domestic relations district judge in certain counties.

11 The chief judge of each district shall have the following administrative duties and authority with  
 12 respect to his district:

13 1. When any district court judge is under any disability or for any other cause is unable to hold court  
 14 and the chief judge determines that assistance is needed:

15 a. The chief district judge shall designate a judge within the district or a judge of another district  
 16 court within the Commonwealth, if one is reasonably available, to hear and dispose of any action or  
 17 actions properly coming before such district court for disposition; or

18 b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may  
 19 designate a retired district judge for such hearing and disposition if such judge consents; or

20 c. If unable to assign a retired district court judge, the chief district judge may designate a retired  
 21 circuit court judge if such judge consents.

22 If no judges are available under subdivision a, b or c, then a substitute judge shall be designated  
 23 pursuant to § 16.1-69.21.

24 While acting, any judge so designated shall have all the authority and power of the judge of the  
 25 court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A  
 26 general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for  
 27 or replace a juvenile and domestic relations district court judge, and vice versa. The names of the judges  
 28 designated under subdivisions b and c shall be selected from a list provided by the Executive Secretary  
 29 and approved by the Chief Justice of the Supreme Court.

30 2. The chief general district court judge of a district may designate any juvenile and domestic  
 31 relations district court judge of the district, with the judge's consent, *for an individual case or* to sit and  
 32 *hear cases for a period of not more than ninety days*, in any of the general district courts within the  
 33 district. The chief juvenile and domestic relations district court judge of a district may designate any  
 34 general district court judge of the district, with the judge's consent, *for an individual case or* to sit and  
 35 *hear cases for a period of not more than ninety days*, in any of the juvenile and domestic relations  
 36 district courts within the district. Every judge so designated shall have the same powers and jurisdiction  
 37 and be authorized to perform the same duties as any judge of the district for which he is designated to  
 38 assist, and, while so acting, his order or judgment shall be, for all purposes, the judgment of the court to  
 39 which he is assigned.

40 3. If on account of congestion in the work of any district court there is in his opinion need therefor,  
 41 the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the  
 42 chief district court judge desiring assistance, designate a district court judge from another district or a  
 43 retired district judge to provide judicial assistance to such district. Every judge so designated shall have  
 44 the same powers and jurisdiction and be authorized to perform the same duties as any judge of the  
 45 district for which he is designated to assist and while so acting his order or judgment shall be, to all  
 46 intents and purposes, the judgment of the court to which he is assigned. If such a designation is made,  
 47 the Chief Justice shall designate a general district court judge to sit in a general district court and a  
 48 juvenile and domestic relations district court judge to sit in a juvenile and domestic relations district  
 49 court.

50 4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish  
 51 special divisions of any general district court when the work of the court may be more efficiently  
 52 handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he  
 53 may assign the judges of the general district court with respect to serving such special divisions. In the  
 54 City of Richmond the general district court shall, in addition to any specialized divisions, maintain a  
 55 separate division of such court in that part of Richmond south of the James River with concurrent  
 56 jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any

57 part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that  
58 part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

59 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall  
60 determine when the district courts or divisions of such courts shall be open for the transaction of  
61 business. He shall determine the times each such court shall be held for the trial of civil, criminal or  
62 traffic matters and cases. He shall determine whether, in the case of district courts in counties, court  
63 shall be held at any place or places in addition to the county seat. He shall determine the office hours  
64 and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a  
65 judge or judges to the public at normal times of business. A schedule of the times and places at which  
66 court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the  
67 courthouse, and in any county also at any such other place or places where court may be held, and the  
68 clerk shall make such schedules available to the public upon request. Any matter may, in the discretion  
69 of the judge, or by direction of the chief district judge, be removed from any one of such designated  
70 places to another, or to or from the county seat, in order to serve the convenience of the parties or to  
71 expedite the administration of justice; however, any town having a population of over 15,000 as of July  
72 1, 1972, having court facilities and a court with both general criminal and civil jurisdiction prior to July  
73 1, 1972, shall be designated by the chief judge as a place to hold court.

74 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief  
75 judge of a juvenile and domestic relations district court may establish a voluntary civil mediation  
76 program for the alternate resolution of disputes. The costs of the program shall be paid by the local  
77 governing bodies within the district or by the parties who voluntarily participate in the program.

78 7. Notwithstanding any other provision of law, the same judge shall be allowed to serve as both a  
79 general district judge and a juvenile and domestic relations district judge for the Counties of Accomack  
80 and Northampton.

81 § 16.1-69.35. (Delayed effective date) Administrative duties of chief district court judge; same judge  
82 may be both general district court judge and family court judge in certain counties.

83 The chief judge of each district shall have the following administrative duties and authority with  
84 respect to his district:

85 1. When any district court judge is under any disability or for any other cause is unable to hold court  
86 and the chief judge determines that assistance is needed:

87 a. The chief district judge shall designate, subject to the provisions of subsection 8, a judge within  
88 the district or a judge of another district court within the Commonwealth, if one is reasonably available,  
89 to hear and dispose of any action or actions properly coming before such district court for disposition;  
90 or

91 b. If unable to designate a judge as provided in subdivision 1 a, the chief district judge may  
92 designate, subject to the provisions of subsection 8, a retired district judge for such hearing and  
93 disposition if such judge consents or a retired circuit court judge if such judge consents.

