

Code Sections with Gender-Specific Terms Group II

Section	Catchline
§ 6.2-1526.	Wage assignments.
§ 6.2-1527.	Liens on household furniture.
§ 8.01-217.	How name of person may be changed.
§ 8.01-328.1.	When personal jurisdiction over person may be exercised.
§ 8.01-398.	Privileged marital communications (Subsection (a) of Supreme Court Rule 2:504 derived from this section).
§ 11-8.	Instruments executed by minors or unmarried widows to obtain benefits under certain federal legislation.
§ 12.1-19.	Duties of clerk; records; copies; personal identifiable information; records related to the administrative activities of the Commission; unauthorized filings.
§ 13.1-435.	Corporate securities registered in joint names with right of survivorship.
§ 16.1-277.01.	Approval of entrustment agreement.
§ 17.1-293.	Posting and availability of certain information on the Internet; prohibitions.
§ 18.2-19.	How accessories after the fact punished; certain exceptions.
§ 18.2-49.	Threatening, attempting or assisting in such abduction.
§ 18.2-361.	Crimes against nature; penalty.
§ 18.2-362.	Person marrying when husband or wife is living; penalty; venue.
§ 18.2-363.	Leaving Commonwealth to evade law against bigamy.
§ 18.2-364.	Exceptions to preceding sections.
§ 18.2-365.	Adultery defined; penalty.
§ 18.2-365.1.	Sodomy outside of marriage; penalty.
§ 18.2-366.	Adultery and fornication by persons forbidden to marry; incest.
§ 18.2-368.	Placing or leaving wife for prostitution; penalty.

Section	Catchline
§ 18.2-417.	Slander and libel.
§ 18.2-462.	Concealing or compounding offenses; penalties.
§ 19.2-271.1.	Competency of husband and wife to testify.
§ 19.2-271.2.	Testimony of husband and wife in criminal cases (Subsection (b) of Supreme Court Rule 2:504 derived from this section).
§ 19.2-305.	Requiring fines, costs, restitution for damages, support or community services from probationer.
§ 20-38.1.	Certain marriages prohibited.
§ 20-40.	Punishment for violation of such prohibition; leaving Commonwealth to avoid.
§ 20-43.	Bigamous marriages void without decree.
§ 20-45.2.	Marriage between persons of same sex.
§ 20-45.3.	Civil unions between persons of same sex.
§ 20-49.2.	Commencement of action; parties; jurisdiction.
§ 20-49.8.	Judgment or order; costs; birth record.
§ 20-82.	Husband and wife competent as witnesses.
§ 20-88.	Support of parents by children.
§ 20-88.59.	Special rules of evidence and procedure.
§ 20-89.1.	Suit to annul marriage.
§ 20-91.	Grounds for divorce from bond of matrimony; contents of decree.
§ 20-97.	Domicile and residential requirements for suits for annulment, affirmance, or divorce.
§ 20-106.	Testimony may be required to be given orally; evidence by affidavit.
§ 20-121.4.	Restoration of former name.
§ 20-146.31.	Hearing and order.
§ 20-156.	Definitions.
§ 20-158.	Parentage of child resulting from assisted conception.

Section	Catchline
§ 20-159.	Surrogacy contracts permissible.
§ 20-160.	Petition and hearing for court approval of surrogacy contract; requirements; orders.
§ 20-161.	Termination of court-approved surrogacy contract.
§ 20-162.	Contracts not approved by the court; requirements.
§ 20-163.	Miscellaneous provisions related to all surrogacy contracts.
§ 20-165.	Surrogate brokers prohibited; penalty; liability of surrogate brokers.
§ 32.1-46.01.	Virginia Immunization Information System.
§ 32.1-69.1.	Virginia Congenital Anomalies Reporting and Education System.
§ 32.1-127.	Regulations.
§ 32.1-134.01.	Certain information required for maternity patients.
§ 32.1-257.	Filing birth certificates; from whom required; signatures of parents.
§ 32.1-258.1.	Certificate of Birth Resulting in Stillbirth; requirements.
§ 32.1-271.	Disclosure of information in records; when unlawful; when permitted; proceeding to compel disclosure; when certain records made public.
§ 37.2-714.	Children born in state facilities.
§ 37.2-718.	Order to compel payment of expenses.
§ 38.2-302.	Life, accident and sickness insurance; application required.
§ 38.2-2204.	Liability insurance on motor vehicles, aircraft and watercraft; standard provisions; "omnibus clause."
§ 38.2-2212.	Grounds and procedure for cancellation of or refusal to renew motor vehicle insurance policies; review by Commissioner.
§ 38.2-4019.	Beneficiaries.
§ 38.2-5009.1.	Infants dying shortly after birth.
§ 55-20.	Survivorship between joint tenants abolished.

Section	Catchline
§ 55-20.2.	Tenants by the entireties in real and personal property; certain trusts.
§ 55-35.	How married women may acquire and dispose of property.
§ 55-36.	Contracts of, and suits by and against, married women.
§ 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.
§ 55-39.	Rights of wife, etc., not affected by husband's acts only.
§ 55-41.	Conveyance from husband and wife; effect on right of wife or husband.
§ 55-43.	Appointment of attorney in fact by married women; effect of writing executed by such attorney.
§ 55-46.	How estate of a married woman to pass at death.
§ 55-106.1.	Recording and indexing of certain documents showing changes of names.
§ 55-131.	Acknowledgments taken by officer who was husband or wife of grantee.
§ 58.1-322.02.	Virginia taxable income; subtractions.
§ 58.1-324.	Husband and wife.
§ 58.1-326.	Husband and wife when one nonresident.
§ 58.1-339.8.	Income tax credit for low-income taxpayers.
§ 58.1-341.	Returns of individuals.
§ 58.1-344.3.	Voluntary contributions of refunds requirements.
§ 58.1-344.4.	Voluntary contributions of refunds into Virginia College Savings Plan accounts.
§ 58.1-490.	Declarations of estimated tax.
§ 58.1-499.	Refunds to individual taxpayers; crediting overpayment against estimated tax for ensuing year.
§ 58.1-520.	(Contingent expiration) Definitions.
§ 58.1-520.	(Contingent effective date) Definitions.
§ 58.1-810.	What other deeds not taxable.

Section	Catchline
§ 58.1-3210.	Exemption or deferral of taxes on property of certain elderly and handicapped persons.
§ 58.1-3211.1.	Prorated tax exemption or deferral of tax.
§ 58.1-3219.5.	Exemption from taxes on property for disabled veterans.
§ 58.1-3219.6.	Application for exemption.
§ 58.1-3343.	Effect of lien on certain real estate jointly owned.
§ 58.1-3506.1.	Other classification for taxation of certain tangible personal property owned by certain elderly and handicapped persons.
§ 58.1-3506.2.	Restrictions and conditions.
§ 59.1-332.	Conditions on offering items as an inducement to execute.
§ 63.2-510.	Obligation of person to support certain children living in same home.
§ 63.2-1201.	Filing of petition for adoption; venue; jurisdiction; and proceedings.
§ 63.2-1201.1.	Previously married persons who stood in loco parentis during the time of the marriage may adopt in the same manner as married persons.
§ 63.2-1202.	Parental, or agency, consent required; exceptions.
§ 63.2-1215.	Legal effects of adoption.
§ 63.2-1218.	Certain exchange of property, advertisement, solicitation prohibited; penalty.
§ 63.2-1222.	Execution of entrustment agreement by birth parent(s); exceptions; notice and objection to entrustment; copy required to be furnished; requirement for agencies outside the Commonwealth.
§ 63.2-1224.	Explanation of process, legal effects of adoption required.
§ 63.2-1233.	Consent to be executed in juvenile and domestic relations district court; exceptions.

Section	Catchline
§ 63.2-1237.	Petition for parental placement adoption; jurisdiction; contents.
§ 63.2-1241.	Adoption of child by spouse of birth or adoptive parent.
§ 63.2-1242.1.	Close relative adoption.
§ 63.2-1250.	Registration; notice; form.
§ 63.2-1519.	Physician-patient and husband-wife privileges inapplicable.
§ 64.2-200.	Course of descents generally; right of Commonwealth if no other heir.
§ 64.2-905.	Multiple beneficiaries; separate custodial trusts; survivorship.
§ 64.2-2401.	Bond; orders as to management of estate; support of dependents.
§ 65.2-515.	Persons conclusively presumed to be wholly dependent.
§ 65.2-517.	Termination of dependency.

1 **§ 6.2-1526. Wage assignments.**

2 A. A valid assignment or order for the payment of future salary, wages, commissions, or other
3 compensation for services may be given as security for a loan made by any licensee, notwithstanding the
4 provisions of any other law to the contrary.

5 B. No assignment of, or order for payment of, any salary, wages, commissions, or other
6 compensation for services, earned or to be earned, given to secure any loan made by any licensee shall be
7 valid unless:

8 1. The amount of the loan is paid to the borrower simultaneously with its execution; and

9 2. The assignment or order is in writing, signed in person by the borrower, and not by an attorney,
10 or if the borrower is married unless it is signed in person by both ~~husband and wife~~ spouses, and not by
11 an attorney. Written assent of a spouse shall not be required when ~~husband and wife~~ the spouses have been
12 living separate and apart for a period of at least five months prior to the giving of the assignment or order.
13 The provisions of this section are in addition to, and not in derogation of, the general statutes pertaining
14 to the subject.

15 C. Under the assignment or order, an amount equal to not more than 10 percent of the borrower's
16 salary, wages, commissions, or other compensation for services shall be collectible from the employer of
17 the borrower by the licensee at the time of each payment to the borrower of the salary, wages, commission,
18 or other compensation for services, from the time that a copy of the assignment, verified by the oath of
19 the licensee or his agent, together with a similarly verified statement of the amount unpaid upon the loan
20 and a printed copy of this section, is served upon the employer.

21 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

22 **§ 6.2-1527. Liens on household furniture.**

23 No chattel mortgage or other lien on household furniture then in the possession and use of the
24 borrower given to secure any loan made by a licensee shall be valid unless it is in writing, signed in person
25 by the borrower, and not by an attorney, or if the borrower is married unless it is signed in person by both
26 ~~husband and wife~~ spouses, and not by an attorney. Written assent of a spouse shall not be required when

27 ~~a husband and wife~~ the spouses have been living separate and apart for a period of at least five months
28 prior to the giving of the mortgage or lien.

29 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

30 **§ 8.01-217. How name of person may be changed.**

31 A. Any person desiring to change his own name, or that of his child or ward, may apply therefor
32 to the circuit court of the county or city in which the person whose name is to be changed resides, or if no
33 place of abode exists, such person may apply to any circuit court which shall consider such application if
34 it finds that good cause exists therefor under the circumstances alleged. An incarcerated person may apply
35 to the circuit court of the county or city in which such person is incarcerated. In case of a minor who has
36 no living parent or guardian, the application may be made by his next friend. In case of a minor who has
37 both parents living, the parent who does not join in the application shall be served with reasonable notice
38 of the application pursuant to § 8.01-296 and, should such parent object to the change of name, a hearing
39 shall be held to determine whether the change of name is in the best interest of the minor. It shall not be
40 necessary to effect service upon any parent who files an answer to the application. If, after application is
41 made on behalf of a minor and an ex parte hearing is held thereon, the court finds by clear and convincing
42 evidence that such notice would present a serious threat to the health and safety of the applicant, the court
43 may waive such notice.

44 B. Every application shall be under oath and shall include the place of residence of the applicant,
45 the names of both parents, including the ~~maiden name~~ former names, if any, of his ~~mother~~ parents, the
46 date and place of birth of the applicant, the applicant's felony conviction record, if any, whether the
47 applicant is a person for whom registration with the Sex Offender and Crimes Against Minors Registry is
48 required pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, whether the applicant is presently
49 incarcerated or a probationer with any court, and if the applicant has previously changed his name, his
50 former name or names.

51 C. On any such application and hearing, if such be demanded, the court, shall, unless the evidence
52 shows that the change of name is sought for a fraudulent purpose or would otherwise infringe upon the

53 rights of others or, in a case involving a minor, that the change of name is not in the best interest of the
54 minor, order a change of name.

55 D. No application shall be accepted by a court for a change of name of a probationer, person for
56 whom registration with the Sex Offender and Crimes Against Minors Registry is required pursuant to
57 Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarcerated person unless the court finds that good cause
58 exists for consideration of such application under the reasons alleged in the application for the requested
59 change of name. If the court accepts the application, the court shall mail or deliver a copy of the application
60 to the attorney for the Commonwealth for the jurisdiction where the application was filed and the attorney
61 for the Commonwealth for any jurisdiction in the Commonwealth where a conviction occurred that
62 resulted in the applicant's probation, registration with the Sex Offender and Crimes Against Minors
63 Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, or incarceration. The attorney for the
64 Commonwealth where the application was filed shall be entitled to respond and represent the interests of
65 the Commonwealth by filing a response within 30 days after the mailing or delivery of a copy of the
66 application. The court shall conduct a hearing on the application and may order a change of name if, after
67 receiving and considering evidence concerning the circumstances regarding the requested change of name,
68 the court determines that the change of name (i) would not frustrate a legitimate law-enforcement purpose,
69 (ii) is not sought for a fraudulent purpose, and (iii) would not otherwise infringe upon the rights of others.
70 Such order shall contain written findings stating the court's basis for granting the order.

