


<b>Commonwealth of Virginia</b>		
Thomas A. Lisk, Chair  <hr/> Andrew Kubincanek, Program Coordinator		General Assembly Building 201 North 9th St., Second Floor Richmond, Virginia 23219 (Phone) 804-786-3591 (Fax) 804-692-0625 <a href="mailto:akubincanek@dls.virginia.gov">akubincanek@dls.virginia.gov</a> <a href="http://codecommission.dls.virginia.gov/alac/alac.shtml">http://codecommission.dls.virginia.gov/alac/alac.shtml</a>
<b>Administrative Law Advisory Committee</b>		

## **2016 Work Plan Administrative Law Advisory Committee**

### **Hearing Officer Deskbook Update**

The Administrative Law Advisory Committee (ALAC) will form a work group to update the Hearing Officer Deskbook to account for recent statutory changes.

### **Guidance Document Requirements; Definition of Agency in Virginia Register Act**

The statutory requirement that an agency must annually file with the Registrar's office a list of its guidance documents under which the agency currently operates applies to most agencies with rulemaking authority. ALAC will explore whether the guidance document list filing requirement should apply to agencies without rulemaking authority that issue guidance documents that interpret or implement a statute.

### **Model State Administrative Procedure Act**

The Model State Administrative Procedure Act judicial work group will reconvene to discuss additional sections, including the section on Intervention.

### **Executive Review Process**

The work group will continue to discuss recommendations to future administrations on ensuring the efficiency and effectiveness of the executive review process for rules and regulations.

Thomas A. Lisk, Chair  
 Kristina Perry Alexander  
 Elizabeth Andrews  
 Roger L. Chaffe

Jeffrey S. Gore  
 Edward A. Mullen  
 Eric M. Page  
 Karen Perrine

Mike Quinan  
 Alexander F. Skirpan, Jr.  
 Brooks Smith  
 Kristi Wright

**Code of Virginia:  
Use of Gender-Specific References  
&  
Provisions Governing Discrimination**

June 20, 2016

**I. Issues Prompting Review**

- In 2015, the U.S. Supreme Court ruled in *Obergefell v. Hodges* that states must license same-sex marriages and recognize same-sex marriages performed in other states. Numerous Code sections enacted prior to the *Obergefell* decision contain language, i.e., gender-specific terms, which may no longer be consistent with the right to same-sex marriage.
- Numerous bills amending Virginia's laws governing discrimination were referred to the Code Commission during the 2016 General Assembly Session. A recent AG's opinion issued on May 10, 2016, addressing Virginia's anti-discrimination statutes illustrates the current unsettled state of the law on both the state and national level.

**II. Proposed Work Plan**

- Identify relevant Code provisions:
  - Provisions using gender-specific terms (see Table)
  - Provisions governing discrimination from bills referred to the Code Commission
- Convene work groups. Based on a review of the relevant provisions already identified, the following potential work groups and relevant stakeholders have been identified:
  - Banking/Wills, Trusts, & Estates/Real Property
    - Virginia Bankers Association
    - Circuit court clerks
  - Domestic Relations
    - Family Law Coalition
    - Department of Social Services
  - Criminal Law
    - Commonwealth's Attorneys
    - Criminal defense bar
  - Health Insurance/Health Care
    - Medical Society of Virginia
    - Health insurance providers
    - Virginia Hospital & Healthcare Association
  - Housing

- Homebuilders Association of Virginia
  - Virginia Association of Realtors
  - Virginia Apartment and Office Building Association
  - Housing Opportunities Made Equal
- Employment
  - Virginia Chamber of Commerce
  - National Federation of Independent Business
  - AFL-CIO
- Other Interested Parties
  - Relevant sections of the VBA and VSB
  - Virginia Association of Defense Attorneys
  - Virginia Trial Lawyers Association
  - ACLU
  - Virginia Family Foundation
  - Virginia Poverty Law Center
  - Virginia Catholic Conference
  - Equality VA
  - Attorney General's Office
- Time Line:
  - July 2016: Identify and update relevant Code provisions and contact proposed stakeholders regarding participation on the work groups.
  - August 2016: Present to Code Commission an updated table of relevant Code provisions and names of the members of the work groups.
  - August 2016 - 2017: Update Code Commission on progress of work groups and, as available, present revised provisions to Code Commission for comment and approval. Periodically meet with work group to discuss proposed revisions.
  - Last Code Commission meeting in 2017: Present proposed final report.

### Husband and Wife

Title	Section	Reference
Title 6.2 - Financial Institutions and Services	§ 6.2-1526. Wage assignments	The assignment or order is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by <b>both husband and wife</b> , and not by an attorney. Written assent of a spouse shall not be required when <b>husband and wife</b> have been living separate and apart for a period of at least five months prior to the giving of the assignment or order.
	§ 6.2-1527. Lien on household furniture	No chattel mortgage or other lien on household furniture then in the possession and use of the borrower given to secure any loan made by a licensee shall be valid unless it is in writing, signed in person by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by <b>both husband and wife</b> , and not by an attorney. Written assent of a spouse shall not be required when a <b>husband and wife</b> have been living separate and apart for a period of at least five months prior to the giving of the mortgage or lien.
Title 8.01 - Civil Remedies and Procedure	§ 8.01-398. Privileged marital communications	<b>Husband and wife</b> shall be competent witnesses to testify for or against each other in all civil actions.
Title 18.2 - Crimes	§ 18.2-19. How accessories after the fact punished; exceptions	However, no person in the relation of <b>husband or wife</b> , parent or grandparent, child or grandchild, brother or sister, by consanguinity or affinity, or servant to the offender, who, after the commission of a felony, shall aid or assist a principal felon or accessory before the fact to avoid or escape from prosecution or punishment, shall be deemed an accessory after the fact.
	§ 18.2-362. Person marrying when husband or wife living	<b>If any person, being married, shall, during the life of the husband or wife</b> , marry another person in this Commonwealth, or if the marriage with such other person take place out of the Commonwealth, shall thereafter cohabit with such other person in this Commonwealth, he or she shall be guilty of a Class 4 felony.
	§ 18.2-363. Leaving Commonwealth to evade law against bigamy	If any persons, resident in this Commonwealth, one of whom has a <b>husband or wife</b> living, shall, with the intention of returning to reside in this Commonwealth, go into another state or country and there intermarry and return to and reside in this Commonwealth cohabiting as <b>man and wife</b> , such marriage shall be governed by the same law, in all respects, as if it had been solemnized in this Commonwealth.
	§ 18.2-364. Exceptions to preceding sections	Sections 18.2-362 and 18.2-363 shall not extend to a person whose <b>husband or wife</b> shall have been continuously absent from such person for seven years next before marriage of such person to another, and shall not have been known by such person to be living within that time; nor to a person who can show that the second marriage was contracted in good faith under a reasonable belief that the former consort was dead; nor to a person who shall, at the time of the subsequent marriage, have been divorced from the bond of the former marriage; nor to a person whose former marriage was void.
	§ 18.2-368. Placing or leaving wife for prostitution	Any person who, by force, fraud, intimidation, or threats, places or leaves or procures any other person to place or leave <b>his wife</b> in a bawdy place for the purpose of prostitution or unlawful sexual intercourse, anal intercourse, cunnilingus, fellatio, or anilingus is guilty of pandering, punishable as a Class 4 felony.
	§ 18.2-462. Concealing or compounding offenses	B. Any person, other than the victim of the crime or the <b>husband, wife</b> , parent, grandparent, child, grandchild, brother, or sister, by consanguinity or affinity of the offender, who with actual knowledge of the commission by another of any felony offense under Chapter 4 (§ 18.2-30 et seq.) of this title, willfully

		conceals, alters, dismembers, or destroys any item of physical evidence with the intent to delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or punishment of any person regarding such offense is guilty of a Class 6 felony.
Title 19.2 - Criminal Procedure	§ 19.2-271.1. Competency of husband and wife to testify	<b>Husband and wife</b> shall be competent witnesses to testify for or against each other in criminal cases, except as otherwise provided.
	§ 19.2-271.2. Testimony of husband and wife in criminal cases	In criminal cases <b>husband and wife</b> shall be allowed, and, subject to the rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but neither shall be compelled to be called as a witness against the other, except (i) in the case of a prosecution for an offense committed by one against the other, against a minor child of either, or against the property of either; (ii) in any case where either is charged with forgery of the name of the other or uttering or attempting to utter a writing bearing the allegedly forged signature of the other; or (iii) in any proceeding relating to a violation of the laws pertaining to criminal sexual assault (§§ 18.2-61 through 18.2-67.10), crimes against nature (§ 18.2-361) involving a minor as a victim and provided the defendant and the victim are not married to each other, incest (§ 18.2-366), or abuse of children (§§ 18.2-370 through 18.2-371). The failure of <b>either husband or wife</b> to testify, however, shall create no presumption against the accused, nor be the subject of any comment before the court or jury by any attorney.
	§ 19.2-305. Requiring fines, costs, restitution for damages, support or community services from probationer	B. A defendant placed on probation following conviction may be required to make at least partial restitution or reparation to the aggrieved party or parties for damages or loss caused by the offense for which conviction was had, or may be required to provide for the support of <b>his wife</b> or others for whose support he may be legally responsible, or may be required to perform community services.
Title 20 - Domestic Relations	§ 20-40. Punishment for violation of such prohibition; leaving Commonwealth to avoid	If any persons, resident in this Commonwealth, and within the degrees of relationship mentioned in that section, shall go out of this Commonwealth for the purpose of being married, and with the intention of returning, and be married out of it, and afterwards return to and reside in it, cohabiting as <b>man and wife</b> , they shall be punished as provided in this section, and the marriage shall be governed by the same law as if it had been solemnized in this Commonwealth.
	§ 20-43. Bigamous marriages void without decree	All marriages which are prohibited by law on account of either of the parties having a former <b>wife or husband</b> then living shall be absolutely void, without any decree of divorce, or other legal process.
	§ 20-61. Desertion or nonsupport of wife, husband or children in necessitous circumstances	Husband/wife only used in catchline. Spouse used throughout section.
	§ 20-82. Husband and wife competent as witnesses	In every prosecution under this chapter both <b>husband and wife</b> shall be competent witnesses to testify against each other in all relevant matters, including the facts of such marriage, provided that neither shall be compelled to give evidence incriminating himself or herself.
	§ 20-88.59. Special rules of evidence and procedure	I. The defense of immunity based on the relationship of <b>husband and wife</b> or parent and child does not apply in a proceeding under this chapter. [UIFSA]
	§ 20-89.1. Suit to annul marriage	(b) . . . or when, at the time of the marriage, <b>the wife, without the knowledge of the husband, was with child by some person other than the husband, or where the husband, without knowledge of the wife, had fathered a child born to a woman other than the wife</b> within ten months after the date of the solemnization of the marriage, or where, prior to the marriage, either party had been, without the knowledge

		of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.
	§ 20-91. Ground for divorce from bond of matrimony; contents of decree	(9) (a) On the application of either party if and when the <b>husband and wife</b> have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when the <b>husband and wife</b> have lived separately and apart without cohabitation and without interruption for six months.
	§ 20-97. Domicile and residential requirements	4. Upon separation of the <b>husband and wife</b> , the <b>wife</b> may establish her own and separate domicile, though the separation may have been caused under such circumstances as would entitle the <b>wife</b> to a divorce or annulment.
	§ 20-106. Testimony may be required to be given orally; evidence by affidavit	The affidavit shall: . . . 7. State whether there were children born or adopted of the marriage and affirm that <b>the wife</b> is not known to be pregnant from the marriage; and . . . e. Verify whether there were children born or adopted of the marriage and verify that <b>the wife</b> is not known to be pregnant from the marriage; and
	§ 20-118. Prohibition of remarriage pending appeal from divorce decree; certain marriages validated	Marriages heretofore celebrated in violation of any prohibition against remarriage shall not hereafter be deemed to be invalid because of the violation of such prohibition, provided that the parties to such a marriage have continued to reside together as <b>husband and wife</b> until the first day of July, 1960, or until such time as one of the parties dies prior to July 1, 1960.
	§ 20-146.31. Hearing and order	D. A privilege against disclosure of communications between spouses and a defense of immunity based on the relationship of <b>husband and wife</b> or parent and child may not be invoked in a proceeding under this article.
	§ 20-156. Definitions	"Surrogacy contract" means an agreement between intended parents, a surrogate, and <b>her husband</b> , if any, in which the surrogate agrees to be impregnated through the use of assisted conception, to carry any resulting fetus, and to relinquish to the intended parents the custody of and parental rights to any resulting child.
	§ 20-158. Parentage of child resulting from assisted conception	A. Determination of parentage, generally. - Except as provided in subsections B, C, D, and E of this section, the parentage of any child resulting from the performance of assisted conception shall be determined as follows: 1. The gestational mother of a child is the child's mother. 2. The <b>husband</b> of the gestational mother of a child is the child's father, notwithstanding any declaration of invalidity or annulment of the marriage obtained after the performance of assisted conception, unless he commences an action in which the mother and child are parties within two years after he discovers or, in the exercise of due diligence, reasonably should have discovered the child's birth and in which it is determined that he did not consent to the performance of assisted conception. 3. A donor is not the parent of a child conceived through assisted conception, unless the donor is the <b>husband</b> of the gestational mother. B. Death of spouse. - Any child resulting from the insemination of a wife's ovum using her husband's sperm, with his consent, is the child of the <b>husband and wife</b> notwithstanding that, during the ten-month period

