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## SENATE BILL NO. 1318

Offered January 14, 2015

A BILL to amend the Code of Virginia by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166, 20-167, and 20-168, relating to the application of foreign law in Virginia courts; domestic relations.

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Patron—Martin

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Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 20 a chapter numbered 10, consisting of sections numbered 20-166, 20-167, and 20-168, as follows:**

**CHAPTER 10.****APPLICATION OF FOREIGN LAWS.****§ 20-166. Definitions.**

*For the purposes of this chapter, unless the context requires a different meaning:*

*"Domestic relations" means any matter regarding the affirmance or annulment of a marriage, divorce, custody or visitation of a child, spousal or child support, control or disposition of a child, adoption under Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2, or any other domestic relations matter under Title 16.1 or this title.*

*"Foreign law" means any law, legal code, or system established and used or applied in a jurisdiction outside of the states or territories of the United States.*

*"Foreign venue or forum" means any venue or forum operating under the authority of a government other than a government of the United States or its states or territories.*

**§ 20-167. Application of foreign law by courts, etc.**

*A. It shall be considered a violation of the public policy of the Commonwealth for a court, administrative agency, arbitrator, mediator, or other adjudicative or enforcement authority in any domestic relations matter to base its ruling or decision, in whole or in part, in any matter at issue on or to apply any foreign law, including any ruling or decision to grant comity to any judgment, if the ruling or decision or the application of foreign law would violate an individual's fundamental rights guaranteed by the United States Constitution or the Constitution of Virginia. Any ruling or decision or application of foreign law that violates this section shall be void and unenforceable.*

*B. Except as provided in subsection B of § 20-168, no court, administrative agency, arbitrator, mediator, or other adjudicative or enforcement authority in any domestic relations matter shall enforce any provision in a contract or other agreement that provides that foreign law governs the construction and enforcement of the contract or other agreement or that provides that any disputes under the contract or other agreement shall be decided in a foreign venue or forum if the application of foreign law or the choice of the foreign venue or forum would violate an individual's fundamental rights guaranteed by the United States Constitution or the Constitution of Virginia.*

**§ 20-168. Application of foreign law; exceptions.**

*A. The provisions of this chapter shall not be construed to conflict with any federal treaty or other international agreement to which the United States is a signatory to the extent that such treaty or other agreement controls over the law of the Commonwealth.*

*B. Nothing in this chapter shall be construed to limit the right of an individual to voluntarily agree to limit or waive his fundamental rights guaranteed by the United States Constitution or the Constitution of Virginia in a contract or other agreement; however, the language of any such limitation or waiver shall be strictly construed in favor of preserving an individual's fundamental rights.*

INTRODUCED

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