71 E. The provisions of subsection D are jurisdictional and any order granting a change of name
72 pursuant to subsection D that fails to comply with any provision of subsection D is void ab initio. The
73 attorney for the Commonwealth for the jurisdiction where such an application was filed has the authority
74 to bring an independent action at any time to have such order declared void. If the attorney for the
75 Commonwealth brings an independent action to have the order declared void, notice of the action shall be
76 served upon the person who was granted a change of name who shall have 30 days after service to respond.
77 If the person whose name was changed files a response objecting to having the order declared void, the
78 court shall hold a hearing. If an order granting a change of name is declared void pursuant to this
79 subsection, or if a person is convicted of perjury pursuant to § 18.2-434 for unlawfully changing his name

80 pursuant to § 18.2-504.1 based on conduct that violates this section, the clerk of the court entering the
81 order or the order of conviction shall transmit a certified copy of the order to (i) the State Registrar of
82 Vital Records, (ii) the Department of Motor Vehicles, (iii) the State Board of Elections, (iv) the Central
83 Criminal Records Exchange, and (v) any agency or department of the Commonwealth that has issued a
84 license to the person where such license utilizes the person's changed name, if known to the court and
85 identified in the court order.

86 F. The order shall contain no identifying information other than the applicant's former name or
87 names, new name, and current address. The clerk of the court shall spread the order upon the current deed
88 book in his office, index it in both the old and new names, and transmit a certified copy of the order and
89 the application to the State Registrar of Vital Records and the Central Criminal Records Exchange.
90 Transmittal of a copy of the order and the application to the State Registrar of Vital Records and the
91 Central Criminal Records Exchange shall not be required of a person who changed his ~~or her~~ former name
92 by reason of marriage and who makes application to resume a former name pursuant to § 20-121.4.

93 G. If the applicant shall show cause to believe that in the event his change of name should become
94 a public record, a serious threat to the health or safety of the applicant or his immediate family would
95 exist, the chief judge of the circuit court may waive the requirement that the application be under oath or
96 the court may order the record sealed and direct the clerk not to spread and index any orders entered in
97 the cause, and a certified copy shall not be transmitted to the State Registrar of Vital Records or the Central
98 Criminal Records Exchange. At such time as a name change order is received by the State Registrar of
99 Vital Records, for a person born in the Commonwealth, together with a proper request and payment of
100 required fees, the Registrar shall issue certifications of the amended birth record which do not reveal the
101 former name or names of the applicant unless so ordered by a court of competent jurisdiction. Such
102 certifications shall not be marked "amended" and show the effective date as provided in § 32.1-272. Such
103 order shall set forth the date and place of birth of the person whose name is changed, the full names of his
104 parents, including the maiden name of the mother and, if such person has previously changed his name,
105 his former name or names.

106 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
107 **make a technical change consistent with Va. Code § 1-216.**

108 **§ 8.01-328.1. When personal jurisdiction over person may be exercised.**

109 A. A court may exercise personal jurisdiction over a person, who acts directly or by an agent, as
110 to a cause of action arising from the person's:

111 1. Transacting any business in this Commonwealth;

112 2. Contracting to supply services or things in this Commonwealth;

113 3. Causing tortious injury by an act or omission in this Commonwealth;

114 4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth
115 if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives
116 substantial revenue from goods used or consumed or services rendered, in this Commonwealth;

117 5. Causing injury in this Commonwealth to any person by breach of warranty expressly or
118 impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected
119 such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also
120 regularly does or solicits business, or engages in any other persistent course of conduct, or derives
121 substantial revenue from goods used or consumed or services rendered in this Commonwealth;

122 6. Having an interest in, using, or possessing real property in this Commonwealth;

123 7. Contracting to insure any person, property, or risk located within this Commonwealth at the
124 time of contracting;

125 8. Having (i) executed an agreement in this Commonwealth which obligates the person to pay
126 spousal support or child support to a domiciliary of this Commonwealth, or to a person who has satisfied
127 the residency requirements in suits for annulments or divorce for members of the armed forces or civilian
128 employees of the United States, including foreign service officers, pursuant to § 20-97, provided that proof
129 of service of process on a nonresident party is made by a law-enforcement officer or other person
130 authorized to serve process in the jurisdiction where the nonresident party is located; (ii) been ordered to
131 pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction
132 in this Commonwealth having in personam jurisdiction over such person; or (iii) shown by personal

133 conduct in this Commonwealth, as alleged by affidavit, that the person conceived ~~or fathered~~ a child in
134 this Commonwealth;

135 9. Having maintained within this Commonwealth a matrimonial domicile at the time of separation
136 of the parties upon which grounds for divorce or separate maintenance is based, or at the time a cause of
137 action arose for divorce or separate maintenance or at the time of commencement of such suit, if the other
138 party to the matrimonial relationship resides herein; or

139 10. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political
140 subdivision of the Commonwealth.

141 Jurisdiction in subdivision 9 is valid only upon proof of service of process pursuant to § 8.01-296
142 on the nonresident party by a person authorized under the provisions of § 8.01-320. Jurisdiction under
143 clause (iii) of subdivision 8 is valid only upon proof of personal service on a nonresident pursuant to §
144 8.01-320.

145 B. Using a computer or computer network located in the Commonwealth shall constitute an act in
146 the Commonwealth. For purposes of this subsection, "use" and "computer network" shall have the same
147 meanings as those contained in § 18.2-152.2.

148 C. When jurisdiction over a person is based solely upon this section, only a cause of action arising
149 from acts enumerated in this section may be asserted against him; however, nothing contained in this
150 chapter shall limit, restrict, or otherwise affect the jurisdiction of any court of this Commonwealth over
151 foreign corporations that are subject to service of process pursuant to the provisions of any other statute.

152 **Drafting note: Eliminates superfluous gender-specific term which is consistent with Virginia**
153 **court decisions and other provisions of the Virginia Code. See *Bergaust v. Flaherty*, 57 Va. App. 423,**
154 **435, 703 S.E.2d 248, 253 (2011) (holding that the terms "conceived" and "fathered" used in Va.**
155 **Code § 8.01-328.1(A)(8) were synonymous gender-specific terms referring to the act of conception**
156 **and recognizing that the term "conceived" has been applied in case law "interchangeably to the**
157 **actions of the female getting pregnant, as well as to the actions of a couple in creating a fetus"). Cf.**
158 **Va. Code § 20-88.35 (providing that a Virginia court may exercise personal jurisdiction over a**
159 **nonresident under the Uniform Interstate Family Support Act if such nonresident "engaged in**

160 sexual intercourse in the Commonwealth and the child may have been conceived by the act of
161 intercourse").

162 § 8.01-398. Privileged marital communications (Subsection (a) of Supreme Court Rule 2:504
163 derived from this section).

164 ~~Husband and wife~~ Persons married to each other shall be competent witnesses to testify for or
165 against each other in all civil actions.

166 In any civil proceeding, a person has a privilege to refuse to disclose, and to prevent anyone else
167 from disclosing, any confidential communication between his spouse and him during their marriage,
168 regardless of whether he is married to that spouse at the time he objects to disclosure. This privilege may
169 not be asserted in any proceeding in which the spouses are adverse parties, or in which either spouse is
170 charged with a crime or tort against the person or property of the other or against the minor child of either
171 spouse. For the purposes of this section, "confidential communication" means a communication made
172 privately by a person to his spouse that is not intended for disclosure to any other person.

173 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

174 § 11-8. Instruments executed by minors or surviving spouses to obtain benefits under certain
175 federal legislation.

176 Any person under the age of eighteen or ~~widow~~ surviving spouse who has not remarried who is
177 eligible for a guaranty of credit under the provisions of Title III of an Act of Congress of the United States
178 approved June 22, 1944, entitled the "Servicemen's Readjustment Act of 1944," as now or hereafter
179 amended, or other like federal law, shall be upon complying with the terms of this section, qualified to
180 contract for and purchase any real or personal property with respect to which the guaranteed loan is to be
181 made, to execute the note or other evidence of the loan indebtedness and to secure the debt by the execution
182 of a deed of trust or chattel mortgage, or other instrument, upon the real or personal property acquired as
183 aforesaid in connection with the proposed loan or theretofore acquired by such person, whether by
184 purchase or otherwise, and such person shall, in all respects, be bound by such contracts or other
185 instruments entered into as though he ~~or she~~ were of full age.

186 When any such person is under the age of eighteen years no contract, note, deed of trust, mortgage
187 or other instrument required to obtain benefits under such federal legislation shall be executed by such
188 person unless the circuit or corporation court of the city or county, or judge thereof in vacation, in which
189 the property is located or to be used, after a petition signed by any such person shall have been filed with
190 it or him, approve the same. Such petition shall set forth the facts pertaining to the proposed transaction
191 and shall state why the judge or court should approve and authorize the execution of the necessary
192 instruments.

193 The petition shall be heard by the court without a jury and its decision thereon shall be final. A
194 guardian ad litem shall be appointed who shall make an investigation and report in writing whether in his
195 opinion the best interest of the petitioner would be served by permitting the petitioner to enter into such
196 transaction and the report shall be filed with the papers in the case. No such petition shall be approved by
197 the court unless such approval is recommended by the report of the guardian ad litem and unless it is also
198 recommended by the testimony of at least two disinterested and qualified witnesses appointed by the court,
199 or the judge thereof in vacation. The order of approval shall recite the recommendation of the guardian ad
200 litem and the witnesses and also their names and addresses. And the judge of the court hearing the case
201 shall fix a reasonable fee for the attorneys and guardians ad litem.

202 The court, if of opinion that entry into such transaction would benefit the petitioner, shall approve
203 the prayer of the petition and the petitioner, if he enter into such transaction and execute any instrument
204 required therein, shall be bound thereby as if of full age whether all or part of the obligation secured be so
205 guaranteed.

206 All rights which have accrued or obligations which have arisen under this section prior to January
207 30, 1947, are hereby declared valid and binding.

208 If the court approve the prayer of the petition such approval shall operate to vest title and confer
209 the power to encumber or convey title to real or personal property acquired pursuant to such approval.

210 Any infant spouse of an infant veteran permitted by the court to make loans under this section may
211 unite in any conveyance to effectuate such a loan as if he ~~or she~~ was a spouse of an adult signing as
212 provided under the provisions of § 55-42, relating to the removal of disability of infancy in certain cases.

213 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
214 **make technical changes consistent with Va. Code § 1-216. The Servicemen's Readjustment Act of**
215 **1944, also known as the G.I. Bill, has updated its terminology. See P.L. 94-169 (1975) (substituting**
216 **the term "surviving spouse" for "widow").**

217 **§ 12.1-19. Duties of clerk; records; copies; personal identifiable information; records related**
218 **to the administrative activities of the Commission; unauthorized filings.**

219 A. The clerk of the Commission shall:

220 1. Keep a record of all the proceedings, orders, findings, and judgments of the public sessions of
221 the Commission, and the minutes of the proceedings of each day's public session shall be read and
222 approved by the Commission and signed by its chairman, or acting chairman;

223 2. Subject to the supervision and control of the Commission, have custody of and preserve all of
224 the records, documents, papers, and files of the Commission, or which may be filed before it in any
225 complaint, proceeding, contest, or controversy, and such records, documents, papers, and files shall be
226 open to public examination in the office of the clerk to the same extent as the records and files of the
227 courts of this Commonwealth;

228 3. When requested, make and certify copies from any record, document, paper, or file in the clerk's
229 office, and if required, affix the seal of the Commission (or a facsimile thereof) thereto, and otherwise
230 furnish and certify information from the Commission records by any means the Commission may deem
231 suitable; and, except when made at the instance of the Commission or on behalf of the Commonwealth, a
232 political subdivision of the Commonwealth, or the government of the United States, the clerk shall charge
233 and collect the fees fixed by §§ 12.1-21.1 and 12.1-21.2; and any such copy or information, so certified,
234 shall have the same faith, credit, and legal effect as copies made and certified by the clerks of the courts
235 of this Commonwealth from the records and files thereof;

236 4. Certify all allowances made by the Commission to be paid out of the public treasury for witness
237 fees, service of process, or other expenses;

238 5. Issue all notices, writs, processes, or orders awarded by the Commission, or authorized by law,
239 or by the rules of the Commission;

240 6. Receive all fines and penalties imposed by the Commission, all moneys collected on judgments,
241 all registration fees required by law to be paid by corporations, limited liability companies, and other types
242 of business entities, including delinquencies thereof, and all other fees collected by the Commission, and
243 shall keep an accurate account of the same and the disposition of such receipts and shall, at least once in
244 every 30 days during the clerk's term of office, render a statement of all such receipts and collections to
245 the Comptroller, and pay the same into the treasury of the Commonwealth, and shall keep all such other
246 accounts of such collections and disbursements, and shall make all such other reports thereof as may be
247 required by law or by the regulations prescribed by the Comptroller; and

248 7. Generally have the powers, discharge the functions, and perform the duties of a clerk of a court
249 of record in all matters within the jurisdiction of the Commission. The Commission may designate one or
250 more deputies or assistants of the clerk who may discharge any of the clerk's official duties during the
251 clerk's continuance in office.