		<p>immediately preceding the birth, either party died. . . .</p> <p>E. 2. If either of the intended parents is a genetic parent of the resulting child, the intended father is the child's father. However, if (i) the surrogate is married, (ii) <b>her husband</b> is a party to the surrogacy contract, and (iii) the surrogate exercises her right to retain custody and parental rights to the resulting child pursuant to § 20-162, then the surrogate and <b>her husband are the parents</b>.</p>
	§ 20-159. Surrogacy contacts permissible	A. A surrogate, <b>her husband</b> , if any, and prospective intended parents may enter into a written agreement whereby the surrogate may relinquish all her rights and duties as parent of a child conceived through assisted conception, and the intended parents may become the parents of the child as provided in subsection D or E of § 20-158.
	§ 20-160. Petition and hearing for court approval of surrogacy contract; requirements; orders	<p>A. Prior to the performance of assisted conception, the intended parents, the surrogate, and her <b>husband</b> shall join in a petition to the circuit court of the county or city in which at least one of the parties resides.</p> <p>B. 2. A local department of social services or welfare or a licensed child-placing agency has conducted a home study of the intended parents, the surrogate, and her <b>husband</b>, if any, and has filed a report of this home study with the court;</p> <p>3. The intended parents, the surrogate, and her <b>husband</b>, if any, meet the standards of fitness applicable to adoptive parents;</p> <p>7. Prior to signing the surrogacy contract, the intended parents, the surrogate, and her <b>husband</b>, if any, have submitted to physical examinations and psychological evaluations</p> <p>10. The <b>husband</b> of the surrogate, if any, is a party to the surrogacy agreement</p> <p>If evidence cannot be produced that at least one of the intended parents is the genetic parent of the resulting child, the court shall not enter an order directing the issuance of a new birth certificate naming the intended parents as the parents of the child, and the surrogate and her <b>husband</b>, if any, shall be the parents of the child.</p>
	§ 20-161. Termination of court-approved surrogacy contract	A. Subsequent to an order entered pursuant to subsection B of § 20-160, but before the surrogate becomes pregnant through the use of assisted conception, the court for cause, or the surrogate, her <b>husband</b> , if any, or the intended parents may terminate the agreement by giving written notice of termination to all other parties and by filing notice of the termination with the court
	§ 20-162. Contracts not approved by the court	<p>A. In the case of any surrogacy agreement for which prior court approval has not been obtained pursuant to § 20-160, the provisions of this section and §§ 20-156 through 20-159 and §§ 20-163 through 20-165 shall apply. Any provision in a surrogacy contract that attempts to reduce the rights or responsibilities of the intended parents, surrogate, <b>or her husband, if any</b>, or the rights of any resulting child shall be reformed to include the requirements set forth in this chapter. A provision in the contract providing for compensation to be paid to the surrogate is void and unenforceable. Such surrogacy contracts shall be enforceable and shall be construed only as follows:</p> <p>1. The surrogate, <b>her husband, if any</b>, and the intended parents shall be parties to any such surrogacy contract.</p>
	§ 20-163. Misc. provisions relating to all surrogacy contracts	B. After the entry of an order under subsection B of § 20-160 or upon the execution of a contract pursuant to §20-162, the <b>marriage of the surrogate shall not affect the validity of the order or contract, and her husband shall not be deemed a party to the contract in the absence of his explicit written consent</b> .

	§ 20-165	B. Any person who acts as a surrogate broker in violation of this section shall, in addition, be liable to all the parties to the purported surrogacy contract in a total amount equal to three times the amount of compensation to have been paid to the broker pursuant to the contract. One-half of the damages under this subsection shall be due the surrogate and <b>her husband, if any</b> , and if he is a party to the contract, and one-half shall be due the intended parents.
Title 32.1 - Health	§ 32.1-257. Filing birth certificates; from whom required; signatures of parents	For the purpose of birth registration in the case of a child resulting from assisted conception, pursuant to Chapter 9 (§ 20-156 et seq.) of Title 20, the birth certificate of such child shall contain full information concerning the mother's <b>husband</b> as the father of the child and the gestational mother as the mother of the child. Donors of sperm or ova shall not have any parental rights or duties for any such child.
Title 37.2 - Behavioral Health	§ 37.2-718. Order to compel payment of expenses	B. The individual receiving services and his estate shall first be liable for the payment of his expenses and thereafter, the person liable for the support of the individual. Such person shall be the father, mother, <b>husband, wife</b> , or child of the individual who has attained the age of majority.
Title 38.2 - Insurance	§ 38.2-302. Life, accident, and sickness insurance	1. A <b>wife or husband</b> may effect an insurance contract upon each other
	§ 38.2-2204. Liability insurance on motor vehicles, aircraft and watercraft; standard provisions; "omnibus clause."	Each such policy or contract of liability insurance, or endorsement to the policy or contract, insuring private passenger automobiles, aircraft, or private pleasure watercraft principally garaged, docked, or used in this Commonwealth, that has as the named insured an individual or <b>husband and wife</b> and that includes, with respect to any liability insurance provided by the policy, contract or endorsement for use of a nonowned automobile, aircraft or private pleasure watercraft, any provision requiring permission or consent of the owner of such automobile, aircraft, or private pleasure watercraft for the insurance to apply, shall be construed to include permission or consent of the custodian in the provision requiring permission or consent of the owner.
	§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner	"Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or property damage liability insurance issued or delivered in this Commonwealth covering liability arising from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one individual or <b>husband and wife</b> who are residents of the same household, and under which the insured vehicle designated in the policy is either:
	§ 38.2-4019. Beneficiaries	No person other than a <b>wife, husband</b> , relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepchild, or child by legal adoption of the member, or one who is dependent upon the member or one who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a beneficiary of the member's certificate.
Title 55 - Property	§ 55-20. Survivorship between joint tenants abolished	When any joint tenant dies, before or after the vesting of the estate, whether the estate is real or personal, or whether partition could have been compelled or not, his part shall descend to his heirs, or pass by devise, or go to his personal representative, subject to debts or distribution, as if he had been a tenant in common. And if hereafter any estate, real or personal, is conveyed or devised <b>to a husband and his wife</b> , they shall take and hold the same by moieties in like manner as if a distinct moiety had been given to each by a separate conveyance.
	§ 55-20.2. Tenants by the entirety in real and personal property; certain trusts	A. Any <b>husband and wife</b> may own real or personal property as tenants by the entirety. Personal property may be owned as tenants by the entirety whether or not the personal property represents the proceeds of the sale of real property. An intent that the part of the one dying should belong to the other shall be manifest



		<p>from a designation of a <b>husband and wife</b> as "tenants by the entirety" or "tenants by the entirety."</p> <p>B. Any property of a <b>husband and wife</b> that is held by them as tenants by the entirety and conveyed to their joint revocable or irrevocable trusts, or to their separate revocable or irrevocable trusts, shall have the same immunity from the claims of their separate creditors as it would if it had remained a tenancy by the entirety, so long as (i) they remain <b>husband and wife</b>, (ii) it continues to be held in the trust or trusts, and (iii) it continues to be their property.</p>
	§ 55-35. How married women may acquire and dispose of property	<b>A married woman</b> shall have the right to acquire, hold, use, control and dispose of property as if she were unmarried and such power of use, control and disposition shall apply to all property of a married woman which has been acquired by her since April 4, 1877, or shall be hereafter acquired. Her <b>husband's</b> marital rights shall not entitle him to the possession or use, or to the rents, issues and profits, of such real estate during the coverture; nor shall the property of the <b>wife</b> be subject to the debts or liabilities of the <b>husband</b> .
	§ 55-36. Contracts of, and suits by and against, married women	<b>A married woman</b> may contract and be contracted with and sue and be sued in the same manner and with the same consequences as if she were unmarried, whether the right or liability asserted by or against her accrued heretofore or hereafter. In an action by a married woman to recover for a personal injury inflicted on her she may recover the entire damage sustained including the personal injury and expenses arising out of the injury, whether chargeable to her or her <b>husband</b> , notwithstanding the husband may be entitled to the benefit of her services about domestic affairs and consortium, and any sum recovered therein shall be chargeable with expenses arising out of the injury, including hospital, medical and funeral expenses, and any person, including the <b>husband</b> , partially or completely discharging such debts shall be reimbursed out of the sum recovered in the action, whensoever paid, to the extent to which such payment was justified by services rendered or expenses incurred by the obligee, provided, however, that written notice of such claim for reimbursement, and the amount and items thereof, shall have been served on such married woman and on the defendant prior to any settlement of the sum recovered by her; and no action for such injury, expenses or loss of services or consortium shall be maintained by the <b>husband</b> .
	§ 55-38. Wife's right of entry into land not barred by certain judgments; when she may defend her right in lands which are her inheritance.	A woman shall not be barred of her right of entry into land by a judgment in her <b>husband's</b> lifetime by default or collusion, but after his death may prosecute the same by any proper suit; or, in the lifetime of the husband, if he will not appear, or, against his <b>wife's</b> consent, will render the <b>wife's</b> lands during the coverture in a suit against the <b>husband and wife</b> for lands which are her inheritance, the <b>wife</b> may come at any time before judgment, and defend her right.
	§ 55-39. Rights of wife, etc., not affected by husband's acts only	No conveyance or other act suffered or done by the <b>husband</b> only of any land which is the inheritance of his <b>wife</b> shall be or make any discontinuance thereof, or be prejudicial to the <b>wife</b> or her heirs, or to any having right or title to the same by her death, but they may respectively enter into such land, according to their right and title therein, as if no such act had been done.
	§ 55-41. Conveyance from husband and wife; effect on right of wife or husband	When a <b>husband and his wife</b> have signed and delivered a writing purporting to convey any estate, real or personal, such writing, whether admitted to record or not, shall (i) if delivered prior to January 1, 1991, operate to convey from the spouse her right of dower or his right of curtesy in the real estate embraced therein, and (ii) if delivered after December 31, 1990, operate to manifest the spouse's written consent or joinder, as contemplated in § 64.2-305 to the transfer embraced therein.
	§ 55-131. Acknowledgments taken by officer who was	Any certificate of acknowledgment to a deed or other writings taken prior to July 1, 1995, by a notary public or other officer duly authorized to take acknowledgments, who at the time of taking such acknowledgment

	husband or wife of grantee	was the <b>husband or wife</b> of the grantee in the deed or other instrument, shall be held, and the same is hereby declared, valid and effective in all respects, if otherwise valid according to the law then in force. All acknowledgments of conveyances to a fiduciary taken before an officer, who is the <b>husband or wife</b> of the same and who has no beneficial or monetary interest other than possible commissions or legal fees shall be conclusively presumed valid.
Title 58.1 - Taxation	§ 58.1-324. Husband and wife	<p>A. If the federal taxable income of <b>husband or wife</b> is determined on a separate federal return, their Virginia taxable incomes shall be separately determined.</p> <p>B. If the federal taxable income of <b>husband and wife</b> is determined on a joint federal return, or if neither files a federal return:</p> <ol style="list-style-type: none"> <li>1. Their tax shall be determined on their joint Virginia taxable income; or</li> <li>2. Separate taxes may be determined on their separate Virginia taxable incomes if they so elect.</li> </ol> <p>C. Where <b>husband and wife</b> have not separately reported and claimed items of income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and adjusted as follows:</p> <ol style="list-style-type: none"> <li>1. Income shall be allocated to the spouse who earned the income or with respect to whose property the income is attributable.</li> <li>2. Allowable deductions with respect to trade, business, production of income, or employment shall be allocated to the spouse to whom attributable.</li> <li>3. Nonbusiness deductions, where properly taken for federal income tax purposes, shall be allowable for Virginia income tax purposes, but shall be allocable between <b>husband and wife</b> as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable deductions not described in subdivision 2 of this subsection.</li> <li>4. Where the standard deduction or low income allowance is properly taken pursuant to subdivision D 1 a of §58.1-322 such deduction or allowance shall be allocable between <b>husband and wife</b> as they may mutually agree.</li> <li>5. Personal exemptions properly allowable for federal income tax purposes shall be allocated for Virginia income tax purposes as <b>husband and wife</b> may mutually agree; however, exemptions for taxpayer and spouse together with exemptions for old age and blindness must be allocated respectively to the spouse to whom they relate.</li> </ol> <p>D. Where allocations are permitted to be made under subsection C pursuant to agreement between <b>husband and wife, and husband and wife</b> have failed to agree as to those allocations, such allocations shall be made between husband and wife in a manner corresponding to the treatment for federal income tax purposes of the items involved, under regulations prescribed by the Department of Taxation.</p>
	§ 58.1-326. Husband and wife when one nonresident	If <b>husband or wife</b> is a resident and the other is a nonresident, separate taxes shall be determined on their separate Virginia taxable incomes on such single or separate forms as may be required by the Department, unless both elect to determine their joint Virginia taxable income as if both were residents.
	§ 58.1-339.8. Income tax credit for low-income taxpayers	<p>A. As used in this section, unless the context requires otherwise:</p> <p>"Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of an individual, the individual's spouse, and any person claimed as a dependent on the individual's or his spouse's income tax return for the taxable year.</p>

