

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 17.1-606 of the Code of Virginia, relating to civil actions; determination*
3 *of indigency.*

4 [H 1944]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 17.1-606 of the Code of Virginia is amended and reenacted as follows:**8 **§ 17.1-606. Persons allowed services without fees or costs.**

9 A. Any person who is (i) a plaintiff in a civil action in a court of the Commonwealth and a resident
10 of the Commonwealth or (ii) a defendant in a civil action in a court of the Commonwealth, and who is
11 on account of his poverty unable to pay fees or costs, may be allowed by a court to sue or defend a suit
12 therein, without paying fees or costs; whereupon he shall have, from any counsel whom the court may
13 assign him, and from all officers, all needful services and process, without any fees, except what may be
14 included in the costs recovered from the opposite party.

15 B. In determining a person's inability to pay fees or costs on account of his poverty, the court shall
16 consider the factors set forth in subsection B of § 19.2-159, *provided that, in the case of a no-fault*
17 *divorce proceeding under subdivision A (9) of § 20-91, there shall be a presumption that a person who*
18 *is a current recipient of a state or federally funded public assistance program for the indigent is unable*
19 *to pay. In such no-fault divorce proceeding, such person shall certify to the receipt of such benefits*
20 *under oath.*

ENROLLED

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