252 B. A person who prepares or submits to the office of the clerk of the Commission a document or
253 any information for filing with the Commission pursuant to Title 8.9A, Title 13.1, or Title 50 is responsible
254 for ensuring that the document or information does not contain any personal identifiable information,
255 unless such information is otherwise publicly available or is required or authorized by law to be included
256 in the document or information provided. For purposes of this subsection, "personal identifiable
257 information" means (i) a social security number or any other numbers appearing on driver's licenses; (ii)
258 information on credit cards, debit cards, bank accounts, or other electronic billing and payment systems;
259 (iii) a date of birth identified with a particular individual; (iv) the ~~maiden name~~ former surname of an
260 individual's parent; or (v) any financial account number. Any person who prepares or submits to the office
261 of the clerk a document for filing that contains personal identifiable information shall be deemed to have
262 authorized the clerk or any member of the clerk's staff to remove, delete, or obliterate, without prior notice,
263 such information prior or subsequent to recording or filing the document in the office of the clerk. Nothing
264 in this subsection shall be deemed to require the clerk to alter any document submitted for filing. The clerk
265 may refuse to accept for filing any document that includes personal identifiable information and return it
266 for modification or explanation. The Commission, its members, the clerk of the Commission, and any

267 member of the clerk's staff are immune from liability in any proceeding arising from any acts or omissions
268 in the implementation of this subsection. This subsection shall not be construed to limit, withdraw, or
269 overturn any defense or immunity that exists under statutory or common law.

270 C. 1. The Commission shall make available for public inspection records related to the
271 administrative activities of the Commission.

272 2. Disclosure of such records shall not be required, however, if (i) such records are otherwise
273 covered by applicable legal privileges, (ii) disclosure of such records could threaten the safety or security
274 of the Commission's employees, physical plant, or information technology assets or data, or (iii) such
275 records are not publicly available from other public entities under the laws of the Commonwealth,
276 including §§ 2.2-3705.1 and 2.2-4342.

277 3. Records held by the clerk of the Commission related to business entities shall be made public
278 or held confidential in accordance with laws and regulations applicable specifically to such records.

279 4. The Commission shall respond within five business days of receiving requests for administrative
280 records. If it is impracticable to provide the records requested within such time period, the Commission
281 shall notify the requester that an additional seven business days will be required, unless due to the scope
282 of the records requested or length of search necessary to locate them the Commission requires additional
283 time, which shall not be unreasonable in length. When any such requested records are not provided, the
284 Commission shall notify the requester of the basis of the denial.

285 5. As used in this subsection, "administrative activities" means matters related to the Commission's
286 operational responsibilities and operational functions, including its revenues, expenditures, financial
287 management and budgetary practices, personnel policies and practices, and procurement policies and
288 practices. "Administrative activities" shall not include the Commission's formal or informal regulatory or
289 legal proceedings or activities, records related to which shall be governed, inter alia, by laws and
290 regulations applicable specifically to such regulatory and legal proceedings or activities, or in accordance
291 with applicable legal privileges.

292 D. Notwithstanding any other provision of law, the clerk may review the circumstances
293 surrounding the execution or delivery of any document associated with any business entity of record in

294 the office of the clerk that was submitted for filing under a business entity statute administered by the
295 Commission pursuant to Title 13.1 or Title 50. If the clerk determines that the person who executed or
296 delivered the document was without authority to act on behalf of the business entity, the clerk is authorized
297 (i) to refuse to accept the document for filing or (ii) if the document has been filed, to summarily remove
298 the document and any documents and data related to the filing from the records in the office of the clerk,
299 correct such records, and provide notice to any business entity affected by the filing. The Commission, its
300 members, the clerk of the Commission, and any member of the clerk's staff are immune from liability in
301 any proceeding arising from any acts or omissions in the implementation of this subsection. This
302 subsection shall not be construed to limit, withdraw, or overturn any defense or immunity that exists under
303 statutory or common law.

304 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

305 **§ 13.1-435. Corporate securities registered in joint names with right of survivorship.**

306 Whenever a security issued by a corporation organized under the laws of this Commonwealth shall
307 be registered in the names of two or more persons as joint tenants with right of survivorship or in the
308 names of ~~a man and a woman~~ persons married to each other as tenants by the entireties with right of
309 survivorship and one of such persons dies, such corporation and any transfer agent of such corporation
310 shall, upon receipt of evidence of death, be entitled to treat the survivor or survivors as the owner or
311 owners of such security for all purposes and to cause such security to be registered in the name of such
312 survivor or survivors regardless of any claim of right through the decedent or by his personal
313 representative, unless such registration shall be enjoined prior to its effectuation by a court of competent
314 jurisdiction.

315 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

316 **§ 16.1-277.01. Approval of entrustment agreement.**

317 A. In any case in which a child has been entrusted pursuant to § 63.2-903 or 63.2-1817 to the local
318 board of social services or to a child welfare agency, a petition for approval of the entrustment agreement
319 by the board or agency:

320 1. Shall be filed within a reasonable period of time, no later than 89 days after the execution of an
321 entrustment agreement for less than 90 days, if the child is not returned to the caretaker from whom he
322 was entrusted within that period;

323 2. Shall be filed within a reasonable period of time, not to exceed 30 days after the execution of an
324 entrustment agreement for 90 days or longer or for an unspecified period of time, if such entrustment
325 agreement does not provide for the termination of all parental rights and responsibilities with respect to
326 the child; and

327 3. May be filed in the case of a permanent entrustment agreement which provides for the
328 termination of all parental rights and responsibilities with respect to the child.

329 The board or agency shall file a foster care plan pursuant to § 16.1-281 to be heard with any petition
330 for approval of an entrustment agreement.

331 B. Upon the filing of a petition for approval of an entrustment agreement pursuant to subsection
332 A of § 16.1-241, the court shall appoint a guardian ad litem to represent the child in accordance with the
333 provisions of § 16.1-266, and shall schedule the matter for a hearing to be held as follows: within 45 days
334 of the filing of a petition pursuant to subdivision A 1, A 2 or A 3, except where an order of publication
335 has been ordered by the court, in which case the hearing shall be held within 75 days of the filing of the
336 petition. The court shall provide notice of the hearing and a copy of the petition to the following, each of
337 whom shall be a party entitled to participate in the proceeding:

338 1. The local board of social services or child welfare agency;

339 2. The child, if he is 12 years of age or older;

340 3. The guardian ad litem for the child; and

341 4. The child's parents, guardian, legal custodian or other person standing in loco parentis to the
342 child. No such notification shall be required, however, if the judge certifies on the record that the identity
343 of the parent or guardian is not reasonably ascertainable. A birth father person shall be given notice of the
344 proceedings if he is an acknowledged father pursuant to § 20-49.1, an adjudicated father pursuant to § 20-
345 49.8, or a man presumed to be the father pursuant to § 63.2-1202, or has registered with the Virginia Birth
346 Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.). An affidavit of the mother that the identity of

347 the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other
348 evidence before the court which would refute such an affidavit. Failure to register with the Virginia Birth
349 Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of Chapter 12 of Title 63.2 shall be evidence
350 that the identity of the father is not reasonably ascertainable. The hearing shall be held and an order may
351 be entered, although a parent, guardian, legal custodian or person standing in loco parentis fails to appear
352 and is not represented by counsel, provided personal or substituted service was made on the person, or the
353 court determines that such person cannot be found, after reasonable effort, or in the case of a person who
354 is without the Commonwealth, the person cannot be found or his post office address cannot be ascertained
355 after reasonable effort. However, when a petition seeks approval of a permanent entrustment agreement
356 which provides for the termination of all parental rights and responsibilities with respect to the child, a
357 summons shall be served upon the parent or parents and the other parties specified in § 16.1-263. The
358 summons or notice of hearing shall clearly state the consequences of a termination of residual parental
359 rights. Service shall be made pursuant to § 16.1-264. The remaining parent's parental rights may be
360 terminated even though that parent has not entered into an entrustment agreement if the court finds, based
361 upon clear and convincing evidence, that it is in the best interest of the child and that (i) the identity of the
362 parent is not reasonably ascertainable; (ii) the identity and whereabouts of the parent are known or
363 reasonably ascertainable, and the parent is personally served with notice of the termination proceeding
364 pursuant to § 8.01-296 or 8.01-320; (iii) the whereabouts of the parent are not reasonably ascertainable
365 and the parent is given notice of the termination proceedings by certified or registered mail to the last
366 known address and such parent fails to object to the proceedings within 15 days of the mailing of such
367 notice; or (iv) the whereabouts of the parent are not reasonably ascertainable and the parent is given notice
368 of the termination proceedings through an order of publication pursuant to §§ 8.01-316 and 8.01-317, and
369 such parent fails to object to the proceedings.

370 C. At the hearing held pursuant to this section, the court shall hear evidence on the petition filed
371 and shall review the foster care plan for the child filed by the local board or child welfare agency in
372 accordance with § 16.1-281.

373 D. At the conclusion of the hearing, the court shall make a finding, based upon a preponderance
374 of the evidence, whether approval of the entrustment agreement is in the best interest of the child.
375 However, if the petition seeks approval of a permanent entrustment agreement which provides for the
376 termination of all parental rights and responsibilities with respect to the child, the court shall make a
377 finding, based upon clear and convincing evidence, whether termination of parental rights is in the best
378 interest of the child. If the court makes either of these findings, the court may make any of the orders of
379 disposition permitted in a case involving an abused or neglected child pursuant to § 16.1-278.2. Any such
380 order transferring legal custody of the child shall be made in accordance with the provisions of subdivision
381 A 5 of § 16.1-278.2 and shall be subject to the provisions of subsection D1. This order shall include, but
382 need not be limited to, the following findings: (i) that there is no less drastic alternative to granting the
383 requested relief; and (ii) that reasonable efforts have been made to prevent removal and that continued
384 placement in the home would be contrary to the welfare of the child, if the order transfers legal custody
385 of the child to a local board of social services. At any time subsequent to the transfer of legal custody of
386 the child pursuant to this section, a birth parent or parents of the child and the pre-adoptive parent or
387 parents may enter into a written post-adoption contact and communication agreement in accordance with
388 the provisions of § 16.1-283.1 and Article 1.1 (§ 63.2-1220.2 et seq.) of Chapter 12 of Title 63.2. The
389 court shall not require a written post-adoption contact and communication agreement as a precondition to
390 entry of an order in any case involving the child.

391 The effect of the court's order approving a permanent entrustment agreement is to terminate an
392 entrusting parent's residual parental rights. Any order terminating parental rights shall be accompanied by
393 an order (i) continuing or granting custody to a local board of social services or to a licensed child-placing
394 agency or (ii) granting custody or guardianship to a relative or other interested individual. Such an order
395 continuing or granting custody to a local board of social services or to a licensed child-placing agency
396 shall indicate whether that board or agency shall have the authority to place the child for adoption and
397 consent thereto. A final order terminating parental rights pursuant to this section renders the approved
398 entrustment agreement irrevocable. Such order may be appealed in accordance with the provisions of §
399 16.1-296.

400 D1. Any order transferring custody of the child to a relative or other interested individual pursuant
401 to subsection D shall be entered only upon a finding, based upon a preponderance of the evidence, that
402 the relative or other interested individual is one who (i) after an investigation as directed by the court, is
403 found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a
404 positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home
405 for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the
406 order shall so state. The court's order transferring custody to a relative or other interested individual should
407 further provide for, as appropriate, any terms and conditions which would promote the child's interest and
408 welfare; ongoing provision of social services to the child and the child's custodian; and court review of
409 the child's placement.

410 E. The local board or licensed child-placing agency to which authority is given to place the child
411 for adoption and consent thereto after an order terminating parental rights is entered pursuant to this
412 section shall file a written Adoption Progress Report with the juvenile court on the progress being made
413 to place the child in an adoptive home. The report shall be filed with the court every six months from the
414 date of the final order terminating parental rights until a final order of adoption is entered on behalf of the
415 child in the circuit court. At the conclusion of the hearing at which termination of parental rights is ordered
416 and authority is given to the local board or licensed child-placing agency to place the child for adoption,
417 the juvenile court shall schedule a date by which the board or agency shall file the first Adoption Progress
418 Report required by this section. A copy of the Adoption Progress Report shall be sent by the court to the
419 guardian ad litem for the child. The court may schedule a hearing on the report with or without the request
420 of a party.

421 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

422 **§ 17.1-293. Posting and availability of certain information on the Internet; prohibitions.**

423 A. Notwithstanding Chapter 37 (§ 2.2-3700 et seq.) of Title 2.2 or subsection B, it shall be unlawful
424 for any court clerk to disclose the social security number or other identification numbers appearing on
425 driver's licenses or information on credit cards, debit cards, bank accounts, or other electronic billing and
426 payment systems that was supplied to a court clerk for the purpose of paying fees, fines, taxes, or other

427 charges collected by such court clerk. The prohibition shall not apply where disclosure of such information
428 is required (i) to conduct or complete the transaction for which such information was submitted or (ii) by
429 other law or court order.

430 B. Beginning January 1, 2004, no court clerk shall post on the Internet any document that contains
431 the following information: (i) an actual signature, (ii) a social security number, (iii) a date of birth
432 identified with a particular person, (iv) the ~~maiden name~~ former surname of a person's parent so as to be
433 identified with a particular person, (v) any financial account number or numbers, or (vi) the name and age
434 of any minor child.

435 C. Each such clerk shall post notice that includes a list of the documents routinely posted on its
436 website. However, the clerk shall not post information on his website that includes private activity for
437 private financial gain.

438 D. Nothing in this section shall be construed to prohibit access to any original document as
439 provided by law.

440 E. This section shall not apply to the following:

441 1. Providing access to any document among the land records via secure remote access pursuant to
442 § 17.1-294;

443 2. Postings related to legitimate law-enforcement purposes;

444 3. Postings of historical, genealogical, interpretive, or educational documents and information
445 about historic persons and events;

446 4. Postings of instruments and records filed or recorded that are more than 100 years old;

447 5. Providing secure remote access to any person, his counsel, or staff which counsel directly
448 supervises to documents filed in matters to which such person is a party;

449 6. Providing official certificates and certified records in digital form of any document maintained
450 by the clerk pursuant to § 17.1-258.3:2; and

451 7. Providing secure remote access to nonconfidential court records, subject to any fees charged by
452 the clerk, to members in good standing with the Virginia State Bar and their authorized agents, pro hac

453 vice attorneys authorized by the court for purposes of the practice of law, and such governmental agencies
454 as authorized by the clerk.