		<p>B.1. . . . For any taxable year in which a <b>husband and wife</b> file separate Virginia income tax returns, the credit provided under this section shall be allowed against the tax for only one of such two tax returns. Additionally, the credit provided under this section shall not be allowed against such tax of a dependent of the individual or of married persons.</p> <p>2. For taxable years beginning on and after January 1, 2006, any individual or married persons, eligible for a tax credit pursuant to § 32 of the Internal Revenue Code, may for the taxable year, in lieu of the credit authorized under subdivision B 1, claim a credit against the tax imposed pursuant to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or married persons for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the taxable year. In no case shall a household be allowed a credit pursuant to this subdivision and subdivision B 1 for the same taxable year. For purpose of this subdivision, "household" means an individual and in the case of married persons, the individual and his spouse regardless of whether or not the individual and his spouse file combined or separate Virginia individual income tax returns.</p>
	<p>§ 58.1-341. Returns of individuals</p>	<p>B. If the federal income tax liability of <b>husband or wife</b> is determined on a separate federal return, their Virginia income tax liabilities and returns shall be separate. If the federal income tax liabilities of <b>husband and wife</b> (other than a <b>husband and wife</b> described in subdivision 2 of subsection A) are determined on a joint federal return, or if neither files a federal return:</p> <ol style="list-style-type: none"> <li>1. They shall file a joint Virginia income tax return, and their tax liabilities shall be joint and several; or</li> <li>2. They may elect to file separate Virginia income tax returns if they comply with the requirements of the Department in setting forth information (whether or not on a single form), in which event their tax liabilities shall be separate unless such husband and wife file separately on a combined return. The election permitted under this subsection may be made or changed at any time within three years from the last day prescribed by law for the timely filing of the return.</li> </ol> <p>C. If either <b>husband or wife</b> is a resident and the other is a nonresident, they shall file separate Virginia income tax returns on such single or separate forms as may be required by the Department, in which event their tax liabilities shall be separate except as provided in subsection D, unless both elect to determine their joint Virginia taxable income as if both were residents, in which event their tax liabilities shall be joint and several.</p> <p>D. If <b>husband and wife</b> file separate Virginia income tax returns on a single form pursuant to subsection B or C, and:</p>
	<p>§ 58.1-344.3. Voluntary contributions of refunds requirements</p>	<p>All moneys contributed shall be paid to the State Central Committee of any party that meets the definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum contribution allowable under this subdivision shall be \$25. In the case of a joint return of <b>husband and wife</b>, each spouse may designate that the maximum contribution allowable be paid.</p>
	<p>§ 58.1-344.4. Voluntary contributions of refunds into Virginia College Savings Plan accounts</p>	<p>2. If a contribution to a Virginia College Savings Plan account is designated in an individual income tax return filed jointly by a <b>husband and wife</b>, the Department of Taxation shall send the information described in subdivision 1 for both the husband and wife to the Virginia College Savings Plan.</p>

	§ 58.1-490. Declarations of estimated tax	D. In the case of a <b>husband and wife</b> , a single declaration under this section may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint and several. No joint declaration may be made if either the <b>husband or the wife</b> is a nonresident of the Commonwealth unless both are required by this chapter to file a return, if they are separated under a decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated as the estimated tax of either the <b>husband or the wife</b> , or may be divided between them.
	§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for ensuing year	<p>B. If a refund of an overpayment of individual income tax payments is made payable jointly to a <b>husband and wife</b> who receive a final divorce decree after filing a joint income tax return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in the issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate checks to the <b>husband and to the wife</b> if the unnegotiated joint refund check is returned to Department with a certification, in a form satisfactory to the Department, made by one spouse that the other spouse refuses to endorse the joint refund check or cannot be located. In making such certification, the spouse returning the check shall agree to indemnify the Commonwealth for any amounts that the Commonwealth may be required to pay to the other spouse with respect to such refund. A certified copy of the final divorce decree, including any agreement with respect to the division of property between the spouses, shall be provided with the certification. If the final divorce decree addresses the apportionment or ownership of the refunded amount, the refund shall be apportioned and separate payments ordered as provided therein. If the final divorce decree does not address the apportionment or ownership of the refunded amount, the amount of the refund shall be divided equally between the <b>husband and wife</b>. The reissuance of refund payments pursuant to this subsection shall not affect the joint and several liability of the <b>husband and wife</b> for tax liabilities for the period for which the return or returns were filed.</p> <p>C. Whenever the annual income tax return of an individual income taxpayer indicates in the place provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as shown on his return, subject to correction for error, may be credited against the estimated income tax for the ensuing year at the taxpayer's election and according to regulations prescribed by the Department and such overpayments by either a <b>husband or wife</b> on a separate return may be credited to the tax for the ensuing year of either of them or may be credited to their joint tax at the election of the person to whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon as practicable.</p>
	§ 58.1-520. Definitions	"Refund" means any individual's Virginia state or local income tax refund payable pursuant to § 58.1-309. This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax return or a refund belonging to a debtor resulting from the filing of a return where <b>husband and wife</b> have elected to file a combined return and separately state their Virginia taxable incomes under the provisions of § 58.1-324 B 2.
	§ 58.1-810. What other deeds not taxable	<p>When the tax has been paid at the time of the recordation of the original deed, no additional recordation tax shall be required for admitting to record:</p> <p>3. A deed to which a <b>husband and wife</b> are the only parties;</p>

	§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped persons	A. ... A dwelling <b>jointly held by a husband and wife</b> , with no other joint owners, may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.
	§ 58.1-3211.1. Prorated tax exemption or deferral of tax	C. The provisions of this section shall not apply to dwellings <b>jointly held by a husband and wife</b> , with no other joint owners.
	§ 58.1-3219.5. Exemption from taxes on property of disabled veterans	A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of <b>husband and wife</b> , of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence.
	§ 58.1-3219.6. Application for exemption	The veteran or surviving spouse claiming the exemption under this article shall file with the commissioner of the revenue of the county, city, or town or such other officer as may be designated by the governing body in which the real property is located, on forms to be supplied by the county, city, or town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of the spouse, if any, also occupying the real property, (ii) indicating whether the real property is <b>jointly owned by a husband and wife</b> , and (iii) certifying that the real property is occupied as the veteran's principal place of residence.
	§ 58.1-3343. Effect of lien on certain real estate jointly owned	The lien on real estate owned by more than one person as tenants in common, joint tenants or otherwise for the payment of all prior, present and subsequent taxes and levies or assessments thereof, including any tax, levy, or assessment authorized under § 58.1-3712, 58.1-3713, 58.1-3713.4, or 58.1-3741, shall not be impaired if such real estate was or is assessed in the name of one of such owners with the notation, "and another," or "and others," or " <b>and wife,</b> " or " <b>and husband,</b> " or the appropriate abbreviations of such words, or their legal equivalents, so as to indicate that the real estate was or is owned by more than one person.
	§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by certain elderly and handicapped persons	Any such motor vehicle owned by a <b>husband and wife</b> may qualify if either spouse is 65 or over or if either spouse is permanently and totally disabled.
	§ 58.1-3506.2. Restrictions and conditions	4. All income and net worth limitations shall be computed by aggregating the income and assets, as the case may be, <b>of a husband and wife</b> who reside in the same dwelling and shall be applied to any owner of the motor vehicle who seeks the benefit of the preferential tax rate permitted under this article, irrespective of how such motor vehicle may be titled.
Title 59.1 - Trade	§ 59.1-332. Conditions on offering items as an inducement to execute	A. It is unlawful for any person by any means, as part of an advertising program, to offer any item of value as an inducement to the recipient to visit a membership camping operator's campground, attend a sales presentation or contact a salesperson, unless the person clearly discloses in writing in the offer in readily understandable language each of the following:  d. Any other conditions, such as minimum age qualification, a financial qualification or a requirement that if

		the recipient is married <b>both husband and wife</b> must be present in order to receive the item.
Title 63.2 - Welfare	§ 63.2-510. Obligation of person to support certain children living in same home	A person shall be responsible for the support and maintenance of any child or children living in the same home in which he and the natural or adoptive parent of such child or children cohabit <b>as man and wife</b> and any such person who without cause willfully neglects or refuses or fails to provide for such support and maintenance shall be guilty of a misdemeanor and upon conviction shall be punished in accordance with the provisions of §20-61.
	§ 63.2-1201. Filing of petition for adoption; venue; jurisdiction; proceedings	The petition shall ask leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the petitioner, also to change the name of such child. In the case of married persons, or persons who were previously married who are permitted to adopt a child under § 63.2-1201.1, the petition shall be the <b>joint petition of the husband and wife</b> or former spouses but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating consent to the prayer thereof only.
	§ 63.2-1215. Legal effects of adoption	The birth parents, and the parents by previous adoption, if any, other than any such parent who is the <b>husband or wife</b> of one of the petitioners, shall, by final order of adoption, be divested of all legal rights and obligations in respect to the child including the right to petition any court for visitation with the child.
	§ 63.2-1222. Execution of entrustment agreement by birth parent(s); exceptions; etc.	D. The execution of an entrustment agreement shall be required of a presumed father except under the following circumstances: (i) if he denies paternity under oath and in writing in accordance with § 63.2-1202; (ii) if the presumption is rebutted by sufficient evidence, satisfactory to the circuit court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and <b>her husband</b> for a period of at least 300 days preceding the birth of the child; (iii) if another man admits, in writing and under oath, that he is the biological father; or (iv) if an adoptive placement has been determined to be in the best interests of the child pursuant to § 63.2-1205.
	§ 63.2-1233. Consent to be executed in JDR court; exceptions	f. A child born to a married birth mother shall be presumed to be the child of <b>her husband</b> and his consent shall be required, unless the court finds that the father's consent is withheld contrary to the best interests of the child as provided in § 63.2-1205 or if his consent is unobtainable. The consent of such presumed father shall be under oath and in writing and may be executed in or out of court. The presumption that the <b>husband</b> is the father of the child may be rebutted by sufficient evidence, satisfactory to the juvenile and domestic relations district court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the birth mother and <b>her husband</b> for a period of at least 300 days preceding the birth of the child, in which case the husband's consent shall not be required. The executed denial of paternity by the putative father shall be sufficient to rebut the presumption that he is the father of the child. If the court is satisfied that the presumption has been rebutted, notice of the adoption shall not be required to be given to the presumed father.
	§ 63.2-1237. Petition for parental placement adoption; jurisdiction; contents	<b>In the case of married persons, the petition shall be the joint petition of the husband and wife</b> but, in the event the child to be adopted is legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating his or her consent to the prayer thereof only.

