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HOUSE BILL NO. 1151

Offered January 26, 1998

A BILL to amend and reenact § 16.1-278.15 of the Code of Virginia, as it is currently effective and as it may become effective, relating to custody, visitation, support.

Patron—Katzen

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-278.15 of the Code of Virginia, as it is currently effective and as it may become effective, is amended and reenacted as follows:

§ 16.1-278.15. Custody or visitation, child or spousal support generally.

A. In cases involving the custody, visitation or support of a child pursuant to subdivision A 3 of § 16.1-241, the court may make any order of disposition to protect the welfare of the child and family as may be made by the circuit court. *In custody and visitation cases where the parties are parents of minor children and the parties are married to each other or were formerly married to each other, the court shall order the parties to attend educational seminars and other like programs conducted by a qualified person or organization approved by the court, on the effects of separation or divorce on minor children, parenting responsibilities, options for conflict resolution, and financial responsibilities; however, no fee in excess of fifty dollars may be charged for participation in such program. As part of this program, the parties shall submit a unified parenting plan, which shall outline the rights and duties of each parent, along with a residential schedule for each child. If the parties cannot agree on a unified plan, each party shall submit a separate plan. No statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.* If support is ordered for a child, the order shall also provide that support will continue to be paid for a child over the age of eighteen who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever occurs first. The court may also order the continuation of support for any child over the age of eighteen who is (i) severely and permanently mentally or physically disabled, (ii) unable to live independently and support himself, and (iii) resides in the home of the parent seeking or receiving child support.

B. In any case involving the custody or visitation of a child, the court may award custody upon petition to any party with a legitimate interest therein, including, but not limited to, grandparents, stepparents, former stepparents, blood relatives and family members. The term "legitimate interest" shall be broadly construed to accommodate the best interest of the child. The authority of the juvenile court to consider a petition involving the custody of a child shall not be proscribed or limited where the custody of the child has previously been awarded to a local board of social services.

C. In any determination of support obligation under this section, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Such judgment becomes a lien against real estate only when docketed in the county or city where such real estate is located. Nothing herein shall be construed to alter or amend the process of attachment of any lien on personal property.

D. In cases involving charges for desertion, abandonment or failure to provide support by any person in violation of law, disposition shall be made in accordance with Chapter 5 (§ 20-61 et seq.) of Title 20.

E. In cases involving a spouse who seeks spousal support after having separated from his spouse, the court may enter any appropriate order to protect the welfare of the spouse seeking support.

F. In any case or proceeding involving the custody or visitation of a child, the court shall consider the best interest of the child, including the considerations for determining custody and visitation set forth in Chapter 6.1 (§ 20-124.1 et seq.) of Title 20.

§ 16.1-278.15. (Delayed effective date) Custody or visitation, child or spousal support generally.

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