455 F. Nothing in this section shall prohibit the Supreme Court or any other court clerk from providing
456 online access to a case management system that may include abstracts of case filings and proceedings in
457 the courts of the Commonwealth, including online access to subscribers of nonconfidential criminal case
458 information to confirm the complete date of birth of a defendant.

459 G. The court clerk shall be immune from suit arising from any acts or omissions relating to
460 providing remote access on the Internet pursuant to this section unless the clerk was grossly negligent or
461 engaged in willful misconduct.

462 This subsection shall not be construed to limit, withdraw, or overturn any defense or immunity
463 already existing in statutory or common law, or to affect any cause of action accruing prior to July 1, 2005.

464 H. Nothing in this section shall be construed to permit any data accessed by secure remote access
465 to be sold or posted on any other website or in any way redistributed to any third party, and the clerk, in
466 his discretion, may deny secure remote access to ensure compliance with these provisions. However, the
467 data accessed by secure remote access may be included in products or services provided to a third party
468 of the subscriber provided that (i) such data is not made available to the general public and (ii) the
469 subscriber maintains administrative, technical, and security safeguards to protect the confidentiality,
470 integrity, and limited availability of the data.

471 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

472 **§ 18.2-19. How accessories after the fact punished; certain exceptions.**

473 Every accessory after the fact is guilty of (i) a Class 6 felony in the case of a homicide offense that
474 is punishable by death or as a Class 2 felony or (ii) a Class 1 misdemeanor in the case of any other felony.
475 However, no person in the relation of ~~husband or wife~~ spouse, parent or grandparent, child or grandchild,
476 ~~brother or sister~~ sibling, by consanguinity or affinity, or servant to the offender, who, after the commission
477 of a felony, shall aid or assist a principal felon or accessory before the fact to avoid or escape from
478 prosecution or punishment, shall be deemed an accessory after the fact.

479 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

480 **§ 18.2-49. Threatening, attempting or assisting in such abduction.**

481 Any person who (1) threatens, or attempts, to abduct any other person with intent to extort money,
482 or pecuniary benefit, or (2) assists or aids in the abduction of, or threatens to abduct, any person with the
483 intent to defile such person, or (3) assists or aids in the abduction of, or threatens to abduct, any ~~female~~
484 child under sixteen years of age for the purpose of concubinage or prostitution, shall be guilty of a Class
485 5 felony.

486 **Drafting note: Amendment expands the crimes of assisting or aiding in the abduction of a**
487 **female under 16 years of age for the purpose of concubinage or prostitution to include males. The**
488 **underlying offense of abduction for the purpose of concubinage or prostitution set forth in clause**
489 **(iii) of § 18.2-48 was expanded to include males in 1993. 1993 Acts ch. 317. The current gender-**
490 **based distinction contained in this section would likely constitute an unconstitutional gender-based**
491 **classification. See *Craig v. Boren*, 429 U.S. 190, 97 S. Ct. 451 (1976) (law prohibiting sale of 3.2%**
492 **beer to males under the age of 21 and to females under the age of 18 was unconstitutional as gender-**
493 **based classifications "must serve important governmental objectives and must be substantially**
494 **related to achievement of those objectives").**

495 **§ 18.2-361. Crimes against nature; penalty.**

496 A. If any person carnally knows in any manner any brute animal or voluntarily submits to such
497 carnal knowledge, he is guilty of a Class 6 felony.

498 B. Any person who performs or causes to be performed cunnilingus, fellatio, anilingus, or anal
499 intercourse upon or by his ~~daughter or granddaughter, son or grandson, brother or sister, or father~~ child,
500 grandchild, sibling, or ~~mother~~ parent is guilty of a Class 5 felony. However, if a parent or grandparent
501 commits any such act with his child or grandchild and such child or grandchild is at least 13 but less than
502 18 years of age at the time of the offense, such parent or grandparent is guilty of a Class 3 felony.

503 C. For the purposes of this section, parent includes step-parent, grandparent includes step-
504 grandparent, child includes step-child, and grandchild includes step-grandchild.

505 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

506 **§ 18.2-362. Person marrying when spouse is living; penalty; venue.**

507 If any person, being married, shall, during the life of ~~the husband or wife~~ such person's spouse,
508 marry another person in this Commonwealth, or if the marriage with such other person take place out of
509 the Commonwealth, shall thereafter cohabit with such other person in this Commonwealth, he ~~or she~~ shall
510 be guilty of a Class 4 felony. Venue for a violation of this section may be in the county or city where the
511 subsequent marriage occurred or where the parties to the subsequent marriage cohabited.

512 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
513 **make a technical change consistent with Va. Code § 1-216.**

514 **§ 18.2-363. Leaving Commonwealth to evade law against bigamy.**

515 If any persons, resident in this Commonwealth, one of whom has a ~~husband or wife~~ spouse living,
516 shall, with the intention of returning to reside in this Commonwealth, go into another state or country and
517 there intermarry and return to and reside in this Commonwealth cohabiting as ~~man and wife~~ a married
518 couple, such marriage shall be governed by the same law, in all respects, as if it had been solemnized in
519 this Commonwealth.

520 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

521 **§ 18.2-364. Exceptions to preceding sections.**

522 Sections 18.2-362 and 18.2-363 shall not extend to a person whose ~~husband or wife~~ spouse shall
523 have been continuously absent from such person for seven years next before marriage of such person to
524 another, and shall not have been known by such person to be living within that time; nor to a person who
525 can show that the second marriage was contracted in good faith under a reasonable belief that the former
526 consort was dead; nor to a person who shall, at the time of the subsequent marriage, have been divorced
527 from the bond of the former marriage; nor to a person whose former marriage was void.

528 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

529 **§ 18.2-365. Adultery defined; penalty.**

530 Any person, being married, who voluntarily shall have sexual intercourse with any person not his
531 ~~or her~~ spouse shall be guilty of adultery, punishable as a Class 4 misdemeanor.

532 **Drafting note: Technical change consistent with Va. Code § 1-216. See note for proposed §**
533 **18.2-365.1 regarding extramarital sodomy.**

534 **§ 18.2-365.1. Sodomy outside of marriage; penalty.**

535 Any person being married, who voluntarily shall engage in anal intercourse, cunnilingus, fellatio,
536 or anilingus with any person not his spouse shall be guilty of a Class 4 misdemeanor.

537 **Drafting note: The crime of adultery, set forth in Va. Code § 18.2-365, is limited to acts of**
538 **"sexual intercourse" outside of marriage. "Sexual intercourse" does not include acts of sodomy. See**
539 ***Glaze v. Glaze*, 46 Va. Cir. 333 (Richmond City 1998). Cf. Va. Code §§ 18.2-61 and 18.2-67.1 (setting**
540 **out separate crimes for rape, which requires proof of sexual intercourse, and forcible sodomy). In**
541 **the wake of *Obergefell v. Hodges*, 135 S. Ct. 2584 (2015), married same-sex couples must be afforded**
542 **the same rights and responsibilities as married opposite-sex couples. This proposed new section**
543 **penalizing extramarital sodomy in the same manner as adultery places all married couples,**
544 **regardless of gender, on the same terms.**

545 **§ 18.2-366. Adultery and fornication by persons forbidden to marry; incest.**

546 A. Any person who commits adultery or fornication with any person whom he or she is forbidden
547 by law to marry shall be guilty of a Class 1 misdemeanor except as provided by subsection B.

548 B. Any person who commits adultery or fornication with his ~~daughter or granddaughter, or with~~
549 ~~her son or grandson, or her father~~ child, grandchild, or ~~his mother~~ parent, shall be guilty of a Class 5
550 felony. However, if a parent or grandparent commits adultery or fornication with his ~~or her~~ child or
551 grandchild, and such child or grandchild is at least thirteen years of age but less than eighteen years of age
552 at the time of the offense, such parent or grandparent shall be guilty of a Class 3 felony.

553 C. For the purposes of this section, parent includes step-parent, grandparent includes step-
554 grandparent, child includes a step-child, and grandchild includes a step-grandchild.

555 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
556 **make a technical change consistent with Va. Code § 1-216.**

557 **§ 18.2-368. Placing or leaving spouse for prostitution; penalty.**

558 Any person who, by force, fraud, intimidation, or threats, places or leaves or procures any other
559 person to place or leave his ~~wife~~ spouse in a bawdy place for the purpose of prostitution or unlawful sexual

560 intercourse, anal intercourse, cunnilingus, fellatio, or anilingus is guilty of pandering, punishable as a
561 Class 4 felony.

562 **Drafting note: Amendment expands the crime of placing or leaving one's wife in a bawdy**
563 **place for the purpose of prostitution to include any spouse regardless of gender. All other**
564 **prostitution-related offenses (Va. Code §§ 18.2-346, 18.2-348, 18.2-355, 18.2-356, 18.2-357, 18.2-358,**
565 **and 18.2-360) were expanded to apply to both males and females in 1980. 1980 Acts ch. 534. The**
566 **current gender-based distinction contained in this section would likely constitute an**
567 **unconstitutional gender-based classification. See *Craig v. Boren*, 429 U.S. 190, 97 S. Ct. 451 (1976)**
568 **(law prohibiting sale of 3.2% beer to males under the age of 21 and to females under the age of 18**
569 **was unconstitutional as gender-based classifications "must serve important governmental**
570 **objectives and must be substantially related to achievement of those objectives").**

571 **§ 18.2-417. Slander and libel.**

572 Any person who shall falsely utter and speak, or falsely write and publish, of and concerning any
573 female person of chaste character, any words derogatory of such female's person's character for virtue and
574 chastity, or imputing to such female person acts not virtuous and chaste, or who shall falsely utter and
575 speak, or falsely write and publish, of and concerning another person, any words which from their usual
576 construction and common acceptance are construed as insults and tend to violence and breach of the peace
577 or shall use grossly insulting language to any female person of good character or reputation, shall be guilty
578 of a Class 3 misdemeanor.

579 The defendant shall be entitled to prove upon trial in mitigation of the punishment, the provocation
580 which induced the libelous or slanderous words, or any other fact or circumstance tending to disprove
581 malice, or lessen the criminality of the offense.

582 **Drafting note: Amendments expand the crime of making false statements regarding a**
583 **female's chastity or virtue and of using grossly insulting language to any female of good character**
584 **or reputation to include males. The current gender-based distinction contained in this section would**
585 **likely constitute an unconstitutional gender-based classification. See *Craig v. Boren*, 429 U.S. 190,**
586 **97 S. Ct. 451 (1976) (law prohibiting sale of 3.2% beer to males under the age of 21 and to females**

587 under the age of 18 was unconstitutional as gender-based classifications "must serve important
588 governmental objectives and must be substantially related to achievement of those objectives").

589 **§ 18.2-462. Concealing or compounding offenses; penalties.**

590 A. Except as provided in subsection B, if any person knowing of the commission of an offense
591 takes any money or reward, or an engagement therefor, upon an agreement or understanding, expressed
592 or implied, to compound or conceal such offense, or not to prosecute therefor, or not to give evidence
593 thereof, he shall, if such offense is a felony, be guilty of a Class 2 misdemeanor; and if such offense is not
594 a felony, unless it is punishable merely by forfeiture to him, he shall be guilty of a Class 4 misdemeanor.

595 B. Any person, other than the victim of the crime or the ~~husband, wife~~ spouse, parent, grandparent,
596 child, grandchild, ~~brother, or sister~~ sibling, by consanguinity or affinity of the offender, who with actual
597 knowledge of the commission by another of any felony offense under Chapter 4 (§ 18.2-30 et seq.) of this
598 title, willfully conceals, alters, dismembers, or destroys any item of physical evidence with the intent to
599 delay, impede, obstruct, prevent, or hinder the investigation, apprehension, prosecution, conviction, or
600 punishment of any person regarding such offense is guilty of a Class 6 felony.

601 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

602 **§ 19.2-271.1. Competency of spouses to testify.**

603 ~~Husband and wife~~ Persons married to each other shall be competent witnesses to testify for or
604 against each other in criminal cases, except as otherwise provided.

605 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

606 **§ 19.2-271.2. Testimony of spouses in criminal cases (Subsection (b) of Supreme Court Rule**
607 **2:504 derived from this section).**

608 In criminal cases ~~husband and wife~~ persons married to each other shall be allowed, and, subject to
609 the rules of evidence governing other witnesses, may be compelled to testify in behalf of each other, but
610 neither shall be compelled to be called as a witness against the other, except (i) in the case of a prosecution
611 for an offense committed by one against the other, against a minor child of either, or against the property
612 of either; (ii) in any case where either is charged with forgery of the name of the other or uttering or
613 attempting to utter a writing bearing the allegedly forged signature of the other; or (iii) in any proceeding

614 relating to a violation of the laws pertaining to criminal sexual assault (§§ 18.2-61 through 18.2-67.10),
615 crimes against nature (§ 18.2-361) involving a minor as a victim and provided the defendant and the victim
616 are not married to each other, incest (§ 18.2-366), or abuse of children (§§ 18.2-370 through 18.2-371).
617 The failure of either ~~husband or wife~~ spouse to testify, however, shall create no presumption against the
618 accused, nor be the subject of any comment before the court or jury by any attorney.