	§ 63.2-1519. Physician-patient and husband-wife privileges inapplicable	In any legal proceeding resulting from the filing of any report or complaint pursuant to this chapter, the physician-patient and <b>husband-wife privileges</b> shall not apply.
Title 64.2 - Wills, Trusts, and Fiduciaries	§ 64.2-905. Multiple beneficiaries; separate custodial trusts; survivorship	A. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or declaration for use and benefit of <b>husband and wife</b> , for whom survivorship is presumed, a right of survivorship does not exist unless the instrument creating the custodial trust specifically provides for survivorship or survivorship is required as to marital property.
	§ 64.2-2401. Bond; orders as to management of estate; support of dependents	The court shall also enter any orders it deems necessary (i) directing the conservator in the management, operation, and control of the estate and (ii) requiring the conservator to make ample and suitable provisions out of the estate in his possession, subject to the rights of creditors, for the support of the absentee's <b>wife</b> and minor children, as well as any other person dependent upon the absentee for support and maintenance. The court shall require the conservator to make reports from time to time as the court may deem expedient.
Title 65.2 - Workers' Compensation	§ 65.2-515. Persons conclusively presumed to be wholly dependent	A. The following persons shall be conclusively presumed to be dependents wholly dependent for support upon the deceased employee: 1. A <b>wife upon a husband</b> whom she had not voluntarily deserted or abandoned at the time of the accident or with whom she lived at the time of his accident, if she is then actually dependent upon him; 2. A <b>husband upon a wife</b> whom he had not voluntarily deserted at the time of the accident or with whom he lived at the time of her accident, if he is then actually dependent upon her;

### Mother/Father

Title	Section	Reference
Title 2.2 - Administration of Government	§ 2.2-3119. Additional provisions applicable to school boards and employees of school boards	A. Notwithstanding any other provision of this chapter, it shall be unlawful for the school board of any county or city or of any town constituting a separate school division to employ or pay any teacher or other school board employee from the public funds, federal, state or local, or for a division superintendent to recommend to the school board the employment of any teacher or other employee, if the teacher or other employee is the <b>father, mother</b> , brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law of the superintendent, or of any member of the school board. E. The provisions of this section shall not apply to employment by a school district located in Planning Districts 3, 11, 12, and 13 of the <b>father, mother</b> , brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law, or brother-in-law of any member of the school board provided...
	§ 2.2-3304. Display of flags on Mother's Day	The Governor may issue annually a proclamation calling upon state officials to display the flag of the United States and of the Commonwealth on all public buildings, and the people of the Commonwealth to display such flags at their homes and other suitable places on the second Sunday in May, known as " <b>Mother's Day</b> ," as a public expression of love and reverence for the <b>mothers</b> of the Commonwealth.
	§ 2.2-3304.1. Little League Challenger Week in Virginia	The first full week of May preceding <b>Mother's Day</b> of each year shall be designated as Little League Baseball Challenger Week in Virginia.
	§ 2.2-3311. Day of recognition for early childhood and day-care providers and professionals	The Friday before <b>Mother's Day</b> of each year shall be designated as a day of recognition for early childhood and day-care providers and professionals to acknowledge the contributions of and pay tribute to early childhood and day-care providers and professionals who serve the children of the Commonwealth.
Title 8.01 - Civil Remedies and Procedure	§ 8.01-50. Action for death by wrongful act; etc.	B. Whenever a fetal death, as defined in § 32.1-249, is caused by the wrongful act, neglect, or default of any person, ship, vessel, or corporation, the <b>natural mother</b> of the fetus may bring an action pursuant to this section against such tortfeasor. Nothing in this section shall be construed to create a cause of action for a fetal death against the <b>natural mother</b> of the fetus. C. Every such action under subsection A shall be brought by and in the name of the personal representative of such deceased person. Actions for fetal death under subsection B shall be brought by and in the name of the <b>natural mother</b> ; provided, however, if the <b>natural mother</b> dies, or is or becomes a person under a disability as defined in § 8.01-2, such action may be initiated or maintained by the administrator of the natural mother's estate, her guardian, or her personal representative qualified to bring such action. In an action for fetal death under subsection B brought under Chapter 21.1 (§ 8.01-581.1 et seq.) where the wrongful act that resulted in a fetal death also resulted in the death of another fetus of the <b>natural mother</b> or in the death or injury of the <b>natural mother</b> , recovery for all damages sustained as a result of such wrongful act shall not exceed the limitations on the total amount recoverable for a single patient for any injury under § 8.01-581.15. The person bringing an action under subsection B shall have the power to compromise a claim pursuant to § 8.01-55 and any damages recovered shall be distributed pursuant to this article. Every such action under this section shall be brought within the time limits specified in § 8.01-244. E. For purposes of this section, " <b>natural mother</b> " means the woman carrying the child.



	§ 8.01-217. How name of person may be changed	B. Every application shall be under oath and shall include the place of residence of the applicant, the names of both parents, including the <b>maiden name of his mother</b> , the date and place of birth of the applicant, the applicant's felony conviction record, if any, ... G. Such order shall set forth the date and place of birth of the person whose name is changed, the full names of his parents, including the <b>maiden name of the mother</b> and, if such person has previously changed his name, his former name or names.
	§ 8.01-341.1. Exemptions from jury service upon request	8. A person who has legal custody of and is necessarily and personally responsible for a child or children 16 years of age or younger requiring continuous care by him during normal court hours, or <b>any mother</b> who is breast-feeding a child;
Title 16.1 - Courts Not of Record	§ 16.1-69.23. In what cases judge disqualified	(3) Be related to any party to the action as spouse, grandparent, parent, <b>father-in-law, mother-in-law</b> , child, grandchild, son-in-law, daughter-in-law, brother, sister, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, first cousin, guardian or ward;
	§ 16.1-228. Definitions	"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's <b>mother-in-law, father-in-law</b> , sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.
	§ 16.1-241. Jurisdiction; consent for abortion	The authority of the juvenile court to adjudicate matters involving the custody, visitation, support, control or disposition of a child shall not be limited to the consideration of petitions filed by a <b>mother, father</b> or legal guardian but shall include petitions filed at any time by any party with a legitimate interest therein.
	§ 16.1-263. Summonses	An affidavit of the <b>mother that the identity of the father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit.
	§ 16.1-277.01. Approval of entrustment agreement	An affidavit of the <b>mother that the identity of the father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit.
	§ 16.1-277.02. Petition for relief of care and custody	An affidavit of the <b>mother that the identity of the father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit.
	§ 16.1-282. Foster care review	An affidavit of the <b>mother that the identity of the father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit.
Title 17.1 - Courts of Record	§ 17.1-275. Fees collected by clerks of circuit courts	an additional \$50 filing fee as required under § 63.2-1201 shall be deposited in the <b>Putative Father Registry Fund</b> pursuant to § 63.2-1249.
Title 18.2 - Crimes	§ 18.2-71.1. Partial birth infanticide; penalty	B. For the purposes of this section, "partial birth infanticide" means any deliberate act that (i) is intended to kill a human infant who has been born alive, but who has not been completely extracted or expelled from its

		<b>mother</b> , and that (ii) does kill such infant, regardless of whether death occurs before or after extraction or expulsion from its <b>mother</b> has been completed. [ 9 other similar references to mother]
	§ 18.2-76. Informed written consent required; civil penalty	This offer for the woman to review the material shall advise her of the following: . . . (iii) the <b>father of the unborn child</b> is liable to assist in the support of her child, even in instances where he has offered to pay for the abortion, that assistance in the collection of such support is available, and that more detailed information on the availability of such assistance is contained in the printed materials published by the Department;
	§ 18.2-361. Crimes against nature; penalty	. . . upon or by his daughter or granddaughter, son or grandson, brother or sister, or <i>father or mother</i> is guilty of a Class 5 felony.
	§ 18.2-366. Adultery and fornication by persons forbidden to marry; incest	B. Any person who commits adultery or fornication with his daughter or granddaughter, or with her son or grandson, or <b>her father or his mother</b> , shall be guilty of a Class 5 felony.
Title 19.2 - Criminal Procedure	§ 19.2-389. Dissemination of criminal history record information	28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a <b>putative father</b> , provided that only the name, address, demographics and social security number of the data subject shall be released;
Title 20 - Domestic Relations	§ 20-31.1. When marriage legitimates children; issue of marriages prohibited by law; etc.	If a person, having had a child, shall afterwards intermarry with the <b>mother or father</b> , such child if recognized by both of them, as their own child, jointly or separately, before or after marriage, shall be deemed legitimate.
	§ 20-49. When consent required and how given	If any person intending to marry is under eighteen years of age and has not been previously married, the consent of the <b>father or mother</b> or guardian of such person or persons shall be given either personally to the clerk or judge or in writing subscribed by a witness, who shall make oath before the clerk or judge that the writing was signed or sworn to in his presence by such <b>father</b> , guardian, or <b>mother</b> , as the case may be, or the writing shall be sworn to before a notary public or some person authorized to take acknowledgments to deeds under the laws of this Commonwealth, which oath shall be properly certified by such officer. If there is no <b>father</b> , guardian, <b>or mother</b> , or if such person or persons are abandoned by his or their parents, the judge of the circuit court of the county or city wherein such person or either of them resides, either in term or vacation, may on verified petition of such person or persons intending to marry, authorize a marriage license to be issued, or issue the same, as the case may be. However, no consent shall be required where the minor has been emancipated.
	§ 20-49.1. How parent and child relationship established	2. A voluntary written statement of the <b>father and mother</b> made under oath acknowledging paternity and confirming that prior to signing the acknowledgment, the parties were provided with a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences arising from a signed acknowledgment, including the right to rescind. . . .Written acknowledgments of paternity made under oath by the <b>father and mother</b> prior to July 1, 1990, shall have the same legal effect as a judgment entered pursuant to § 20-49.8.
	§ 20-49.2. Commencement of action; parties; jurisdiction	The child's <b>mother or father</b> may not represent the child as guardian or otherwise. The determination of the court under the provisions of this chapter shall not be binding on any person who is not a party.
	§ 20-49.4. Evidence relating to parentage	2. Medical or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts. If a person has been identified <b>by the mother as the putative father</b> of the child, the court may, and upon request of a party shall, require the child, the known parent, and the alleged parent to

		submit to appropriate tests;
	§ 20-49.5. Support of children of unwed parents by the father; testimony under oath	Whenever in any legal proceedings a man voluntarily testifies under oath or affirmation that he is the <b>father</b> of a child whose parents are not married, or are not married to each other, the court may require that he complete an acknowledgment of paternity on a form provided by the Department of Social Services.
	§ 20-49.6. Proceedings to establish paternity or enforce support obligations of males between the ages of 14 and 19	The order may provide for support and maintenance of the child by the <b>father</b> and shall be enforceable as if the <b>father</b> were an adult.
	§ 20-49.8. Judgment or order; costs; birth record	The judgment or order may direct either party to pay the reasonable and necessary unpaid expenses of the <b>mother's</b> pregnancy and delivery or equitably apportion the unpaid expenses between the parties.  Such order shall set forth the full name and date and place of birth of the person whose parentage has been determined, the full names of both parents, including the maiden name, if any, <b>of the mother</b> and the name and address of an informant who can furnish the information necessary to complete a new birth record.
	§ 20-49.10. Relief from legal determination of paternity	A court shall not grant relief from determination of paternity if the individual named as <b>father</b> (i) acknowledged paternity knowing he was not the <b>father</b> , (ii) adopted the child, or (iii) knew that the child was conceived through artificial insemination.
	§ 20-61.3. Consequences of putative father failing to appear	If a <b>putative father</b> fails to appear after having been personally served with notice, in accordance with the provisions of subdivision 1 of § 8.01-296 or § 8.01-320, alleging that he is the <b>father</b> of a minor child, the court shall proceed in hearing the evidence in the case as provided in Chapter 3.1 (§ 20-49.1 et seq.) of Title 20 as if the <b>putative father</b> were present. The order of the court in any such proceedings shall be served upon the <b>father</b> in accordance with the provisions of Chapter 8 (§ 8.01-285 et seq.) or Chapter 9 (§ 8.01-328 et seq.) of Title 8.01.
	§ 20-88. Support of parents by children	It shall be the joint and several duty of all persons eighteen years of age or over, of sufficient earning capacity or income, after reasonably providing for his or her own immediate family, to assist in providing for the support and maintenance of his or her <b>mother or father</b> , he or she being then and there in necessitous circumstances. This section shall not apply if there is substantial evidence of desertion, neglect, abuse or willful failure to support any such child by the <b>father or mother</b> , as the case may be, prior to the child's emancipation or, except as provided hereafter in this section, if a parent is otherwise eligible for and is receiving public assistance or services under a federal or state program.
	§ 20-88.59. Special rules of evidence and procedure	D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of the <b>mother</b> and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.
	§ 20-88.63. Establishment of support order	B. The tribunal may issue a temporary child support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is: 1. A <b>presumed father</b> of the child; 7. The <b>mother</b> of the child; or
	§ 20-156. Definitions	"Gestational <b>mother</b> " means the woman who gives birth to a child, regardless of her genetic relationship to the child.