94 If no judges are available under subdivision a or b, then a substitute judge shall be designated  
95 pursuant to § 16.1-69.21.

96 While acting, any judge so designated shall have all the authority and power of the judge of the  
97 court, and his order or judgment shall, to all intents and purposes, be the judgment of the court. A  
98 general district court judge designated pursuant to subdivision 1 a, may, with his consent, substitute for  
99 or replace a family court judge, and vice versa. The names of the judges designated under subdivision 1  
100 b shall be selected from a list provided by the Executive Secretary and approved by the Chief Justice of  
101 the Supreme Court.

102 2. The chief general district court judge of a district may designate any family court judge of the  
103 district, with the judge's consent, *for any individual case or* to sit and hear cases *for a period not to*  
104 *exceed ninety days*, in any of the general district courts within the district. The chief family court judge  
105 of a district may designate, subject to the provisions of subsection 8, any general district court judge of  
106 the district, with the judge's consent, *for an individual case or* to sit and hear cases *for a period not to*  
107 *exceed ninety days*, in any of the family courts within the district. Every judge so designated shall have  
108 the same powers and jurisdiction and be authorized to perform the same duties as any judge of the  
109 district for which he is designated to assist, and, while so acting, his order or judgment shall be, for all  
110 purposes, the judgment of the court to which he is assigned.

111 3. If on account of congestion in the work of any district court there is in his opinion need therefor,  
112 the Chief Justice of the Supreme Court may, upon his own initiative or upon written application of the  
113 chief district court judge desiring assistance, designate, subject to the provisions of subsection 8, a  
114 district court judge from another district, a retired district judge or a substitute judge to provide judicial  
115 assistance to such district. Every judge so designated shall have the same powers and jurisdiction and be  
116 authorized to perform the same duties as any judge of the district for which he is designated to assist  
117 and while so acting his order or judgment shall be, to all intents and purposes, the judgment of the court

118 to which he is assigned. If such a designation is made, the Chief Justice shall designate a general district  
119 court judge to sit in a general district court and a family court judge to sit in a family court.

120 4. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge may establish  
121 special divisions of any general district court when the work of the court may be more efficiently  
122 handled thereby such as through the establishment of special civil, criminal or traffic divisions, and he  
123 may assign the judges of the general district court with respect to serving such special divisions. In the  
124 City of Richmond the general district court shall, in addition to any specialized divisions, maintain a  
125 separate division of such court in that part of Richmond south of the James River with concurrent  
126 jurisdiction in civil matters whenever one or more of the defendants reside or the cause of action or any  
127 part thereof arises in that part of the city, concurrent jurisdiction over all traffic matters arising in that  
128 part of the city and exclusive jurisdiction over all other criminal matters arising in that part of the city.

129 5. Subject to such rules as may be established pursuant to § 16.1-69.32, the chief judge shall  
130 determine when the district courts or divisions of such courts shall be open for the transaction of  
131 business. He shall determine the times each such court shall be held for the trial of civil, criminal or  
132 traffic matters and cases. He shall determine whether, in the case of district courts in counties, court  
133 shall be held at any place or places in addition to the county seat. He shall determine the office hours  
134 and arrange a vacation schedule of the judges within his district, in order to ensure the availability of a  
135 judge or judges to the public at normal times of business. A schedule of the times and places at which  
136 court is held shall be filed with the Executive Secretary of the Supreme Court and kept posted at the  
137 courthouse, and in any county also at any such other place or places where court may be held, and the  
138 clerk shall make such schedules available to the public upon request. Any matter may, in the discretion  
139 of the judge, or by direction of the chief district judge, be removed from any one of such designated  
140 places to another, or to or from the county seat, in order to serve the convenience of the parties or to  
141 expedite the administration of justice; however, any town having a population of over 15,000 as of July  
142 1, 1972, having court facilities and a court with both general criminal and civil jurisdiction prior to July  
143 1, 1972, shall be designated by the chief judge as a place to hold court.

144 6. Subject to the provisions of § 16.1-69.38, the chief judge of a general district court or the chief  
145 judge of a family court may establish a voluntary civil mediation program for the alternate resolution of  
146 disputes. The costs of the program shall be paid by the local governing bodies within the district or by  
147 the parties who voluntarily participate in the program.

148 7. Notwithstanding any other provision of law, the same judge shall be allowed to serve as both a  
149 general district judge and a family court judge for the Counties of Accomack and Northampton.

150 8. A general district court judge, retired district court judge or a substitute judge may be designated  
151 pursuant to this section to hear and dispose of cases in family courts only if such judge has completed  
152 the training program required by the Judicial Council of Virginia. A circuit court judge may be  
153 designated pursuant to this section and § 17-7.2 to hear and dispose of cases in family courts only if he  
154 voluntarily consents to so serve and expresses such intent in writing to the Office of the Executive  
155 Secretary of the Virginia Supreme Court, which shall maintain a list of said judges.