619 Except in the prosecution for a criminal offense as set forth in (i), (ii) or (iii) above, in any criminal
620 proceeding, a person has a privilege to refuse to disclose, and to prevent anyone else from disclosing, any
621 confidential communication between his spouse and him during their marriage, regardless of whether he
622 is married to that spouse at the time he objects to disclosure. For the purposes of this section, "confidential
623 communication" means a communication made privately by a person to his spouse that is not intended for
624 disclosure to any other person.

625 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

626 **§ 19.2-305. Requiring fines, costs, restitution for damages, support or community services**
627 **from probationer.**

628 A. While on probation the defendant may be required to pay in one or several sums a fine or costs,
629 or both such fine and costs, imposed at the time of being placed on probation as a condition of such
630 probation, and the failure of the defendant to pay such fine or costs, or both such fine and costs, at the
631 prescribed time or times may be deemed a breach of such probation. The provisions of this subsection
632 shall also apply to any person ordered to pay costs pursuant to § 19.2-303.3.

633 B. A defendant placed on probation following conviction may be required to make at least partial
634 restitution or reparation to the aggrieved party or parties for damages or loss caused by the offense for
635 which conviction was had, or may be required to provide for the support of his ~~wife~~ spouse or others for
636 whose support he may be legally responsible, or may be required to perform community services. The
637 defendant may submit a proposal to the court for making restitution, for providing for support or for
638 performing community services.

639 C. No defendant shall be kept under supervised probation solely because of his failure to make full
640 payment of fines, fees, or costs, provided that, following notice by the probation and parole officer to each

641 court and attorney for the Commonwealth in whose jurisdiction any fines, fees, or costs are owed by the
642 defendant, no such court or attorney for the Commonwealth objects to his removal from supervised
643 probation.

644 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones. This**
645 **amendment also resolved the current law's potentially unconstitutional sex-based classification**
646 **which only requires a husband to provide support for his wife, but not vice versa. See *Schilling v.***
647 ***Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303 S.E.2d 905 (1983) (holding that the doctrine of**
648 **necessaries, which made a husband responsible for the necessary goods and services furnished to**
649 **his wife, was unconstitutional).**

650 **§ 20-38.1. Certain marriages prohibited.**

651 (a) The following marriages are prohibited:

652 (1) A marriage entered into prior to the dissolution of an earlier marriage of one of the parties;

653 (2) A marriage between an ancestor and descendant, or between ~~a brother and a sister~~ siblings,
654 whether the relationship is by the half or the whole blood or by adoption;

655 (3) A marriage between an ~~uncle and a niece or between an aunt and a nephew~~ individual and (i)
656 a child of such individual's sibling or a sibling of such individual's parent, whether the relationship is by
657 the half or the whole blood.

658 (b) [Repealed.]

659 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones. As this**
660 **section currently only prohibits uncles from marrying nieces and aunts marrying nephews, making**
661 **this section gender-neutral prohibits a marriage between any individual and (i) a child of such**
662 **individual's sibling or (ii) a sibling of such individual's parent, regardless of gender. These**
663 **amendments serve to expand the crime of entering into a prohibited marriage under § 20-40. These**
664 **amendments also serve to expand the crime of incest. Under Va. Code § 18.2-366, in addition to**
665 **penalizing sexual intercourse with certain listed family members (which does not include nieces,**
666 **nephews, aunts, or uncles) as a Class 3 felony, it is a Class 1 misdemeanor to have sexual intercourse**
667 **with another person whom such person "is forbidden by law to marry."**

668 **§ 20-40. Punishment for violation of such prohibition; leaving Commonwealth to avoid.**

669 If any person marry in violation of § 20-38.1 he shall be confined in jail not exceeding six months,
670 or fined not exceeding \$500, in the discretion of the jury. If any persons, resident in this Commonwealth,
671 and within the degrees of relationship mentioned in that section, shall go out of this Commonwealth for
672 the purpose of being married, and with the intention of returning, and be married out of it, and afterwards
673 return to and reside in it, cohabiting as ~~man and wife~~ a married couple, they shall be punished as provided
674 in this section, and the marriage shall be governed by the same law as if it had been solemnized in this
675 Commonwealth. The fact of such cohabitation here shall be evidence of such marriage. Venue for a
676 violation of this section may be in the county or city where the subsequent marriage occurred or where
677 the parties to the subsequent marriage cohabited.

678 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

679 **§ 20-43. Bigamous marriages void without decree.**

680 All marriages which are prohibited by law on account of either of the parties having a former ~~wife~~
681 ~~or husband~~ spouse then living shall be absolutely void, without any decree of divorce, or other legal
682 process.

683 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

684 ~~§ 20-45.2. Marriage between persons of same sex.~~

685 ~~A marriage between persons of the same sex is prohibited. Any marriage entered into by persons~~
686 ~~of the same sex in another state or jurisdiction shall be void in all respects in Virginia and any contractual~~
687 ~~rights created by such marriage shall be void and unenforceable.~~

688 **Drafting note: Recommend repeal as unconstitutional in the wake of *Obergefell v. Hodges*,**
689 **135 S. Ct. 2584, 2604-2605 (2015) ("the right to marry is a fundamental right inherent in the liberty**
690 **of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth**
691 **Amendment couples of the same-sex may not be deprived of that right and that liberty"). *See also***
692 **2017 Op. Atty. Gen. 17-021 (Aug. 11, 2017) (opining that Va. Code § 20-45.2 is unconstitutional**
693 **under *Obergefell* and, thus, is obsolete).**

694 ~~§ 20-45.3. Civil unions between persons of same sex.~~

695 ~~A civil union, partnership contract or other arrangement between persons of the same sex~~
696 ~~purporting to bestow the privileges or obligations of marriage is prohibited. Any such civil union,~~
697 ~~partnership contract or other arrangement entered into by persons of the same sex in another state or~~
698 ~~jurisdiction shall be void in all respects in Virginia and any contractual rights created thereby shall be void~~
699 ~~and unenforceable.~~

700 **Drafting note: Recommend repeal as unconstitutional in the wake of *Obergefell v. Hodges*,**
701 **135 S. Ct. 2584, 2604-2605 (2015) ("the right to marry is a fundamental right inherent in the liberty**
702 **of the person, and under the Due Process and Equal Protection Clauses of the Fourteenth**
703 **Amendment couples of the same-sex may not be deprived of that right and that liberty"). *See also***
704 **2017 Op. Atty. Gen. 17-021 (Aug. 11, 2017) (opining that Va. Code § 20-45.3 is unconstitutional**
705 **under *Obergefell* and, thus, is obsolete).**

706 **§ 20-49.2. Commencement of action; parties; jurisdiction.**

707 Proceedings under this chapter may be instituted upon petition, verified by oath or affirmation,
708 filed by a child, a parent, a person claiming parentage, a person standing in loco parentis to the child or
709 having legal custody of the child or a representative of the Department of Social Services or the
710 Department of Juvenile Justice.

711 The child may be made a party to the action, and if he is a minor and is made a party, he shall be
712 represented by a guardian ad litem appointed by the court in accordance with the procedures specified in
713 § 16.1-266 or § 8.01-9. The child's ~~mother or father~~ parent may not represent the child as guardian or
714 otherwise. The determination of the court under the provisions of this chapter shall not be binding on any
715 person who is not a party.

716 The circuit courts shall have concurrent original jurisdiction of cases arising under this chapter
717 with the juvenile and domestic relations district courts when the parentage of a child is at issue in any
718 matter otherwise before the circuit court. The determination of parentage, when raised in any proceeding,
719 shall be governed by this chapter.

720 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

721 **§ 20-49.8. Judgment or order; costs; birth record.**

722 A. A judgment or order establishing parentage may include any provision directed against the
723 appropriate party to the proceeding, concerning the duty of support, including an equitable apportionment
724 of the expenses incurred on behalf of the child from the date the proceeding under this chapter was filed
725 with the court against the alleged parent or, if earlier, the date an order of the Department of Social Services
726 entered pursuant to Title 63.2 and directing payment of support was delivered to the sheriff or process
727 server for service upon the obligor. The judgment or order may be in favor of the natural parent or any
728 other person or agency who incurred such expenses provided the complainant exercised due diligence in
729 the service of the respondent. The judgment or order may also include provisions for the custody and
730 guardianship of the child, visitation privileges with the child, or any other matter in the best interest of the
731 child. In circumstances where the parent is outside the jurisdiction of the court, the court may enter a
732 further order requiring the furnishing of bond or other security for the payment required by the judgment
733 or order. The judgment or order may direct either party to pay the reasonable and necessary unpaid
734 expenses of the mother's pregnancy and delivery or equitably apportion the unpaid expenses between the
735 parties. However, when the Commonwealth, through the Medicaid program, has paid such expenses, the
736 court may order reimbursement to the Commonwealth for such expenses.

737 B. A determination of paternity made by any other state shall be given full faith and credit, whether
738 established through voluntary acknowledgment or through administrative or judicial process; provided,
739 however, that, except as may otherwise be required by law, such full faith and credit shall be given only
740 for the purposes of establishing a duty to make payments of support and other payments contemplated by
741 subsection A.

742 C. For each court determination of parentage made under the provisions of this chapter, a certified
743 copy of the order or judgment shall be transmitted to the State Registrar of Vital Records by the clerk of
744 the court within thirty days after the order becomes final. Such order shall set forth the full name and date
745 and place of birth of the person whose parentage has been determined, the full names of both parents,
746 including the ~~maiden name~~ former surnames, if any, of the ~~mother~~ parents and the name and address of
747 an informant who can furnish the information necessary to complete a new birth record. In addition, when
748 the State Registrar receives a document signed by a man indicating his consent to submit to scientifically

749 reliable genetic tests, including blood tests, to determine paternity and the genetic test results affirming at
750 least a ninety-eight percent probability of paternity, a new birth record shall be completed as provided in
751 § 32.1-261. When the State Registrar receives a copy of a judgment or order for a person born outside of
752 this Commonwealth, such order shall be forwarded to the appropriate registration authority in the state of
753 birth or the appropriate federal agency.

754 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

755 **§ 20-82. Spouses competent as witnesses.**

756 In every prosecution under this chapter both ~~husband and wife~~ persons married to each other shall
757 be competent witnesses to testify against each other in all relevant matters, including the facts of such
758 marriage, provided that neither shall be compelled to give evidence incriminating himself ~~or herself~~.

759 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
760 **make a technical change consistent with Va. Code § 1-216.**

761 **§ 20-88. Support of parents by children.**

762 It shall be the joint and several duty of all persons eighteen years of age or over, of sufficient
763 earning capacity or income, after reasonably providing for his or her own immediate family, to assist in
764 providing for the support and maintenance of his ~~or her mother or father~~ parent, ~~he or she~~ such parent
765 being then and there in necessitous circumstances.

766 If there be more than one person bound to support the same parent or parents, the persons so bound
767 to support shall jointly and severally share equitably in the discharge of such duty. Taking into
768 consideration the needs of the parent or parents and the circumstances affecting the ability of each person
769 to discharge the duty of support, the court having jurisdiction shall have the power to determine and order
770 the payment, by such person or persons so bound to support, of that amount for support and maintenance
771 which to the court may seem just. Where the court ascertains that any person has failed to render his ~~or~~
772 ~~her~~ proper share in such support and maintenance it may, upon the complaint of any party or on its own
773 motion, compel contribution by that person to any person or authority which has theretofore contributed
774 to the support or maintenance of the parent or parents. The court may from time to time revise the orders

775 entered by it or by any other court having jurisdiction under the provisions of this section, in such manner
776 as to it may seem just.

777 The juvenile and domestic relations district court shall have exclusive original jurisdiction in all
778 cases arising under this section. Any person aggrieved shall have the same right of appeal as is provided
779 by law in other cases.

780 All proceedings under this section shall conform as nearly as possible to the proceedings under the
781 other provisions of this chapter, and the other provisions of this chapter shall apply to cases arising under
782 this section in like manner as though they were incorporated in this section. Prosecutions under this section
783 shall be in the jurisdiction where the parent or parents reside.

784 This section shall not apply if there is substantial evidence of desertion, neglect, abuse or willful
785 failure to support any such child by the ~~father or mother, as the case may be,~~ parent prior to the child's
786 emancipation or, except as provided hereafter in this section, if a parent is otherwise eligible for and is
787 receiving public assistance or services under a federal or state program.

788 To the extent that the financial responsibility of children for any part of the costs incurred in
789 providing medical assistance to their parents pursuant to the plan provided for in § 32.1-325 is not
790 restricted by that plan and to the extent that the financial responsibility of children for any part of the costs
791 incurred in providing to their parents services rendered, administered or funded by the Department of
792 Behavioral Health and Developmental Services is not restricted by federal law, the provisions of this
793 section shall apply. A proceeding may be instituted in accordance with this section in the name of the
794 Commonwealth by the state agency administering the program of assistance or services in order to compel
795 any child of a parent receiving such assistance or services to reimburse the Commonwealth for such
796 portion of the costs incurred in providing the assistance or services as the court may determine to be
797 reasonable. If costs are incurred for the institutionalization of a parent, the children shall in no case be
798 responsible for such costs for more than sixty months of institutionalization.

799 Any person violating the provisions of an order entered pursuant to this section shall be guilty of
800 a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding \$500 or imprisonment
801 in jail for a period not exceeding twelve months or both.