		"Embryo transfer" means the placing of a viable embryo into the uterus of a gestational <b>mother</b> .
	§ 20-158. Parentage of child resulting from assisted conception	<p>A. Determination of parentage, generally. - Except as provided in subsections B, C, D, and E of this section, the parentage of any child resulting from the performance of assisted conception shall be determined as follows:</p> <p>1. The gestational <b>mother</b> of a child is the child's <b>mother</b>.</p> <p>2. The husband of the gestational mother of a child is the child's <b>father</b>, notwithstanding any declaration of invalidity or annulment of the marriage obtained after the performance of assisted conception, unless he commences an action in which the <b>mother</b> and child are parties within two years after he discovers or, in the exercise of due diligence, reasonably should have discovered the child's birth and in which it is determined that he did not consent to the performance of assisted conception.</p> <p>D. Birth pursuant to court approved surrogacy contract. -- After approval of a surrogacy contract by the court and entry of an order as provided in subsection D of § 20-160, the intended parents are the parents of any resulting child. However, if the court vacates the order approving the agreement pursuant to subsection B of § 20-161, the surrogate is the <b>mother</b> of the resulting child and her husband is the <b>father</b>. The intended parents may only obtain parental rights through adoption as provided in Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2.</p> <p>E. 2. If either of the intended parents is a genetic parent of the resulting child, the <b>intended father is the child's father</b>. However, if (i) the surrogate is married, (ii) her husband is a party to the surrogacy contract, and (iii) the surrogate exercises her right to retain custody and parental rights to the resulting child pursuant to § 20-162, then the surrogate and her husband are the parents.</p> <p>3. If neither of the intended parents is a genetic parent of the resulting child, <b>the surrogate is the mother and her husband is the child's father</b> if he is a party to the contract. The intended parents may only obtain parental rights through adoption as provided in Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2.</p>
	§ 20-160. Petition and hearing for court approval of surrogacy contract	8. The intended <b>mother</b> is infertile, is unable to bear a child, or is unable to do so without unreasonable risk to the unborn child or to the physical or mental health of the intended <b>mother</b> or the child. This finding shall be supported by medical evidence;
	§ 20-163. Misc. provisions related to all surrogacy contracts	E. Health care providers shall not be liable for recognizing the surrogate as the <b>mother</b> of the resulting child before receipt of a copy of an order entered under § 20-160 or a copy of the contract, or for recognizing the intended parents as the parents of the resulting child after receipt of such order or copy of the contract.
Title 22.1 - Education	§ 22.1-30. Certain officers may not act on school board or serve as tie breaker	A. No state, county, city or town officer, no deputy of any such officer, no member of the governing body of a county, city or town, no employee of a school board, and <b>no father, mother, brother, sister, spouse, son, daughter, son-in-law, daughter-in-law, sister-in-law or brother-in-law</b> of a member of the county governing body may, during his term of office, be appointed as a member of the school board for such county, city or town or as tie breaker for such school board except:
	§ 22.1-79.6. Employee lactation support policy	Each local school board shall adopt a policy to set aside, in each school in the school division, a non-restroom location that is shielded from the public view to be designated as an area in which any <b>mother</b> who is employed by the local school board or enrolled as a student may take breaks of reasonable length during the school day to express milk to feed her child until the child reaches the age of one.
Title 32.1 - Health	§ 32.1-46.01. Virginia Immunization Information	6. The patient identifying data to be reported, including, but not limited to, the patient's name, date of birth, gender, telephone number, home address, birth place, and <b>mother's maiden name</b> ;

	System	
	§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System	At a minimum, data collected shall include, but need not be limited to, the following: (i) the infant's first and last name, date of birth, gender, state of residence, birth hospital, physician's name, date of admission, date of discharge or transfer, and diagnosis; (ii) <b>the first and last names of the infant's mother and father</b> ;
	§ 32.1-69.4. Publication of information regarding cord blood education	1. An explanation of the potential value and uses of umbilical cord blood, including cord blood cells and stem cells, for individuals who are, as well as individuals who are not, biologically related to a <b>mother</b> or her newborn child.
	§ 32.1-102.3:2. Certificates of public need	"Family member" means spouse, <b>mother, father</b> , son, daughter, brother, sister, aunt, uncle, or cousin by blood, marriage, or adoption.
	§ 32.1-127. Regulations	6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the <b>mother</b> and the infant be made and documented. The discharge planning process shall involve, to the extent possible, the <b>father</b> of the infant and any members of the patient's extended family who may participate in the follow-up care for the <b>mother</b> and the infant.
	§ 32.1-134.01. Certain information required for maternity patients	Every licensed nurse midwife, licensed midwife, or hospital providing maternity care shall, prior to releasing each maternity patient, make available to such patient and, if present, to the <b>father</b> of the infant, other relevant family members, or caretakers, information about the incidence of postpartum blues and perinatal depression, information to increase awareness of shaken baby syndrome and the dangers of shaking infants, and information about safe sleep environments for infants that is consistent with current information available from the American Academy of Pediatrics. This information shall be discussed with the maternity patient and <b>the father</b> of the infant, other relevant family members, or caretakers who are present at discharge.
	§ 32.1-134.02. Infants; blood sample provided to parents	Every hospital providing maternity care shall offer to obtain a sample of blood from an infant born at the hospital and provide that sample <b>to the mother</b> of the infant.
	§ 32.1-249. Definitions	"Live birth" means the complete or substantial expulsion or extraction from <b>its mother</b> of a product of human conception, ... "Substantial expulsion or extraction" means, in the case of a headfirst presentation, the infant's entire head is outside the body of the <b>mother</b> or,
	§ 32.1-257. Filing birth certificates; from whom required; signature of parents	C. When a birth occurs outside an institution, the certificate shall be prepared on forms furnished by the State Registrar and filed by one of the following in the indicated order of priority, in accordance with the regulations of the Board: 3. The <b>father, the mother, or, in the absence of the father and the inability of the mother</b> , the person in charge of the premises where the birth occurred. D. If the <b>mother of a child is not married to the natural father of the child at the time of birth or was not married to the natural father at any time during the ten months next preceding such birth, the name of the father</b> shall not be entered on the certificate of birth without a sworn acknowledgment of paternity, executed subsequent to the birth of the child, of <b>both the mother and of the person to be named as the father</b> .

	§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth	Upon the request of either individual listed as the <b>mother or father</b> on a report of fetal death in the Commonwealth as defined in § 32.1-264, the State Registrar shall issue a Certificate of Birth Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20 weeks or more. The requesting <b>mother or father</b> may, but shall not be required to, provide a name for the stillborn child on the Certificate of Birth Resulting in Stillbirth.
	§ 32.1-264. reports of fetal deaths; medical certification	D. When a fetal death occurs without medical attendance upon the <b>mother</b> at or after the delivery or abortion or when inquiry or investigation by the Office of the Chief Medical Examiner is required, the Chief Medical Examiner shall cause an investigation of the cause of fetal death to be made and the medical certification portion of the fetal death report to be completed and signed within 24 hours after being notified of a fetal death.
	§ 32.1-269. amending vital records; change of name; etc.	D. Upon written request of both parents and receipt of a sworn acknowledgment of paternity executed subsequent to the birth and signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the <b>father</b> .
	§ 32.1-283.1. State Child Fatality Review Team; membership; etc.	In addition, the Office of the Chief Medical Examiner may inspect and copy from any Virginia health care provider, on behalf of the Team, (i) without obtaining consent, the health and mental health records of the child and those perinatal medical records of the child's <b>mother</b> that related to such child and (ii) upon obtaining consent from each adult regarding his personal records, or from a parent regarding the records of a minor child, the health and mental health records of the child's family.
Title 37.2 - Behavioral Health	§ 37.2-714. Children born in state facilities	Any child born in a state facility shall be deemed a resident of the county or city in which the <b>mother</b> resided at the time of her admission. The child shall be removed from the state facility as soon after birth as the health and well-being of the child permit and shall be delivered to his <b>father</b> or other member of his family. . . If the <b>mother</b> has received services in a state facility continuously for 10 months, the Department of Social Services shall have financial responsibility for the care of the child, and the custody of the child shall be determined in accordance with the provisions of § 16.1-278.3.
	§ 37.2-718. Order to compel payment of services	B. The individual receiving services and his estate shall first be liable for the payment of his expenses and thereafter, the person liable for the support of the individual. Such person shall be the <b>father, mother, husband, wife, or child</b> of the individual who has attained the age of majority.
Title 38.2 - Insurance	§ 38.2-3451. Essential health benefits	No qualified health insurance plan that is sold or offered for sale through an exchange established or operating in the Commonwealth shall provide coverage for abortions, regardless of whether such coverage is provided through the plan or is offered as a separate optional rider thereto, provided that such limitation shall not apply to an abortion performed (i) when the life of the <b>mother</b> is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from the pregnancy itself, or (ii) when the pregnancy is the result of an alleged act of rape or incest.
	§ 38.2-4019. Beneficiaries	No person other than a wife, husband, relative by blood to the fourth degree, <b>father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother</b> , stepchild, or child by legal adoption of the member, or one who is dependent upon the member or one who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a beneficiary of the member's certificate.
	§ 38.2-5002. Virginia Birth-Related Neurological Injury	This subsection shall not be construed to exclude other rights and remedies available to the infant's <b>mother</b> arising out of or related to a physical injury, separate and distinct from an injury to the infant, that is

	Compensation Program	suffered by the infant's <b>mother</b> during the course of the infant's delivery.
	§ 38.2-5004.1. Notification of possible beneficiaries	B. In addition to any other postpartum materials provided to the <b>mother</b> or other appropriate person, every hospital shall provide for each infant who was hospitalized in a neonatal intensive care unit an informational brochure prepared or approved by the board of directors of the Program.
	§ 38.2-5009.1. Infants dying shortly after birth	D. As used in this section, an infant's family means the infant's <b>father, mother</b> , or both, or if neither is a party to the proceeding, the infant's legal guardian.
Title 40.1 - Labor and Employment	§ 40.1-28.9. Definition of terms	6. Any person under the age of 18 in the employ of his <b>father, mother</b> or legal guardian;
	§ 40.1-122. Approval of agreement by Commissioner	Every apprentice agreement shall be signed by the employer, or by an association of employers or an organization of employees as provided in § 40.1-124, and by the apprentice, and, if the apprentice is a minor, by the minor's <b>father or mother</b> , provided, that if both <b>father and mother</b> be dead or legally incapable of giving consent or have abandoned their children, then by the guardian of the minor.
Title 54.1 - Professions and Occupations	§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy	8. Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's <b>mother, father</b> , son, daughter, brother, sister, grandchild, grandparent, <b>mother-in-law and father-in-law</b> ;
	§ 54.1-2403.01. Routine component of prenatal care	The practitioner shall offer the pregnant woman oral or written information that includes an explanation of HIV infection, a description of interventions that can reduce HIV transmission from <b>mother</b> to infant, and the meaning of positive and negative test results.
	§ 54.1-2969. Authority to consent to surgical and medical care of certain minors	G. A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor <b>mother</b> of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment for her child.
Title 59.1 - Trade and Commerce	§ 59.1-352.1. Definitions	"Family member" means a spouse, brother, sister, parent, grandparent, child, grandchild, <b>mother-in-law, father-in-law</b> , daughter-in-law, son-in-law, stepparent, or stepchild, or a lineal descendant of the dealer or principal owner of the dealership.
	§ 59.1-365. Definitions	"Dependent" means a son, daughter, <b>father, mother</b> , brother, sister, or other person, whether or not related by blood or marriage, if such person receives from an officer or employee more than one-half of his financial support.
Title 60.2 - Unemployment Compensation	§ 60.2-219. Services not included in term "employment"	7. Service performed by an individual in the employ of his son, daughter, or spouse and service performed by a child under the age of 21 in the employ of his <b>father or mother</b> ;
Title 63.2 - Welfare (Social Services)	§ 63.2-602. Eligibility for TANF; penalty	3. Is living with his <b>father, mother</b> , grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, or niece in a residence maintained by such relative or is in placement under conditions specified by the Board;
	§ 63.2-604. Eligibility for TANF; children born to TANF parents	The Board shall provide that a recipient family in which the <b>mother</b> gives birth to an additional child during the period of the <b>mother's</b> eligibility for TANF financial assistance, or during a temporary penalty period of ineligibility for financial assistance
	§ 63.2-903. Entrustment agreements; adoption	B. For purposes of §§ 63.2-900, 63.2-1817 and this section, a parent who is less than 18 years of age shall be deemed fully competent and shall have legal capacity to execute a valid entrustment agreement,

