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HOUSE BILL NO. 1128**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee for Courts of Justice
on February 11, 1996)

(Patron Prior to Substitute—Delegate Jones, J.C.)

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

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, may order that any amounts overpaid or underpaid pursuant to the order during pendency of the appeal be reimbursed or paid. Any amounts so ordered may be reimbursed or paid in a lump sum or over time, or be applied as a credit against future payments.