802 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
803 **make technical changes consistent with Va. Code § 1-216.**

804 **§ 20-88.59. Special rules of evidence and procedure.**

805 A. The physical presence of a nonresident party who is an individual in a tribunal of the
806 Commonwealth is not required for the establishment, enforcement, or modification of a support order or
807 the rendition of a judgment determining parentage of a child.

808 B. An affidavit, a document substantially complying with federally mandated forms, or a document
809 incorporated by reference in any of them that would not be excluded under the hearsay rule if given in
810 person is admissible in evidence if given under penalty of perjury by a party or witness residing outside
811 the Commonwealth.

812 C. A copy of the record of child support payments certified as a true copy of the original by the
813 custodian of the record may be forwarded to a responding tribunal. The copy is evidence of facts asserted
814 in it and is admissible to show whether payments were made.

815 D. Copies of bills for testing for parentage of a child, and for prenatal and postnatal health care of
816 the mother and child, furnished to the adverse party at least 10 days before trial, are admissible in evidence
817 to prove the amount of the charges billed and that the charges were reasonable, necessary, and customary.

818 E. Documentary evidence transmitted from outside the Commonwealth to a tribunal of the
819 Commonwealth by telephone, telecopier, or other electronic means that does not provide an original record
820 may not be excluded from evidence upon an objection based on the means of transmission.

821 F. In a proceeding under this chapter, a tribunal of the Commonwealth shall permit a party or
822 witness residing outside the Commonwealth to be deposed or to testify under penalty of perjury by
823 telephone, audiovisual means, or other electronic means at a designated tribunal or other location. A
824 tribunal of the Commonwealth shall cooperate with other tribunals in designating an appropriate location
825 for the deposition or testimony.

826 G. If a party called to testify at a civil hearing refuses to answer on the ground that the testimony
827 may be self-incriminating, the trier of fact may draw an adverse inference from the refusal.

828 H. A privilege against disclosure of communication between spouses does not apply in a
829 proceeding under this chapter.

830 I. The defense of immunity based on the relationship of ~~husband and wife~~ between spouses or of
831 parent and child does not apply in a proceeding under this chapter.

832 J. A voluntary acknowledgment of paternity, certified as a true copy, is admissible to establish
833 parentage of the child.

834 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

835 **§ 20-89.1. Suit to annul marriage.**

836 A. When a marriage is alleged to be void or voidable for any of the causes mentioned in § 20-13,
837 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the same;
838 and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

839 B. In the case of natural or incurable impotency of body existing at the time of entering into the
840 marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had
841 been convicted of a felony, or when, at the time of the marriage, ~~the wife~~ either spouse, without the
842 knowledge of the ~~husband~~ other spouse, was with child by ~~some~~ a person other than the ~~husband, or where~~
843 ~~the husband, without knowledge of the wife, other spouse or~~ had ~~fathered~~ conceived a child born to a
844 ~~woman~~ person other than the ~~wife~~ other spouse within 10 months after the date of the solemnization of
845 the marriage, or where, prior to the marriage, either party had been, without the knowledge of the other, a
846 prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.

847 C. No annulment for a marriage alleged to be void or voidable under subsection B of § 20-45.1 or
848 subsection B of this section or by virtue of fraud or duress shall be decreed if it appears that the party
849 applying for such annulment has cohabited with the other after knowledge of the facts giving rise to what
850 otherwise would have been grounds for annulment, and in no event shall any such decree be entered if the
851 parties had been married for a period of two years prior to the institution of such suit for annulment.

852 D. A party who, at the time of such marriage as is mentioned in § 20-48, was capable of consenting
853 with a party not so capable shall not be permitted to institute a suit for the purpose of annulling such
854 marriage.

855 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and is**
856 **consistent with Virginia court decisions and other provisions of the Virginia Code. *See Bergaust v.***
857 ***Flaherty*, 57 Va. App. 423, 435, 703 S.E.2d 248, 253 (2011) (holding that the terms "conceived" and**
858 **"fathered" used in Va. Code § 8.01-328.1(A)(8) were synonymous gender-specific terms referring**
859 **to the act of conception and recognizing that the term "conceived" has been applied in case law**
860 **"interchangeably to the actions of the female getting pregnant, as well as to the actions of a couple**
861 **in creating a fetus"). *Cf.* Va. Code § 20-88.35 (providing that a Virginia court may exercise personal**
862 **jurisdiction over a nonresident under the Uniform Interstate Family Support Act if such**
863 **nonresident "engaged in sexual intercourse in the Commonwealth and the child may have been**
864 **conceived by the act of intercourse").**

865 **§ 20-91. Grounds for divorce from bond of matrimony; contents of decree.**

866 A. A divorce from the bond of matrimony may be decreed:

867 (1) For adultery; or for sodomy or buggery committed outside the marriage;

868 (2) [Repealed.]

869 (3) Where either of the parties subsequent to the marriage has been convicted of a felony, sentenced
870 to confinement for more than one year and confined for such felony subsequent to such conviction, and
871 cohabitation has not been resumed after knowledge of such confinement (in which case no pardon granted
872 to the party so sentenced shall restore such party to his-~~or her~~ conjugal rights);

873 (4), (5) [Repealed.]

874 (6) Where either party has been guilty of cruelty, caused reasonable apprehension of bodily hurt,
875 or willfully deserted or abandoned the other, such divorce may be decreed to the innocent party after a
876 period of one year from the date of such act; or

877 (7), (8) [Repealed.]

878 (9) (a) On the application of either party if and when ~~the husband and wife~~ they have lived separate
879 and apart without any cohabitation and without interruption for one year. In any case where the parties
880 have entered into a separation agreement and there are no minor children either born of the parties, born
881 of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application

882 if and when ~~the husband and wife~~ they have lived separately and apart without cohabitation and without
883 interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision
884 of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that
885 either party has been adjudged insane, either before or after such separation has commenced, but at the
886 expiration of one year or six months, whichever is applicable, from the commencement of such separation,
887 the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if
888 there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint
889 a guardian ad litem to represent the insane defendant.

890 (b) This subdivision (9) shall apply whether the separation commenced prior to its enactment or
891 shall commence thereafter. Where otherwise valid, any decree of divorce hereinbefore entered by any
892 court having equity jurisdiction pursuant to this subdivision (9), not appealed to the Supreme Court of
893 Virginia, is hereby declared valid according to the terms of said decree notwithstanding the insanity of a
894 party thereto.

895 (c) A decree of divorce granted pursuant to this subdivision (9) shall in no way lessen any
896 obligation any party may otherwise have to support the spouse unless such party shall prove that there
897 exists in the favor of such party some other ground of divorce under this section or § 20-95.

898 B. A decree of divorce shall include each party's social security number, or other control number
899 issued by the Department of Motor Vehicles pursuant to § 46.2-342.

900 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
901 **make a technical change consistent with Va. Code § 1-216.**

902 **§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or**
903 **divorce.**

904 No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties was
905 at the time of the filing of the suit and had been for at least six months preceding the filing of the suit an
906 actual bona fide resident and domiciliary of this Commonwealth, nor shall any suit for affirming a
907 marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona
908 fide resident of, this Commonwealth at the time of filing such suit.

909 For the purposes of this section only:

910 1. If a member of the armed forces of the United States has been stationed or resided in this
911 Commonwealth and has lived for a period of six months or more in this Commonwealth next preceding
912 the filing of the suit, then such person shall be presumed to be domiciled in and to have been a bona fide
913 resident of this Commonwealth during such period of time.

914 2. Being stationed or residing in the Commonwealth includes, but is not limited to, a member of
915 the armed forces being stationed or residing upon a ship having its home port in this Commonwealth or at
916 an air, naval, or military base located within this Commonwealth over which the United States enjoys
917 exclusive federal jurisdiction.

918 3. Any member of the armed forces of the United States or any civilian employee of the United
919 States, including any foreign service officer, who (i) at the time the suit is filed is, or immediately
920 preceding such suit was, stationed in any territory or foreign country and (ii) was domiciled in the
921 Commonwealth for the six-month period immediately preceding his being stationed in such territory or
922 country shall be deemed to have been domiciled in and to have been a bona fide resident of the
923 Commonwealth during the six months preceding the filing of a suit for annulment or divorce.

924 4. Upon separation of ~~the husband and wife~~ a married couple, ~~the wife~~ either spouse may establish
925 her his own and separate domicile, though the separation may have been caused under such circumstances
926 as would entitle ~~the wife~~ such spouse to a divorce or annulment.

927 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

928 **§ 20-106. Testimony may be required to be given orally; evidence by affidavit.**

929 A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be
930 given orally in open court, and if either party desires it, such testimony and the rulings of the court on the
931 exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was
932 given before him and such rulings made. When so certified the same shall stand on the same footing as a
933 deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or
934 heard unless and until after such notice to the adverse party as is required by law to be given of the taking
935 of depositions, or when there has been no service of process within this Commonwealth upon, or

936 appearance by the defendant against whom such testimony is sought to be introduced. However, a party
937 may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only
938 in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have
939 resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the
940 divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint
941 and has failed to file a responsive pleading or to make an appearance as required by law.

942 B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the
943 affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce
944 stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents
945 of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without
946 leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the
947 incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

948 1. Give factual support to the grounds for divorce stated in the complaint or counterclaim,
949 including that the parties are over the age of 18 and not suffering from any condition that renders either
950 party legally incompetent;

951 2. Verify whether either party is incarcerated;

952 3. Verify the military status of the opposing party and advise whether the opposing party has filed
953 an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. § 3901
954 et seq.);

955 4. Affirm that at least one party to the suit was at the time of the filing of the suit, and had been for
956 a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and
957 domiciliary of the Commonwealth;

958 5. Affirm that the parties have lived separate and apart, continuously, without interruption and
959 without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period
960 required by subdivision A (9) of § 20-91;

961 6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

962 7. State whether there were children born or adopted of the marriage and affirm that ~~the wife~~
963 ~~neither party~~ is ~~not~~ known to be pregnant from the marriage; and

964 8. Be accompanied by the affidavit of at least one corroborating witness, which shall:

965 a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders
966 him legally incompetent;

967 b. Verify whether either party is incarcerated;

968 c. Give factual support to the grounds for divorce stated in the complaint or counterclaim;

969 d. Verify that at least one of the parties to the suit was at the time of the filing of the suit, and had
970 been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident
971 and domiciliary of the Commonwealth;

972 e. Verify whether there were children born or adopted of the marriage and verify that ~~the wife~~
973 ~~neither party~~ is ~~not~~ known to be pregnant from the marriage; and

974 f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of
975 separation alleged in the complaint or counterclaim and that it has been either party's intention since that
976 date to remain separate and apart permanently.

977 C. If a party moves for a divorce pursuant to § 20-121.02, any affidavit may be submitted in support
978 of the grounds for divorce set forth in subdivision A (9) of § 20-91.

979 D. A verified complaint shall not be deemed an affidavit for purposes of this section.

980 E. Either party may submit the depositions or affidavits required by this section in support of the
981 grounds for divorce requested by either party pursuant to the terms of this section.

982 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

983 **§ 20-121.4. Restoration of former name.**

984 Upon decreeing a divorce from the bond of matrimony the court shall, on motion of a party who
985 changed ~~his or her~~ such party's name by reason of the marriage, restore such party's former name ~~or maiden~~
986 ~~name~~ by separate order meeting the requirements of § 8.01-217.

987 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

988 **§ 20-146.31. Hearing and order.**

989 A. Unless the court issues a temporary emergency order pursuant to § 20-146.15, upon a finding
990 that a petitioner is entitled to immediate physical custody of the child, the court shall order that the
991 petitioner may take immediate physical custody of the child unless the respondent establishes that:

992 1. The child custody determination has not been registered under § 20-146.26 and that:

993 a. The issuing court did not have jurisdiction under Article 2 (§ 20-146.12 et seq.) of this chapter;

994 b. The child custody determination for which enforcement is sought has been vacated, stayed, or
995 modified by a court of a state having jurisdiction to do so under Article 2 (§ 20-146.12 et seq.) of this
996 chapter; or

997 c. The respondent was entitled to notice, but notice was not given in accordance with the standards
998 of § 20-146.7, in the proceedings before the court that issued the order for which enforcement is sought;
999 or

1000 2. The child custody determination for which enforcement is sought was registered under § 20-
1001 146.26, but has been vacated, stayed, or modified by a court of a state having jurisdiction to do so under
1002 Article 2 (§ 20-146.12 et seq.) of this chapter.

1003 B. The court shall award the fees, costs, and expenses authorized under § 20-146.33 and may grant
1004 additional relief, including a request for the assistance of law-enforcement officials, and set a further
1005 hearing to determine whether additional relief is appropriate.

1006 C. If a party called to testify refuses to answer on the ground that the testimony may be self-
1007 incriminating, the court may draw an adverse inference from the refusal.

1008 D. A privilege against disclosure of communications between spouses and a defense of immunity
1009 based on the relationship ~~of husband and wife~~ between spouses or of parent and child may not be invoked
1010 in a proceeding under this article.

1011 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1012 **§ 20-156. Definitions.**

1013 As used in this chapter unless the context requires a different meaning:

1014 "Assisted conception" means a pregnancy resulting from any intervening medical technology,
1015 whether in vivo or in vitro, which completely or partially replaces sexual intercourse as the means of

1016 conception. Such intervening medical technology includes, but is not limited to, conventional medical and
1017 surgical treatment as well as noncoital reproductive technology such as artificial insemination by donor,
1018 cryopreservation of gametes and embryos, in vitro fertilization, uterine embryo lavage, embryo transfer,
1019 gamete intrafallopian tube transfer, and low tubal ovum transfer.