		<p>including an agreement that provides for the termination of all parental rights and responsibilities, and shall be as fully bound thereby as if such parent had attained the age of 18 years. An entrustment agreement for the termination of all parental rights and responsibilities shall be executed in writing and notarized. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the <b>father</b> of a child born out of wedlock if the identity of the <b>father</b> is not reasonably ascertainable, or if such <b>father</b> is given notice of the entrustment by registered or certified mail to his last known address and fails to object to the entrustment within 15 days of mailing of such notice. An affidavit of the <b>mother</b> that the identity of the <b>father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence that would refute such an affidavit. The absence of such an affidavit shall not be deemed evidence that the identity of the <b>father</b> is reasonably ascertainable. For purposes of determining whether the identity of the <b>father</b> is reasonably ascertainable, the standard of what is reasonable under the circumstances shall control, taking into account the relative interests of the child, <b>the mother and the father</b>.</p> <p>C. An entrustment agreement for the termination of parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the <b>birth father</b> of a child when such <b>father</b> has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.</p>
	§ 63.2-1201. Filing of petition for adoption; venue; etc.	The petition for adoption, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, shall include an additional \$50 filing fee that shall be used to fund the <b>Putative Father Registry</b> established in Article 7 (§ 63.2-1249 et seq.) of this chapter.
	§ 63.2-1201.1 Previously married parents who stood in loco parentis during time of marriage	D. Nothing in this section shall be construed to permit any child to have more than two living parents by birth or adoption, who have legal rights and obligations in respect to the child, in the form of <b>one father and one mother</b> .
	§ 63.2-1202. Parental, or agency, consent required	<p>C. Consent shall be executed:</p> <ol style="list-style-type: none"> <li>1. By the <b>birth mother</b> and by any man who: <ol style="list-style-type: none"> <li>a. Is an acknowledged <b>father</b> under § 20-49.1;</li> <li>b. Is an adjudicated <b>father</b> under § 20-49.8;</li> <li>c. Is a presumed <b>father</b> under subsection D; or</li> <li>d. Has registered with the <b>Putative Father Registry</b> pursuant to Article 7 (§ 63.2-1249 et seq.).</li> </ol> </li> </ol> <p>Verification of compliance with the notice provisions of the <b>Putative Father Registry</b> shall be provided to the court.</p> <p>D. A man shall be presumed to be the <b>father</b> of a child if:</p> <ol style="list-style-type: none"> <li>1. He and the <b>mother</b> of the child are married to each other and the child is born during the marriage;</li> <li>2. He and the <b>mother</b> of the child were married to each other and the child is born within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or divorce; or</li> <li>3. Before the birth of the child, he and the <b>mother</b> of the child married each other in apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the child is born during the</li> </ol>



		<p>invalid marriage or within 300 days of their date of separation, as evidenced by a written agreement or decree of separation, or within 300 days after its termination by death, annulment, declaration of invalidity, or divorce.</p> <p>Such presumption may be rebutted by sufficient evidence that would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation with the <b>birth mother</b> for a period of at least 300 days prior to the birth of the child.</p> <p>E. No consent shall be required of a <b>birth father</b> if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.</p> <p>F. No consent shall be required of the <b>birth father</b> of a child when the <b>birth father</b> is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.</p> <p>I. A <b>birth father</b> of the child may consent to the termination of all of his parental rights prior to the birth of the child.</p>
	§ 63.2-1203. When consent is withheld or unobtainable	An affidavit of the <b>birth mother</b> that the identity of the <b>birth father</b> is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the circuit court that would refute such an affidavit. The absence of such an affidavit shall not be deemed evidence that the identity of the <b>birth father</b> is reasonably ascertainable. For purposes of determining whether the identity of the <b>birth father</b> is reasonably ascertainable, the standard of what is reasonable under the circumstances shall control, taking into account the relative interests of the child, the <b>birth mother and the birth father</b> .
	§ 63.2-1218. Certain exchange of property, advertisement, etc.	No person or child-placing agency shall charge, pay, give, or agree to give or accept any money, property, service or other thing of value in connection with a placement or adoption or any act undertaken pursuant to this chapter except (i) reasonable and customary services provided by a licensed or duly authorized child-placing agency and fees paid for such services; (ii) payment or reimbursement for medical expenses and insurance premiums that are directly related to the <b>birth mother's</b> pregnancy and hospitalization for the birth of the child who is the subject of the adoption proceedings, for mental health counseling received by the <b>birth mother or birth father</b> related to the adoption, and for expenses incurred for medical care for the child; (iii) payment or reimbursement for reasonable and necessary expenses for food, clothing, and shelter when, upon the written advice of her physician, the <b>birth mother</b> is unable to work or otherwise support herself due to medical reasons or complications associated with the pregnancy or birth of the child;
	§ 63.2-1222. Execution of entrustment agreement by birth parent(s); exceptions; etc.	B. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the <b>birth father</b> of a child born out of wedlock if the identity of the <b>birth father</b> is not reasonably ascertainable or such <b>birth father</b> did not register with the <b>Putative Father Registry</b> pursuant to Article 7 (§ 63.2-1249 et seq.) or the <b>birth father</b> named by the <b>birth mother</b> denies under oath and in writing the paternity of the child. An affidavit signed by the <b>birth mother</b> stating that the identity of the <b>birth father</b> is unknown may be filed with the court alleging that the identity of the <b>birth father</b> is not known or reasonably ascertainable. A <b>birth father</b> shall be given notice of the entrustment if he is an acknowledged <b>father</b> pursuant to § 20-49.1, an <b>adjudicated father</b> pursuant to

		<p>§ 20-49.8, a <b>presumed father</b> pursuant to § 63.2-1202, or a <b>putative father</b> who has registered with <b>Putative Father Registry</b> pursuant to Article 7 (§ 63.2-1249 et seq.). If the <b>putative father's</b> identity is reasonably ascertainable, he shall be given notice pursuant to the requirements of § 63.2-1250.</p> <p>C. When a <b>birth father</b> is required to be given notice, he may be given notice of the entrustment by registered or certified mail to his last known address. If he fails to object to the entrustment within 15 days of the mailing of such notice, his entrustment shall not be required. An objection to an entrustment agreement shall be in writing, signed by the objecting party or counsel of record for the objecting party and filed with the agency that mailed the notice of entrustment within the time period specified in § 63.2-1223.</p> <p>D. The execution of an entrustment agreement shall be required of a <b>presumed father</b> except under the following circumstances: (i) if he denies paternity under oath and in writing in accordance with § 63.2-1202; (ii) if the presumption is rebutted by sufficient evidence, satisfactory to the circuit court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the <b>birth mother and her husband</b> for a period of at least 300 days preceding the birth of the child; (iii) if another man admits, in writing and under oath, that he is the <b>biological father</b>; or (iv) if an adoptive placement has been determined to be in the best interests of the child pursuant to § 63.2-1205.</p> <p>E. When none of the provisions of subsections C and D apply, notice of the entrustment shall be given to the <b>presumed father</b> pursuant to the requirements of § 16.1-277.01.</p> <p>F. An entrustment agreement for the termination of all parental rights and responsibilities with respect to the child shall be valid notwithstanding that it is not signed by the <b>birth father of a child when the birth father</b> has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such violation.</p> <p>G. A <b>birth father</b> may execute an entrustment agreement for the termination of all of his parental rights prior to the birth of the child. Such entrustment shall be subject to the revocation provisions of § 63.2-1223.</p> <p>H. No entrustment shall be required of a <b>birth father</b> if he denies under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.</p>
	§ 63.2-1224. Explanation of process, legal effects of adoption required	Prior to the placement of a child for adoption, the licensed child-placing agency or local board having custody of the child shall provide an explanation of the adoption process to the <b>birth mother</b> and, if reasonably available, the man who is an <b>acknowledged father</b> pursuant to § 20-49.1, an <b>adjudicated father</b> pursuant to § 20-49.8, a <b>presumed father</b> pursuant to § 63.2-1202, or a <b>putative father</b> who has registered with the <b>Putative Father Registry</b> pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter.
	§ 63.2-1233. Consent to be executed in JDR court	<p>1. a. The execution of consent before the juvenile and domestic relations district court shall not be required of a <b>birth father if the birth father</b> consents under oath and in writing to the adoption.</p> <p>b. The consent of a <b>birth father</b> who is not married to the <b>mother</b> of the child at the time of the child's conception or birth shall not be required if the <b>putative father named by the birth mother</b> denies under oath and in writing the paternity of the child or if the putative father did not register with the Putative Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter. If the identity of the <b>birth father</b> is</p>

		<p>reasonably ascertainable, but the whereabouts of the <b>birth father</b> are not reasonably ascertainable, verification of compliance with the <b>Putative Father Registry</b> shall be provided to the court.</p> <p>c. When a <b>birth father</b> is required to be given notice, he may be given notice of the adoption by registered or certified mail to his last known address and if he fails to object to the adoption within 15 days of the mailing of such notice, his consent shall not be required. An objection shall be in writing, signed by the objecting party or counsel of record for the objecting party and shall be filed with the clerk of the juvenile and domestic relations district court in which the petition was filed during the business day of the court, within the time period specified in this section. When no timely objection is filed, no hearing on this issue is required. Failure of the objecting party to appear at any scheduled hearing, either in person or by counsel, shall constitute a waiver of such objection.</p> <p>d. The juvenile and domestic relations district court may accept the written consent of the <b>birth father</b> at the time of the child's conception or birth, provided that his identifying information required in § 63.2-1232 is filed in writing with the juvenile and domestic relations district court of jurisdiction. Such consent shall advise the <b>birth father</b> of his opportunity for legal representation, shall identify the court in which the case was or is intended to be filed, and shall be presented to the juvenile and domestic relations district court for acceptance. The consent may waive further notice of the adoption proceedings and shall contain the name, address and telephone number of the <b>birth father's</b> legal counsel or an acknowledgment that he was informed of his opportunity to be represented by legal counsel and declined such representation. For good cause shown, the court may dispense with the requirements regarding the filing of the <b>birth father's</b> identifying information pursuant to this subdivision 1. d.</p> <p>e. In the event that the <b>birth mother's</b> consent is not executed in the juvenile and domestic relations district court, the consent of the <b>birth father</b> shall be executed in the juvenile and domestic relations district court.</p> <p>f. A child born to a <b>married birth mother shall be presumed to be the child of her husband</b> and his consent shall be required, unless the court finds that the <b>father's</b> consent is withheld contrary to the best interests of the child as provided in § 63.2-1205 or if his consent is unobtainable. The consent of such <b>presumed father</b> shall be under oath and in writing and may be executed in or out of court. The presumption that the <b>husband is the father</b> of the child may be rebutted by sufficient evidence, satisfactory to the juvenile and domestic relations district court, which would establish by a preponderance of the evidence the paternity of another man or the impossibility or improbability of cohabitation of the <b>birth mother and her husband</b> for a period of at least 300 days preceding the birth of the child, in which case the husband's consent shall not be required. The executed denial of paternity by the <b>putative father</b> shall be sufficient to rebut the presumption that he is the <b>father of the child</b>. If the court is satisfied that the presumption has been rebutted, notice of the adoption shall not be required to be given to the <b>presumed father</b>.</p>
	<p>§ 63.2-1241. Adoption of child by spouse of birth or adoptive parent</p>	<p>B. The court may order the proposed adoption and change of name without referring the matter to the local director if (i) the birth parent or parent by adoption, other than the birth parent or parent by adoption joining in the petition for adoption, is deceased; (ii) the birth parent or parent by adoption, other than the birth parent or parent by adoption joining in the petition for adoption, consents to the adoption in writing and under oath; (iii) the acknowledged, adjudicated, presumed, or <b>putative father</b> denies paternity of the child; (iv) the <b>birth mother</b> swears under oath and in writing that the identity of the <b>father</b> is not reasonably</p>

		ascertainable; (v) the child is the result of surrogacy and the birth parent, other than the birth parent joining in the petition, consents to the adoption in writing; (vi) the parent by adoption joining in the petition was not married at the time the child was adopted; or (vii) the child is 14 years of age or older and has lived in the home of the person desiring to adopt the child for at least five years.
	§ 63.2-1249. Establishment of Registry	A. A <b>Putative Father Registry</b> is hereby established in the Department of Social Services.
	§ 63.2-1250. Registration; notice; form	B. A man will not prejudice any rights by failing to register if: 1. A <b>father-child relationship</b> between the man and the child has been established pursuant to § 20-49.1, 20-49.8, or if the man is a <b>presumed father</b> as defined in § 63.2-1202; or C. Failure to register pursuant to subsection A shall waive all rights of a man who is not an <b>acknowledged, presumed, or adjudicated father</b> to withhold consent to an adoption proceeding unless the man was led to believe through the <b>birth mother's</b> fraud that (i) the pregnancy was terminated or the <b>mother</b> miscarried when in fact the baby was born or (ii) that the child died when in fact the child is alive. Upon the discovery of the fraud, the man shall register with the <b>Putative Father Registry</b> within 10 days. E. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice that a child may be conceived and the man is entitled to all legal rights and obligations resulting therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register. In the event that the identity and whereabouts of the <b>birth father</b> are reasonably ascertainable, written notice of the existence of an adoption plan and the availability of registration with the <b>Putative Father Registry</b> shall be provided by personal service or by certified mailing to the man's last known address. The man shall have no more than 10 days from the date of such personal service or certified mailing to register. The personal service or certified mailing may be done either prior to or after the birth of the child.
	§ 63.2-1251. Furnishing information; confidentiality	A. The Department is not required to locate the <b>mother</b> of a child who is the subject of a registration, but the Department shall send a copy of the notice of registration to the <b>mother</b> if an address is provided. B. Information contained in the registry is confidential and may only be released on request to: 1. A court or a person designated by the court; 2. The <b>mother</b> of the child who is the subject of the registration; 3. An agency authorized by law to receive such information; 8. A <b>putative father registry</b> in another state; and
	§ 63.2-1252. Search of registry	A. If no <b>father-child</b> relationship has been established pursuant to § 20-49.1, a petitioner for adoption shall obtain from the Department a certificate that a search of the <b>Putative Father Registry</b> was performed. If the conception or birth of the child occurred in another state, a petitioner for adoption shall obtain a certificate from that state indicating that a search of the <b>putative father registry</b> was performed, if that state has a <b>putative father registry</b> .
	§ 63.2-1253. Duty to publicize registry	Four references to <b>Putative Father Registry</b>
	§ 63.2-1505. Investigations by local departments	2. Complete a report and transmit it forthwith to the Department, except that no such report shall be transmitted in cases in which the cause to suspect abuse or neglect is one of the factors specified in subsection B of § 63.2-1509 and <b>the mother</b> sought substance abuse counseling or treatment prior to the child's birth;

