

16101138D

SENATE BILL NO. 77

Offered January 13, 2016

Prefiled December 21, 2015

A BILL to amend and reenact § 16.1-69.48:5 of the Code of Virginia, relating to filing fees; motions to modify custody or visitation orders.

Patron—Wexton

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-69.48:5 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-69.48:5. Fees for services of juvenile and domestic relations district court judges and clerks in certain civil cases.**

Except as otherwise provided, upon the initial commencement of any case in the juvenile and domestic relations district court pursuant to subdivision A 3 of § 16.1-241 when the custody or visitation of a child is a subject of controversy or requires determination, there shall be a filing fee of \$25. *Upon any motion filed in the juvenile and domestic relations district court to modify a custody or visitation order, there shall be a filing fee of \$25.* However, only one \$25 fee shall be required for all custody and visitation petitions *or motions* simultaneously initiated by a single petitioner. Notwithstanding any other provision of law, there shall be no other fees or costs added to this fee as a condition of filing. No case to which ~~this~~ *either* fee is applicable shall be set for hearing by the clerk until ~~this~~ *such* fee has been paid except on account of poverty as provided in § 17.1-606. Fees shall be paid to the clerk in the jurisdiction in which the petition *or motion* is filed.

~~This~~ *Such* fee shall not be charged in any case brought by an agent of the Commonwealth or of a local government entity.

When service of process is had on the respondent named in a petition *or motion* for which ~~the~~ *a* filing fee established by this section has been paid, such petition *or motion* may be reissued once by changing the return day of such process, for which service there shall be no charge; however, reissuance of such process shall be within three months after the original return day.

In the case of an appeal filed pursuant to § 16.1-296, the clerk shall collect any applicable fees for service of process of the notice of appeal in the circuit court from the appellant prior to transmitting the case to the clerk of the circuit court. For purposes of this section, service of process in the circuit court may include service on the appellee by the sheriff or private process server or certified or registered mail, and service on the attorney for the appellee by regular mail.

INTRODUCED

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