1020 "Compensation" means payment of any valuable consideration for services in excess of reasonable
1021 medical and ancillary costs.

1022 "Cryopreservation" means freezing and storing of gametes and embryos for possible future use in
1023 assisted conception.

1024 "Donor" means an individual, other than a surrogate, who contributes the sperm or egg used in
1025 assisted conception.

1026 "Gamete" means either a sperm or an ovum.

1027 "Genetic parent" means an individual who contributes a gamete resulting in a conception.

1028 "Gestational mother" means the woman who gives birth to a child, regardless of her genetic
1029 relationship to the child.

1030 "Embryo" means the organism resulting from the union of a sperm and an ovum from first cell
1031 division until approximately the end of the second month of gestation.

1032 "Embryo transfer" means the placing of a viable embryo into the uterus of a gestational mother.

1033 "Infertile" means the inability to conceive after one year of unprotected sexual intercourse.

1034 "Intended parents" means a ~~man and a woman~~, married ~~to each other~~, couple who enter into an
1035 agreement with a surrogate under the terms of which they will be the parents of any child born to the
1036 surrogate through assisted conception regardless of the genetic relationships between the intended parents,
1037 the surrogate, and the child.

1038 "In vitro" means any process that can be observed in an artificial environment such as a test tube
1039 or tissue culture plate.

1040 "In vitro fertilization" means the fertilization of ova by sperm in an artificial environment.

1041 "In vivo" means any process occurring within the living body.

1042 "Ovum" means the female gamete or reproductive cell prior to fertilization.

1043 "Reasonable medical and ancillary costs" means the costs of the performance of assisted
1044 conception, the costs of prenatal maternal health care, the costs of maternal and child health care for a
1045 reasonable post partum period, the reasonable costs for medications and maternity clothes, and any
1046 additional and reasonable costs for housing and other living expenses attributable to the pregnancy.

1047 "Sperm" means the male gametes or reproductive cells which impregnate the ova.

1048 "Surrogacy contract" means an agreement between intended parents, a surrogate, and her ~~husband~~
1049 spouse, if any, in which the surrogate agrees to be impregnated through the use of assisted conception, to
1050 carry any resulting fetus, and to relinquish to the intended parents the custody of and parental rights to any
1051 resulting child.

1052 "Surrogate" means any adult woman who agrees to bear a child carried for intended parents.

1053 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1054 **§ 20-158. Parentage of child resulting from assisted conception.**

1055 A. Determination of parentage, generally. -- Except as provided in subsections B, C, D, and E of
1056 this section, the parentage of any child resulting from the performance of assisted conception shall be
1057 determined as follows:

1058 1. The gestational mother of a child is the child's mother.

1059 2. The ~~husband~~ spouse of the gestational mother of a child is the child's ~~father~~ other parent,
1060 notwithstanding any declaration of invalidity or annulment of the marriage obtained after the performance
1061 of assisted conception, unless he commences an action in which the mother and child are parties within
1062 two years after he discovers or, in the exercise of due diligence, reasonably should have discovered the
1063 child's birth and in which it is determined that he did not consent to the performance of assisted conception.

1064 3. A donor is not the parent of a child conceived through assisted conception, unless the donor is
1065 the ~~husband~~ spouse of the gestational mother.

1066 B. Death of spouse. -- Any child resulting from the insemination of a ~~wife's~~ mother's ovum using
1067 her ~~husband's~~ spouse's sperm, with his consent, is the child of the ~~husband and wife~~ spouses
1068 notwithstanding that, during the ten-month period immediately preceding the birth, either party died.

1069 However, any person who dies before in utero implantation of an embryo resulting from the union
1070 of his sperm or her ovum with another gamete, whether or not the other gamete is that of the person's
1071 spouse, is not the parent of any resulting child unless (i) implantation occurs before notice of the death
1072 can reasonably be communicated to the physician performing the procedure or (ii) the person consents to
1073 be a parent in writing executed before the implantation.

1074 C. Divorce. -- Any child resulting from insemination of a ~~wife's mother's~~ ovum using her ~~husband's~~
1075 ~~spouse's~~ sperm, with his consent, is the child of the ~~husband and wife spouses~~ notwithstanding that either
1076 party filed for a divorce or annulment during the ten-month period immediately preceding the birth. Any
1077 person who is a party to an action for divorce or annulment commenced by filing before in utero
1078 implantation of an embryo resulting from the union of his sperm or her ovum with another gamete, whether
1079 or not the other gamete is that of the person's spouse, is not the parent of any resulting child unless (i)
1080 implantation occurs before notice of the filing can reasonably be communicated to the physician
1081 performing the procedure or (ii) the person consents in writing to be a parent, whether the writing was
1082 executed before or after the implantation.

1083 D. Birth pursuant to court approved surrogacy contract. -- After approval of a surrogacy contract
1084 by the court and entry of an order as provided in subsection D of § 20-160, the intended parents are the
1085 parents of any resulting child. However, if the court vacates the order approving the agreement pursuant
1086 to subsection B of § 20-161, the surrogate is the mother of the resulting child and her ~~husband spouse~~
1087 ~~the father other parent~~. The intended parents may only obtain parental rights through adoption as provided
1088 in Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2.

1089 E. Birth pursuant to surrogacy contract not approved by court. -- In the case of a surrogacy contract
1090 that has not been approved by a court as provided in § 20-160, the parentage of any resulting child shall
1091 be determined as follows:

1092 1. The gestational mother is the child's mother unless ~~the intended mother is a genetic parent, in~~
1093 ~~which case the intended mother is the mother.~~

1094 2. ~~If~~ either of the intended parents is a genetic parent of the resulting child, in which case the
1095 intended ~~father is~~ parents are the child's ~~father~~ parents. However, if (i) the surrogate is married, (ii) her

1096 ~~husband spouse~~ is a party to the surrogacy contract, and (iii) the surrogate exercises her right to retain
1097 custody and parental rights to the resulting child pursuant to § 20-162, then the surrogate and her ~~husband~~
1098 ~~spouse~~ are the parents.

1099 3. If neither of the intended parents is a genetic parent of the resulting child, the surrogate is the
1100 mother and her ~~husband spouse~~ is the child's ~~father other parent~~ if he is a party to the contract. The intended
1101 parents may only obtain parental rights through adoption as provided in Chapter 12 (§ 63.2-1200 et seq.)
1102 of Title 63.2.

1103 4. After the signing and filing of the surrogate consent and report form in conformance with the
1104 requirements of subsection A of § 20-162, the intended parents are the parents of the child and the
1105 surrogate and her ~~husband spouse~~, if any, shall not be the parents of the child.

1106 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1107 **§ 20-159. Surrogacy contracts permissible.**

1108 A. A surrogate, her ~~husband spouse~~, if any, and prospective intended parents may enter into a
1109 written agreement whereby the surrogate may relinquish all her rights and duties as parent of a child
1110 conceived through assisted conception, and the intended parents may become the parents of the child as
1111 provided in subsection D or E of § 20-158.

1112 B. Surrogacy contracts shall be approved by the court as provided in § 20-160. However, any
1113 surrogacy contract that has not been approved by the court shall be governed by the provisions of §§ 20-
1114 156 through 20-159 and §§ 20-162 through 20-165 including the provisions for reformation in
1115 conformance with this chapter as provided in § 20-162.

1116 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1117 **§ 20-160. Petition and hearing for court approval of surrogacy contract; requirements;**
1118 **orders.**

1119 A. Prior to the performance of assisted conception, the intended parents, the surrogate, and her
1120 ~~husband spouse, if any~~, shall join in a petition to the circuit court of the county or city in which at least
1121 one of the parties resides. The surrogacy contract shall be signed by all the parties and acknowledged
1122 before an officer or other person authorized by law to take acknowledgments.

1123 A copy of the contract shall be attached to the petition. The court shall appoint a guardian ad litem
1124 to represent the interests of any resulting child and shall appoint counsel to represent the surrogate. The
1125 court shall order a home study by a local department of social services or welfare or a licensed child-
1126 placing agency, to be completed prior to the hearing on the petition.

1127 All hearings and proceedings conducted under this section shall be held in camera, and all court
1128 records shall be confidential and subject to inspection only under the standards applicable to adoptions as
1129 provided in § 63.2-1245. The court conducting the proceedings shall have exclusive and continuing
1130 jurisdiction of all matters arising under the surrogacy contract until all provisions of the contract are
1131 fulfilled.

1132 B. The court shall hold a hearing on the petition. The court shall enter an order approving the
1133 surrogacy contract and authorizing the performance of assisted conception for a period of twelve months
1134 after the date of the order, and may discharge the guardian ad litem and attorney for the surrogate upon
1135 finding that:

1136 1. The court has jurisdiction in accordance with § 20-157;

1137 2. A local department of social services or welfare or a licensed child-placing agency has
1138 conducted a home study of the intended parents, the surrogate, and her ~~husband~~ spouse, if any, and has
1139 filed a report of this home study with the court;

1140 3. The intended parents, the surrogate, and her ~~husband~~ spouse, if any, meet the standards of fitness
1141 applicable to adoptive parents;

1142 4. All the parties have voluntarily entered into the surrogacy contract and understand its terms and
1143 the nature, meaning, and effect of the proceeding and understand that any agreement between them for
1144 payment of compensation is void and unenforceable;

1145 5. The agreement contains adequate provisions to guarantee the payment of reasonable medical
1146 and ancillary costs either in the form of insurance, cash, escrow, bonds, or other arrangements satisfactory
1147 to the parties, including allocation of responsibility for such costs in the event of termination of the
1148 pregnancy, termination of the contract pursuant to § 20-161, or breach of the contract by any party;

1149 6. The surrogate has had at least one pregnancy, and has experienced at least one live birth, and
1150 bearing another child does not pose an unreasonable risk to her physical or mental health or to that of any
1151 resulting child. This finding shall be supported by medical evidence;

1152 7. Prior to signing the surrogacy contract, the intended parents, the surrogate, and her ~~husband~~
1153 spouse, if any, have submitted to physical examinations and psychological evaluations by practitioners
1154 licensed to perform such services pursuant to Title 54.1, and the court and all parties have been given
1155 access to the records of the physical examinations and psychological evaluations;

1156 8. The intended mother is infertile, is unable to bear a child, or is unable to do so without
1157 unreasonable risk to the unborn child or to the physical or mental health of the intended mother or the
1158 child, or neither intended parent is female. This finding shall be supported by medical evidence;

1159 9. At least one of the intended parents is expected to be the genetic parent of any child resulting
1160 from the agreement;

1161 10. The ~~husband~~ spouse of the surrogate, if any, is a party to the surrogacy agreement;

1162 11. All parties have received counseling concerning the effects of the surrogacy by a qualified
1163 health care professional or social worker, and a report containing conclusions about the capacity of the
1164 parties to enter into and fulfill the agreement has been filed with the court; and

1165 12. The agreement would not be substantially detrimental to the interests of any of the affected
1166 persons.

1167 C. Unless otherwise provided in the surrogacy contract, all court costs, counsel fees, and other
1168 costs and expenses associated with the hearing, including the costs of the home study, shall be assessed
1169 against the intended parents.

1170 D. Within seven days of the birth of any resulting child, the intended parents shall file a written
1171 notice with the court that the child was born to the surrogate within 300 days after the last performance of
1172 assisted conception. Upon the filing of this notice and a finding that at least one of the intended parents is
1173 the genetic parent of the resulting child as substantiated by medical evidence, the court shall enter an order
1174 directing the State Registrar of Vital Records to issue a new birth certificate naming the intended parents
1175 as the parents of the child pursuant to § 32.1-261.

1176 If evidence cannot be produced that at least one of the intended parents is the genetic parent of the
1177 resulting child, the court shall not enter an order directing the issuance of a new birth certificate naming
1178 the intended parents as the parents of the child, and the surrogate and her ~~husband~~ spouse, if any, shall be
1179 the parents of the child. The intended parents may obtain parental rights only through adoption as provided
1180 in Chapter 12 (§ 63.2-1200 et seq.) of Title 63.2.

1181 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1182 **§ 20-161. Termination of court-approved surrogacy contract.**

1183 A. Subsequent to an order entered pursuant to subsection B of § 20-160, but before the surrogate
1184 becomes pregnant through the use of assisted conception, the court for cause, or the surrogate, her ~~husband~~
1185 spouse, if any, or the intended parents may terminate the agreement by giving written notice of termination
1186 to all other parties and by filing notice of the termination with the court. Upon receipt of the notice, the
1187 court shall vacate the order entered under subsection B of § 20-160.

1188 B. Within 180 days after the last performance of any assisted conception, a surrogate who is also
1189 a genetic parent may terminate the agreement by filing written notice with the court. The court shall vacate
1190 the order entered pursuant to subsection B of § 20-160 upon finding, after notice to the parties to the
1191 agreement and a hearing, that the surrogate has voluntarily terminated the agreement and that she
1192 understands the effects of the termination.

1193 Unless otherwise provided in the contract as approved, the surrogate shall incur no liability to the
1194 intended parents for exercising her rights of termination pursuant to this section.

1195 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1196 **§ 20-162. Contracts not approved by the court; requirements.**

1197 A. In the case of any surrogacy agreement for which prior court approval has not been obtained
1198 pursuant to § 20-160, the provisions of this section and §§ 20-156 through 20-159 and §§ 20-163 through
1199 20-165 shall apply. Any provision in a surrogacy contract that attempts to reduce the rights or
1200 responsibilities of the intended parents, surrogate, or her ~~husband~~ spouse, if any, or the rights of any
1201 resulting child shall be reformed to include the requirements set forth in this chapter. A provision in the

1202 contract providing for compensation to be paid to the surrogate is void and unenforceable. Such surrogacy
1203 contracts shall be enforceable and shall be construed only as follows:

1204 1. The surrogate, her ~~husband~~ spouse, if any, and the intended parents shall be parties to any such
1205 surrogacy contract.