	§ 63.2-1509. Requirement that certain injuries to children be reported by physicians, nurses, etc.	B. For purposes of subsection A, "reason to suspect that a child is abused or neglected" shall include (i) a finding made by a health care provider within six weeks of the birth of a child that the results of toxicology studies of the child indicate the presence of a controlled substance not prescribed for <b>the mother</b> by a physician; (ii) a finding made by a health care provider within six weeks of the birth of a child that the child was born dependent on a controlled substance which was not prescribed by a physician for <b>the mother</b> and has demonstrated withdrawal symptoms; (iii) a diagnosis made by a health care provider at any time following a child's birth that the child has an illness, disease or condition which, to a reasonable degree of medical certainty, is attributable to in utero exposure to a controlled substance which was not prescribed by a physician for <b>the mother</b> or the child;
	§ 63.2-1902. Central unit for information and administration; etc.	With respect to individuals who owe child support or are alleged in a pending paternity proceeding to be a <b>putative father</b> , the Commissioner may request and shall receive the names and addresses of such individuals and the names and addresses of such individuals' employers . . .
	§ 63.2-1913. Administrative establishment of paternity	<p>Paternity may be established by a written statement of the <b>father and mother</b> made under oath acknowledging paternity or scientifically reliable genetic tests, including blood tests, which affirm at least a ninety-eight percent probability of paternity. The Department may order genetic testing and shall pay the costs of such tests, subject to recoupment from <b>the father</b>, if paternity is established. Where an original test is contested and additional testing is requested, the Department may require advance payment by the contestant.</p> <p>Before a voluntary acknowledgment of paternity is accepted by the Department as the basis for establishing paternity, the Department shall provide to <b>both the mother and the putative father</b> a written and oral description of the rights and responsibilities of acknowledging paternity and the consequences that arise from a signed acknowledgment, including the right to rescind the acknowledgment within the earlier of (i) sixty days from the date of signing or (ii) the date of entry of an order in an administrative or judicial proceeding relating to the child in which the signatory is a party.</p>
	§ 63.2-1914. Hospital paternity establishment programs	<p>Each public and private birthing hospital in the Commonwealth shall provide unwed parents the opportunity to legally establish the paternity of a child prior to the child's discharge from the hospital following birth, by means of a voluntary acknowledgment of paternity signed by <b>the mother and the father</b>, under oath. Designated staff members of such hospitals shall provide to <b>both the mother and the alleged father</b>, if he is present at the hospital, (i) written materials regarding paternity establishment, (ii) the forms necessary to voluntarily acknowledge paternity, (iii) a written and oral description of the rights and responsibilities of acknowledging paternity, and (iv) the opportunity, prior to the child's discharge from the hospital, to speak with staff who are trained to provide information and answer questions about paternity establishment. The provision by designated hospital staff members of the information required by this section, consistent with federal regulations, shall not constitute the unauthorized practice of law pursuant to Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1.</p> <p>Hospitals shall send the original acknowledgment of paternity containing the social security numbers, if available, of both parents, with the information required by Article 2 (§ 32.1-257 et seq.) of Chapter 7 of Title 32.1, to the State Registrar of Vital Records so that the birth certificate issued includes the name of the <b>legal father</b> of the child.</p>
Title 64.2 - Wills, Trusts, and	§ 64.2-102. Meaning of child	3. Except as otherwise provided by subdivision 1 or 2, a person born out of wedlock is a child of <b>the</b>

Fiduciaries	and related terms	<p><b>mother.</b> That person is also a child of the <b>father</b>, if:</p> <ol style="list-style-type: none"> <li>a. The biological parents participated in a marriage ceremony before or after the birth of the child, even though the attempted marriage was prohibited by law, deemed null or void, or dissolved by a court; or</li> <li>b. Paternity is established by clear and convincing evidence, including scientifically reliable genetic testing, as set forth in § 64.2-103; however, paternity established pursuant to this subdivision is ineffective to qualify the <b>father</b> or his kindred to inherit from or through the child unless the <b>father</b> has openly treated the child as his and has not refused to support the child.</li> </ol>
	§ 64.2-103. Evidence of paternity	<p>A. For the purposes of this title, paternity of a child born out of wedlock shall be established by clear and convincing evidence, and such evidence may include the following:</p> <ol style="list-style-type: none"> <li>1. That he cohabited openly with <b>the mother</b> during all of the 10 months immediately prior to the time the child was born;</li> <li>2. That he gave consent to a physician or other person, not including the <b>mother</b>, charged with the responsibility of securing information for the preparation of a birth record that his name be used as <b>the father</b> of the child upon the birth record of the child;</li> <li>3. That he allowed by a general course of conduct the common use of his surname by the child;</li> <li>4. That he claimed the child as his child on any statement, tax return, or other document filed and signed by him with any local, state, or federal government or any agency thereof;</li> <li>5. That he admitted before any court having jurisdiction to determine his paternity that he is the <b>father</b> of the child;</li> <li>6. That he voluntarily admitted paternity in writing under oath;</li> <li>7. The results of scientifically reliable genetic tests, including DNA tests, weighted with all the evidence; or</li> <li>8. Other medical, scientific, or anthropological evidence relating to the alleged parentage of the child based on tests performed by experts.</li> </ol> <p>B. A judgment establishing a <b>father's paternity</b> made by a court having jurisdiction to determine his paternity is sufficient evidence of paternity for the purposes of this section.</p>

### Paternal/Maternal

Title	Section	Reference
Title 8.01 - Civil Remedies and Procedure	§ 8.01-66.9. Lien in favor of Commonwealth, its programs, institutions or departments on claim for personal injuries	Two references to the <b>Maternal</b> and Child Health Program
Title 18.2 - Crimes	§ 18.2-76. Informed written consent required; penalty	Reference to <b>maternal</b> health care
Title 20 - Domestic Relations	§ 20-156. Definitions	Two references to <b>maternal</b> health care
Title 32.1 - Health	§ 32.1-77. State plans for maternal and child health services	Reference to <b>maternal</b> health care
Title 38.2 - Insurance	§ 38.2-3418.3. Coverage for hemophilia and congenital bleeding disorders	"State-approved hemophilia treatment center" means a hospital or clinic which receives federal or state <b>Maternal</b> and Child Health Bureau, and/or Centers for Disease Control funds to conduct comprehensive care for persons with hemophilia and other congenital bleeding disorders.
	§ 38.2-5001. Definitions	This definition shall apply to live births only and shall not include disability or death caused by genetic or congenital abnormality, degenerative neurological disease, or <b>maternal</b> substance abuse.
Title 54.1 - Professions and Occupations	§ 54.1-2800. Definitions	"Next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to §54.1-2825, the legal spouse, child aged 18 years or older, parent of a decedent aged 18 years or older, custodial parent or noncustodial parent of a decedent younger than 18 years of age, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, <b>maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age</b> , or any other relative in the descending order of blood relationship.
Title 57 - Religious and Charitable Matters; Cemeteries	§ 57-27.3. Authorization for interment	For purposes of this section, "next of kin" means any of the following persons, regardless of the relationship to the decedent: any person designated to make arrangements for the disposition of the decedent's remains upon his death pursuant to § 54.1-2825, the legal spouse, child over 18 years of age, custodial parent, noncustodial parent, siblings over 18 years of age, guardian of minor child, guardian of minor siblings, <b>maternal grandparents, paternal grandparents, maternal siblings over 18 years of age and paternal siblings over 18 years of age</b> , or any other relative in the descending order of blood relationship.
Title 63.2 - Welfare (Social Services)	§ 63.2-1253. Duty to publicize registry	A. The Department shall produce and distribute a pamphlet or other publication informing the public about the Putative Father Registry including . . . (v) <b>paternal rights</b> and associated responsibilities, and (vi) other appropriate provisions of this article.
Title 64.2 - Wills, Trusts, and Fiduciaries	§ 64.2-200. Course of descents generally; etc.	5. If there is none of the foregoing, then one-half of the estate descends and passes to the <b>paternal kindred</b> and one-half descends and passes to the <b>maternal kindred</b> of the decedent in the following course:... B. If there are either no surviving <b>paternal kindred</b> or no surviving <b>maternal kindred</b> , the whole estate descends and passes to <b>the paternal or maternal kindred</b> who survive the decedent. If there are neither <b>maternal nor paternal kindred</b> , the whole estate descends and passes to the kindred of the decedent's most

		recent spouse, if any, provided that the decedent and the spouse were married at the time of the spouse's death, as if such spouse had died intestate and entitled to the estate.
--	--	---

### Married/Marriage

Title	Section	Reference
Title 20 - Domestic Relations	§ 20-38.1. Certain marriages prohibited	(a) The following marriages are prohibited: (1) A marriage entered into prior to the dissolution of an earlier marriage of one of the parties; (2) A marriage between an ancestor and descendant, or between a brother and a sister, whether the relationship is by the half or the whole blood or by adoption; <b>(3) A marriage between an uncle and a niece or between an aunt and a nephew, whether the relationship is by the half or the whole blood.</b>
	§ 20-45.2. Marriage between persons of same sex	A marriage between persons of the same sex is prohibited. Any marriage entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created by such marriage shall be void and unenforceable.
	§ 20-45.3. Civil unions between persons of same sex	A civil union, partnership contract or other arrangement between persons of the same sex purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union, partnership contract or other arrangement entered into by persons of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void and unenforceable.
	§ 20-156. Definitions	<b>"Intended parents" means a man and a woman, married to each other</b> , who enter into an agreement with a surrogate under the terms of which they will be the parents of any child born to the surrogate through assisted conception regardless of the genetic relationships between the intended parents, the surrogate, and the child.

### Bride/Groom

Title	Section	Reference
Title 20 - Domestic Relations	§ 20-16. Issuance of marriage licenses and certificates	The parties shall be able to designate themselves on the application for marriage license as spouse, <b>bride, or groom.</b>
Title 32.1 -Health	§ 32.1-271. Disclosure of information in records; etc.	Following contract implementation, the State Registrar shall maintain a publicly available online vital records index or indexes, consisting at a minimum of name, date, and county or city of occurrence for births (naming the child), marriages ( <b>naming the bride and groom</b> ), divorces (naming the parties to the divorce), and deaths (naming the decedent),



**Widow/Widower**

Title	Section	Reference
Title 11 - Contracts	§ 11-8. Instruments issued by minors or unmarried widows to obtain benefits	Any person under the age of eighteen <b>or widow</b> who has not remarried who is eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United States approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or hereafter amended, or other like federal law, shall be upon complying with the terms of this section, qualified to contract for and purchase any real or personal property with respect to which the guaranteed loan is to be made
Title 58.1 - Taxation	§ 58.1-322. Virginia taxable income of residents	The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, <b>widow, widower</b> , or child or stepchild of such victim.
Title 65.2 - Workers' Compensation	§ 65.2-517. Termination of dependency	For the purpose of this title, the dependence of a <b>widow or widower</b> of a deceased employee shall terminate with death or remarriage,

# Title 55.1 Proposed Subtitles

## Subtitle I Real Estate Conveyances

1. Creation and Limitation of Estates; Their Qualities, §§ 55-1 through 55-25.1.
3. Property Rights of Married Women, §§ 55-35 through 55-47.1.
4. Form and Effect of Deeds and Covenants; Liens, §§ 55-48 through 55-79.06.
5. Fraudulent and Voluntary Conveyances, Bulk and Conditional Sales, etc.; Writings Necessary to Be Recorded, §§ 55-80 through 55-105.
8. Clouds on Title, §§ 55-153 through 55-155.
15. Apportionment of Moneys; Management of Institutional Funds, §§ 55-253 through 55-277.
20. Virginia Solar Easements Act, §§ 55-352 through 55-359.

