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HOUSE BILL NO. 2620

Offered January 23, 2009

A BILL to amend and reenact § 20-99 of the Code of Virginia, relating to divorce; appointment of counsel.

Patrons—Pollard and McClellan

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 20-99 of the Code of Virginia is amended and reenacted as follows:

§ 20-99. How such suits instituted and conducted; costs.

A. Such suit shall be instituted and conducted as other suits in equity, except as otherwise provided in this section:

1. No divorce, annulment, or affirmation of a marriage shall be granted on the uncorroborated testimony of the parties or either of them.

2. Whether the defendant answers or not, the cause shall be heard independently of the admissions of either party in the pleadings or otherwise.

3. Process or notice in such proceedings shall be served in this Commonwealth by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-293. Service may be made on a nonresident by any of the methods prescribed in § 8.01-296 by any person authorized to serve process under § 8.01-320.

4. In cases where such suits have been commenced and an appearance has been made on behalf of the defendant by counsel, then notices to take depositions and of hearings, motions, and other proceedings except contempt proceedings, may be served by delivering or mailing a copy to counsel for opposing party, the foot of such notices bearing either acceptance of service or a certificate of counsel in compliance with the Rules of the Supreme Court of Virginia. "Counsel for opposing party" shall include a pro se party who (i) has entered a general appearance in person or by filing a pleading or endorsing an order of withdrawal of that party's counsel, or (ii) has signed a pleading in the case or who has notified the other parties and the clerk that he appears in the case.

5. Costs may be awarded to either party as equity and justice may require.

B. Upon request by a party, the court shall appoint counsel to represent such party in a suit for divorce if it is shown that (i) the party is a victim of domestic violence as defined in subdivision 7 of § 38.2-508, and (ii) the party can reasonably demonstrate that he cannot access resources necessary to retain an attorney.

2. That the provisions of this act shall become effective on July 1, 2011.

INTRODUCED

HB2620