

1996 SESSION

INTRODUCED

961546312

HOUSE BILL NO. 1128

Offered January 22, 1996

A *BILL to amend and reenact § 20-112 of the Code of Virginia, relating to support orders; appeal; effect of reversal.*

Patrons—Jones, J.C., Cranwell, Dillard, Katzen, Spruill and Wardrup; Senators: Earley and Maxwell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-112 of the Code of Virginia is amended and reenacted as follows:

§ 20-112. Notice when proceedings reopened.

When the proceedings are reopened to increase, decrease or terminate maintenance and support for a spouse or for a child, or to request additional orders to effectuate previous orders entered pursuant to § 20-107.3, the petitioning party shall give such notice to the other party by service of process or by order of publication as is required by law. No support order may be retroactively modified, but may be modified with respect to any period during which there is a pending petition for modification *or an appeal*, but only from the date that notice of such petition *or appeal* has been given to the responding party.

When an order for spousal or child support is vacated or reversed, the appellate court or, if the case is remanded, the court from which the appeal was taken, shall order that amounts paid pursuant to the order during the pendency of the appeal shall be reimbursed, in a lump sum or over time, or be applied as a credit against future payments.

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