## Subtitle II Real Estate Settlements and Recordation

6. Recordation of Documents, §§ 55-106 through 55-142.15.
27. Virginia Residential Property Disclosure Act, §§ 55-517 through 55-525.
- 27.1. Exchange Facilitators Act, §§ 55-525.1 through 55-525.7.
- 27.2. Real Estate Settlements, §§ 55-525.8 through 55-525.15.
- 27.3. Real Estate Settlement Agents, §§ 55-525.16 through 55-525.32.
28. Commercial Real Estate Broker's Lien Act, §§ 55-526, 55-527

## Subtitle III Rental Conveyances

13. Landlord and Tenant, §§ 55-217 through 55-248.
- 13.2. Virginia Residential Landlord and Tenant Act, §§ 55-248.2 through 55-248.40.
- 13.3. Manufactured Home Lot Rental Act, §§ 55-248.41 through 55-248.52.
14. Emblements, §§ 55-249 through 55-252.
25. Transfer of Deposits, § 55-507

## **Title 55.1 Proposed Subtitles**

### **Subtitle IV Common Interest Communities**

- 4.1. Horizontal Property, §§ 55-79.1 through 55-79.38.**
- 4.2. Condominium Act, §§ 55-79.39 through 55-79.103.**
- 19. Subdivided Land Sales Act, §§ 55-336 through 55-351.**
- 21. The Virginia Real Estate Time-Share Act, §§ 55-360 through 55-400.**
- 24. Virginia Real Estate Cooperative Act, §§ 55-424 through 55-506.**
- 26. Property Owners' Association Act, §§ 55-508 through 55-516.2**

### **Subtitle V Miscellaneous**

- 9. Assignments for Benefit of Creditors, §§ 55-156 through 55-167.**
- 10. Escheats Generally, §§ 55-168 through 55-201.1.**
- 11. Estrays and Drift Property, §§ 55-202 through 55-210.**
  - 11.1. Disposition of Unclaimed Property, §§ 55-210.1 through 55-210.30.**
- 18. Trespasses; Fences, §§ 55-298 through 55-335.**
- 23. Virginia Self-Service Storage Act, §§ 55-416 through 55-423.**

## **Title 55 Recodification Work Group Members**

Lucia Anna Trigiani (Mercer Trigiani)

*Alternate: David Mercer*

*Jeremy Moss*

John G. "Chip" Dicks (FutureLaw)

Christie Marra (Virginia Poverty Law Center, Inc.)

Edward A. Mullen (Reed Smith)

Professor Eric Kades (William & Mary Law School)

Melvin E. Tull, III (Virginia Bankers Association)

*Alternate: Matt Bruning*

Mary Broz Vaughan (Department of Professional and Occupational Regulation)

*Alternates: Trisha Henshaw (Common Interest Community Board)*

*Heather Gillespie (Office of the Common Interest Community Ombudsman)*

Brian M. Gordon (Virginia Apartment and Office Building Association (AOBA))

Phillip Richardson (Eck, Collins & Richardson)

Larry J. McElwain (Scott Kroner, PLC)

Benjamin D. Leigh (Atwill, Troxell & Leigh, P.C.)

Hon. John Frey (Clerk of the Circuit Court, Fairfax County)

Ann K. Crenshaw (Kaufman & Canoles)

Jeffrey Palmore (Reed Smith)

Professor Alex Johnson (University of Virginia Law School)

Laura Farley (Virginia Association of Realtors)

Phil Abraham (Vectre Corporation)

## **Title 55 Recodification: Sub Work-Groups**

### **Rental Conveyance Sub-Work Group**

- 1) Chip Dicks
- 2) Christie Marra
- 3) Brian Gordon
- 4) Tyler Craddock

### **Common Interest Community Sub-Work Group**

- 1) Philip Richardson
- 2) Chip Dicks
- 3) Heather Gillespie
- 4) Trisha Henshaw
- 5) Pia Trigiani
- 6) David Mercer
- 7) Edward Mullen
- 8) Alex Johnson

### **Real Estate Conveyance Sub-Work Group**

- 1) Larry McElwain
- 2) Mel Tull
- 3) Philip Richardson
- 4) Chip Dicks
- 5) Eric Kades
- 6) John Frey
- 7) Mary Broz Vaughan
- 8) Pia Trigiani
- 9) Edward Mullen
- 10) David Mercer
- 11) Ben Leigh
- 12) Phil Abraham
- 13) Ann Crenshaw
- 14) Alex Johnson

<p style="text-align: center;"><b>Title 55 Recodification Work Group</b> <b>Schedule of Meetings - 2016 Interim</b></p>
---

**Work Group Meeting #1**

Wednesday, 6/1/ 2016

10:00 a.m. Division of Legislative Services,  
General Assembly Building  
Richmond, Virginia

*Code Commission Meeting - June 20, 2016*

**Work Group Meeting #2**

Wednesday, 7/13/2016

10:00 a.m. Division of Legislative Services,  
General Assembly Building  
Richmond, Virginia

*Code Commission Meeting - August 1, 2016*

**Work Group Meeting #3**

Tuesday, 8/16/2016

10:00 a.m. Division of Legislative Services,  
General Assembly Building  
Richmond, Virginia

*Code Commission Meeting - September 19, 2016*

**Work Group Meeting #4**

Tuesday, 9/27/2016

10:00 a.m. Division of Legislative Services,  
General Assembly Building  
Richmond, Virginia

*Code Commission Meeting - October 17, 2016*

**Work Group Meeting #5**

Thursday 11/3/1016

10:00 a.m. Division of Legislative Services,  
General Assembly Building  
Richmond, Virginia

*Code Commission Meeting - November 21, 2016*

**Final Code Commission Meeting - December 5, 2016**



Jane Chaffin &lt;jchaffin@dls.virginia.gov&gt;

---

## Virginia Admin Code - Copyright Office Rejection

---

alex.medrano@thomsonreuters.com <alex.medrano@thomsonreuters.com>  
To: jchaffin@dls.virginia.gov

Fri, May 27, 2016 at 11:17 AM

Hi Jane-

I hope all is well. I have some news to pass along from our copyright folks regarding the copyright on the VA Administrative Code that we've been filing since the inception of this contract.

The Copyright Office recently issued a new compendium of rules and is taking a much narrower view of registration. As a result it has rejected the application for registration of copyright in the Virginia Administrative Code because the work "lacks a sufficient amount of new copyrightable authorship because it consists solely of the Virginia Administrative Code and Indexes without sufficient commentary or annotations".

The text of the code is not protectable, nor are short titles and phrases. Factual descriptions might be protectable if the descriptions are unique, however our experience with the Copyright Office on the types of descriptions included herein (statutory authority, historical notes, effect of amendments, etc) is that they will not view them as protectable.

At this point we are suspending filing of applications for copyright for this work. If the State would like to pursue this matter directly with the Copyright Office we would be happy to assist in whatever way possible. Also if anyone from the State would like to discuss the matter, I can provide the contact information for our Copyright Counsel, who handles these matters for all our publication and has been dealing with these interpretations/changes from the Copyright Office for the last couple of years.

If you have any questions for me, please don't hesitate to reach out.

Best regards,

**Alex Medrano**

Manager, Government Contracts - Legal

**THOMSON REUTERS** the answer company

610 Opperman Drive D5.S504

Eagan, MN 55123

Tel: (651) 848.3094 | Fax: (651) 687.5686

[alex.medrano@tr.com](mailto:alex.medrano@tr.com)



## United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • [www.copyright.gov](http://www.copyright.gov)

March 19, 2016

Thomson Reuters  
Attn: Rebecca Matzek  
Copyright Services 610 Oppermand Drive  
Eagan, MN 55123  
United States

Correspondence ID: 1-1HD34TH

RE: Virginia Administrative Code. ... Index Pamphlets).

Dear Rebecca Matzek:

We cannot register your copyright claim in this work because the material deposited does not contain a sufficient amount of original authorship on which to base a claim. Copyright protects "original works of authorship" that are fixed in any tangible medium of expression. To be regarded as an "original work of authorship," a work must contain a sufficient amount of original literary, pictorial, musical, or other copyrightable material.

A legal publication that analyzes, annotates, summarizes, or comments upon a legislative enactment, a judicial decision, an executive order, an administrative regulation, or other edicts of government may be registered provided that the publication contains a sufficient amount of new copyrightable authorship. Compendium of U.S. Copyright Office Practices, Third Edition § 717.1. Registration does not extend to government edicts that have been issued by any state, local, or territorial government, including legislative enactments, judicial decisions, administrative rulings, public ordinances, or similar types of official legal materials that have the force of law. Compendium §313.6(C)(2).

The deposited work you submitted with this claim lacks a sufficient amount of new copyrightable authorship because it consists solely of the Virginia Administrative Code and Indexes without sufficient commentary or annotations.

Likewise, a work may be registered as a compilation, provided that the author exercised a sufficient amount of creativity in selecting, coordinating, and/or arranging the categories that appear within the work. However, the deposited work appears to be based solely on the selection of administrative codes within a particular jurisdiction. Because works such as these typically list all of the subsequent decisions that cite the same case, there does not appear to be sufficient 'compilation' authorship to warrant registration in this case. See Compendium 717.1.



Since the material submitted does not contain a sufficient amount of original authorship, we must refuse registration.

This letter is for your information only; no response is necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Ms. Hellams", with a long horizontal flourish extending to the right.

Ms. Hellams  
Copyright Examiner  
United States Copyright Office  
The Library of Congress  
101 Independence Avenue SE  
Washington, DC 20559-6222  
[www.copyright.gov](http://www.copyright.gov)

Enclosures:  
Reply Sheet



## United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • [www.copyright.gov](http://www.copyright.gov)



\* 1 - 1 H D 3 4 T H \*

# Return this sheet if you request reconsideration.

## How to request reconsideration:

- Send your request in writing. (It must be received in the Copyright Office no later than three months after the date on the Office's refusal letter.)
- Explain why the claim should be registered or why it was improperly refused.
- Enclose the required fee – see below.
- Address your request to:

**RECONSIDERATION**  
**Copyright RAC Division**  
**P.O. Box 71380**  
**Washington, DC 20024-1380**

**Note:** Include the Correspondence ID Number (see above) on the first page. Indicate either “First Reconsideration” or “Second Reconsideration” as appropriate on the subject line.

**Notification of decision:** The Copyright Office will send a written notification of its decision, including an explanation of its reasoning.

**First Request for Reconsideration:** The Registration Program Office considers the first request. If it upholds the refusal, you may submit a second request.

**Second Request for Reconsideration:** The Copyright Office Board of Review considers the second request. The Board consists of the Register of Copyrights and the General Counsel (or their respective designees), and a third member appointed by the Register. The Board's decision constitutes final agency action.

## FEES:

<b>First Request</b>	\$250 per claim (i.e. the work(s) contained on a single application)
<b>Second Request</b>	\$500 per claim (i.e. the work(s) contained on a single application)



## United States Copyright Office

Library of Congress • 101 Independence Avenue SE • Washington DC 20559-6000 • [www.copyright.gov](http://www.copyright.gov)

Registration Number

**\*-APPLICATION-\***

**Title** \_\_\_\_\_

**Title of Work:** Virginia Administrative Code. 2015 Cumulative Supplementary Pamphlets and Recompilations (including General Index Pamphlets).

**Completion/Publication** \_\_\_\_\_

**Year of Completion:** 2015  
**Date of 1st Publication:** October 28, 2015  
**Nation of 1st Publication:** United States

**Author** \_\_\_\_\_

- Author:** The Commonwealth of Virginia
- Author Created:** Original and revised text and compilation of text
- Work made for hire:** Yes
- Domiciled in:** United States

**Copyright Claimant** \_\_\_\_\_

**Copyright Claimant:** The Commonwealth of Virginia  
General Assembly Bldg., 910 Capitol Street, 2nd Floor, Richmond, VA, 23219-3400, United States

**Limitation of copyright claim** \_\_\_\_\_

**Material excluded from this claim:** Some previously published material, including earlier versions.  
**Previous registration and year:** TX0007946497, 2014

**New material included in claim:** Original and revised text and compilation of text

**Rights and Permissions** \_\_\_\_\_

**Organization Name:** Copyright Clearance Center  
**Address:** 222 Rosewood Drive  
Danvers, MA 01923 United States

**Certification** \_\_\_\_\_

**Name:** Rebecca Matzek

**Date:** January 07, 2016

---