

1996 SESSION

INTRODUCED

961234112

HOUSE BILL NO. 1430

Offered January 22, 1996

A BILL to amend and reenact §§ 20-107.2 and 20-109.1 of the Code of Virginia, relating to custody and support.

Patrons—Moran, Almand, Callahan, Connally, Harris, Hull, Keating, Puller and Scott; Senator: Ticer

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-107.2 and 20-109.1 of the Code of Virginia are amended and reenacted as follows:

§ 20-107.2. Court may decree as to custody and support of minor children.

Upon ~~decreeing~~ entry of a decree providing (i) for the dissolution of a marriage, and also upon ~~decreeing~~ (ii) for a divorce, whether from the bond of matrimony or from bed and board, and upon ~~decreeing~~ (iii) that neither party is entitled to a divorce; or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the custody or visitation and support of the minor children of the parties as provided in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20, including an order that either party provide health care coverage.

§ 20-109.1. Affirmation, ratification and incorporation by reference in decree of agreement between parties.

Any court may affirm, ratify and incorporate by reference in its decree dissolving a marriage or decree of divorce whether from the bond of matrimony or from bed and board, or by a separate decree prior to or subsequent to such decree, or in a decree entered in a suit for annulment or separate maintenance, and in a proceeding arising under subsection A 3 or L of § 16.1-241, any valid agreement between the parties, or provisions thereof, concerning the conditions of the maintenance of the parties, or either of them and the care, custody and maintenance of their minor children, or establishing or imposing any other condition or consideration, monetary or nonmonetary. Where the court affirms, ratifies and incorporates by reference in its decree such agreement or provision thereof, it shall be deemed for all purposes to be a term of the decree, and enforceable in the same manner as any provision of such decree. The provisions of this section shall apply to any decree hereinbefore or hereinafter entered affirming, ratifying and incorporating an agreement as provided herein. Upon the death or remarriage of the spouse receiving support, spousal support shall terminate unless otherwise provided by stipulation or contract. In any case where jurisdiction is obtained over a nonresident defendant by order of publication or by acceptance of service pursuant to § 20-99.1:1, any properly acknowledged and otherwise valid agreement entered into between the parties may be affirmed, ratified and incorporated as provided in this section.

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