

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-271.1 of the Code of Virginia, relating to pro se minors; signing of*
3 *pleading, motion, or other paper by next friend.*

4 [H 1212]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-271.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 8.01-271.1. Signing of pleadings, motions, and other papers; oral motions; sanctions.**

9 Except as otherwise provided in §§ 16.1-260 and 63.2-1901, every pleading, written motion, and
10 other paper of a party represented by an attorney shall be signed by at least one attorney of record in
11 his individual name, and the attorney's address shall be stated on the first pleading filed by that attorney
12 in the action. A party who is not represented by an attorney, including a person confined in a state or
13 local correctional facility proceeding pro se, shall sign his pleading, motion, or other paper and state his
14 address. *A minor who is not represented by an attorney shall sign his pleading, motion, or other paper*
15 *by his next friend. Either or both parents of such minor may sign on behalf of such minor as his next*
16 *friend. However, a parent may not sign on behalf of a minor if such signature is otherwise prohibited*
17 *by subdivision 6 of § 64.2-716.*

18 The signature of an attorney or party constitutes a certificate by him that (i) he has read the pleading,
19 motion, or other paper, (ii) to the best of his knowledge, information and belief, formed after reasonable
20 inquiry, it is well grounded in fact and is warranted by existing law or a good faith argument for the
21 extension, modification, or reversal of existing law, and (iii) it is not interposed for any improper
22 purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation. If
23 a pleading, written motion, or other paper is not signed, it shall be stricken unless it is signed promptly
24 after the omission is called to the attention of the pleader or movant.

25 An oral motion made by an attorney or party in any court of the Commonwealth constitutes a
26 representation by him that (i) to the best of his knowledge, information and belief formed after
27 reasonable inquiry it is well grounded in fact and is warranted by existing law or a good faith argument
28 for the extension, modification or reversal of existing law, and (ii) it is not interposed for any improper
29 purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

30 If a pleading, motion, or other paper is signed or made in violation of this rule, the court, upon
31 motion or upon its own initiative, shall impose upon the person who signed the paper or made the
32 motion, a represented party, or both, an appropriate sanction, which may include an order to pay to the
33 other party or parties the amount of the reasonable expenses incurred because of the filing of the
34 pleading, motion, or other paper or making of the motion, including a reasonable attorney's fee.

ENROLLED

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