1206 2. The contract shall be in writing, signed by all the parties, and acknowledged before an officer
1207 or other person authorized by law to take acknowledgments.

1208 3. Upon expiration of three days following birth of any resulting child, the surrogate may relinquish
1209 her parental rights to the intended parents, if at least one of the intended parents is the genetic parent of
1210 the child, by signing a surrogate consent and report form naming the intended parents as the parents of the
1211 child. The surrogate consent and report form shall be developed, furnished and distributed by the State
1212 Registrar of Vital Records. The surrogate consent and report form shall be signed and acknowledged
1213 before an officer or other person authorized by law to take acknowledgments. The surrogate consent and
1214 report form, a copy of the contract, and a statement from the physician who performed the assisted
1215 conception stating the genetic relationships between the child, the surrogate, and the intended parents, at
1216 least one of whom shall be the genetic parent of the child, shall be filed with the State Registrar within
1217 180 days after the birth. The statement from the physician shall be signed and acknowledged before an
1218 officer or other person authorized by law to take acknowledgments. There shall be a rebuttable
1219 presumption that the statement from the physician accurately states the genetic relationships among the
1220 child, the surrogate and the intended parents. Where a physician's statement is not available, DNA testing
1221 establishing the genetic relationships between the child, the surrogate, and the intended parents may be
1222 substituted for the physician's statement.

1223 4. Upon the filing of the surrogate consent and report form and the required attachments, including
1224 the physician's statement, within 180 days of the birth, a new birth certificate shall be established by the
1225 State Registrar for the child naming the intended parents as the parents of the child as provided in § 32.1-
1226 261.

1227 B. Any contract governed by the provisions of this section shall include or, in the event such
1228 provisions are not explicitly covered in the contract or are included but are inconsistent with this section,
1229 shall be deemed to include the following provisions:

1230 1. The intended parents shall be the parents of any resulting child only when the surrogate
1231 relinquishes her parental rights as provided in subdivision A 3 of this section and a new birth certificate
1232 is established as provided in subdivision A 4 of this section and § 32.1-261;

1233 2. Incorporation of this chapter and a statement by each of the parties that they have read and
1234 understood the contract, they know and understand their rights and responsibilities under Virginia law,
1235 and the contract was entered into knowingly and voluntarily; and

1236 3. A guarantee by the intended parents for payment of reasonable medical and ancillary costs either
1237 in the form of insurance, cash, escrow, bonds, or other arrangements satisfactory to the parties, including
1238 allocation of responsibility for such costs in the event of termination of the pregnancy, termination of the
1239 contract, or breach of the contract by any party.

1240 C. Under any contract that does not include an allocation of responsibility for reasonable medical
1241 and ancillary costs in the event of termination of the pregnancy, termination of the contract, or breach of
1242 the contract by any party, the following provisions shall control:

1243 1. If the intended parents and the surrogate and her ~~husband~~ spouse, if any, and if he is a party to
1244 the contract, consent in writing to termination of the contract, the intended parents are responsible for all
1245 reasonable medical and ancillary costs for a period of six weeks following the termination.

1246 2. If the surrogate voluntarily terminates the contract during the pregnancy, without consent of the
1247 intended parents, the intended parents shall be responsible for one-half of the reasonable medical and
1248 ancillary costs incurred prior to the termination.

1249 3. If, after the birth of any resulting child, the surrogate fails to relinquish parental rights to the
1250 intended parents pursuant to the contract, the intended parents shall be responsible for one-half of the
1251 reasonable medical and ancillary costs incurred prior to the birth.

1252 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1253 **§ 20-163. Miscellaneous provisions related to all surrogacy contracts.**

1254 A. The surrogate shall be solely responsible for the clinical management of the pregnancy.

1255 B. After the entry of an order under subsection B of § 20-160 or upon the execution of a contract
1256 pursuant to § 20-162, the marriage of the surrogate shall not affect the validity of the order or contract,
1257 and her ~~husband~~ spouse shall not be deemed a party to the contract in the absence of his explicit written
1258 consent.

1259 C. Following the entry of an order pursuant to subsection D of § 20-160 or upon the relinquishing
1260 of the custody of and parental rights to any resulting child and the filing of the surrogate consent and report
1261 form as provided in § 20-162, the intended parents shall have the custody of, parental rights to, and full
1262 responsibilities for any child resulting from the performance of assisted conception from a surrogacy
1263 agreement regardless of the child's health, physical appearance, any mental or physical handicap, and
1264 regardless of whether the child is born alive.

1265 D. A child born to a surrogate within 300 days after assisted conception pursuant to an order under
1266 subsection B of § 20-160 or a contract under § 20-162 is presumed to result from the assisted conception.
1267 This presumption is conclusive as to all persons who fail to file an action to test its validity within two
1268 years after the birth of the child. The child and the parties to the contract shall be named as parties in any
1269 such action. The action shall be filed in the court that issued or could have issued an order under § 20-
1270 160.

1271 E. Health care providers shall not be liable for recognizing the surrogate as the mother of the
1272 resulting child before receipt of a copy of an order entered under § 20-160 or a copy of the contract, or for
1273 recognizing the intended parents as the parents of the resulting child after receipt of such order or copy of
1274 the contract.

1275 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1276 **§ 20-165. Surrogate brokers prohibited; penalty; liability of surrogate brokers.**

1277 A. It shall be unlawful for any person, firm, corporation, partnership, or other entity to accept
1278 compensation for recruiting or procuring surrogates or to accept compensation for otherwise arranging or
1279 inducing intended parents and surrogates to enter into surrogacy contracts in this Commonwealth. A
1280 violation of this section shall be punishable as a Class 1 misdemeanor.

1281 B. Any person who acts as a surrogate broker in violation of this section shall, in addition, be liable
1282 to all the parties to the purported surrogacy contract in a total amount equal to three times the amount of
1283 compensation to have been paid to the broker pursuant to the contract. One-half of the damages under this
1284 subsection shall be due the surrogate and her ~~husband~~ spouse, if any, and if he is a party to the contract,
1285 and one-half shall be due the intended parents.

1286 An action under this section shall be brought within five years of the date of the contract.

1287 C. The provisions of this section shall not apply to the services of an attorney in giving legal advice
1288 or in preparing a surrogacy contract.

1289 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1290 **§ 32.1-46.01. Virginia Immunization Information System.**

1291 A. The Board of Health shall establish the Virginia Immunization Information System (VIIS), a
1292 statewide immunization registry that consolidates patient immunization histories from birth to death into
1293 a complete, accurate, and definitive record that may be made available to participating health care
1294 providers throughout Virginia, to the extent funds are appropriated by the General Assembly or otherwise
1295 made available. The purposes of VIIS shall be to (i) protect the public health of all citizens of the
1296 Commonwealth, (ii) prevent under- and over-immunization of children, (iii) ensure up-to-date
1297 recommendations for immunization scheduling to health care providers and the Board, (iv) generate
1298 parental reminder and recall notices and manufacturer recalls, (v) develop immunization coverage reports,
1299 (vi) identify areas of under-immunized population, and (vii) provide, in the event of a public health
1300 emergency, a mechanism for tracking the distribution and administration of immunizations, immune
1301 globulins, or other preventive medications or emergency treatments.

1302 B. The Board of Health shall promulgate regulations to implement the VIIS that shall address:

1303 1. Registration of voluntary participants, including, but not limited to, a list of those health care
1304 entities that are authorized to participate and any forms and agreements necessary for compliance with the
1305 regulations concerning patient privacy promulgated by the federal Department of Health and Human
1306 Services;

- 1307 2. Procedures for confirming, continuing, and terminating participation and disciplining any
1308 participant for unauthorized use or disclosure of any VIIS data;
- 1309 3. Procedures, timelines, and formats for reporting of immunizations by participants;
- 1310 4. Procedures to provide for a secure system of data entry that may include encrypted online data
1311 entry or secure delivery of data files;
- 1312 5. Procedures for incorporating the data reported on children's immunizations pursuant to
1313 subsection E of § 32.1-46;
- 1314 6. The patient identifying data to be reported, including, but not limited to, the patient's name, date
1315 of birth, gender, telephone number, home address, birth place, and ~~mother's maiden name~~ the former
1316 surnames of the patient's parents;
- 1317 7. The patient immunization information to be reported, including, but not necessarily limited to,
1318 the type of immunization administered (specified by current procedural terminology (CPT) code or Health
1319 Level 7 (HL7) code); date of administration; identity of administering person; lot number; and if present,
1320 any contraindications, or religious or medical exemptions;
- 1321 8. Mechanisms for entering into data-sharing agreements with other state and regional
1322 immunization registries for the exchange, on a periodic nonemergency basis and in the event of a public
1323 health emergency, of patient immunization information, after receiving, in writing, satisfactory assurances
1324 for the preservation of confidentiality, a clear description of the data requested, specific details on the
1325 intended use of the data, and the identities of the persons with whom the data will be shared;
- 1326 9. Procedures for the use of vital statistics data, including, but not necessarily limited to, the linking
1327 of birth certificates and death certificates;
- 1328 10. Procedures for requesting immunization records that are in compliance with the requirements
1329 for disclosing health records set forth in § 32.1-127.1:03; such procedures shall address the approved uses
1330 for the requested data, to whom the data may be disclosed, and information on the provisions for disclosure
1331 of health records pursuant to § 32.1-127.1:03;
- 1332 11. Procedures for releasing aggregate data, from which personal identifying data has been
1333 removed or redacted, to qualified persons for purposes of research, statistical analysis, and reporting; and

1334 12. Procedures for the Commissioner of Health to access and release, as necessary, the data
1335 contained in VIIS in the event of an epidemic or an outbreak of any vaccine-preventable disease or the
1336 potential epidemic or epidemic of any disease of public health importance, public health significance, or
1337 public health threat for which a treatment or vaccine exists.

1338 The Board's regulations shall also include any necessary definitions for the operation of VIIS;
1339 however, "health care entity," "health care plan," and "health care provider" shall be as defined in
1340 subsection B of § 32.1-127.1:03.

1341 C. The establishment and implementation of VIIS is hereby declared to be a necessary public
1342 health activity to ensure the integrity of the health care system in Virginia and to prevent serious harm and
1343 serious threats to the health and safety of individuals and the public. Pursuant to the regulations concerning
1344 patient privacy promulgated by the federal Department of Health and Human Services, covered entities
1345 may disclose protected health information to the secure system established for VIIS without obtaining
1346 consent or authorization for such disclosure. Such protected health information shall be used exclusively
1347 for the purposes established in this section.

1348 D. The Board and Commissioner of Health, any employees of the health department, any voluntary
1349 participant, and any person authorized to report or disclose immunization data hereunder shall be immune
1350 from civil liability in connection therewith unless such person acted with gross negligence or malicious
1351 intent.

1352 E. This section shall not diminish the responsibility of any physician or other person to maintain
1353 accurate patient immunization data or the responsibility of any parent, guardian, or person standing in loco
1354 parentis to cause a child to be immunized in accordance with the provisions of § 32.1-46. Further, this
1355 section shall not be construed to require the immunization of any person who objects thereto on the
1356 grounds that the administration of immunizing agents conflicts with his religious tenets or practices, or
1357 any person for whom administration of immunizing agents would be detrimental to his health.

1358 F. The Commissioner may authorize linkages between VIIS and other secure electronic databases
1359 that contain health records reported to the Department of Health, subject to all state and federal privacy
1360 laws and regulations. These health records may include newborn screening results reported pursuant to §

1361 32.1-65, newborn hearing screening results reported pursuant to § 32.1-64.1, and blood-lead level
1362 screening results reported pursuant to § 32.1-46.1. Health care providers authorized to use VIIS may view
1363 the health records of individuals to whom the providers are providing health care services.

1364 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1365 **§ 32.1-69.1. Virginia Congenital Anomalies Reporting and Education System.**

1366 A. In order to collect data to evaluate the possible causes of stillbirths and birth defects, improve
1367 the diagnosis and treatment of birth defects and establish a mechanism for informing the parents of
1368 children identified as having birth defects and their physicians about the health resources available to aid
1369 such children, the Commissioner shall establish and maintain a Virginia Congenital Anomalies Reporting
1370 and Education System using data from birth and death certificates and fetal death reports filed with the
1371 State Registrar of Vital Records and data obtained from hospital medical records. The chief administrative
1372 officer of every hospital, as defined in § 32.1-123, shall make or cause to be made a report to the
1373 Commissioner of any stillbirth and any person under two years of age diagnosed as having a congenital
1374 anomaly. The Commissioner may appoint an advisory committee to assist in the design and
1375 implementation of this reporting and education system with representation from relevant groups including,
1376 but not limited to, physicians, geneticists, personnel of appropriate state agencies, persons with disabilities
1377 and the parents of children with disabilities.

1378 B. The Commissioner shall provide for a secure system, which may include online data entry that
1379 protects the confidentiality of data and information for which reporting is required, to implement the
1380 Virginia Congenital Anomalies Reporting and Education System.

1381 At a minimum, data collected shall include, but need not be limited to, the following: (i) the infant's
1382 first and last name, date of birth, gender, state of residence, birth hospital, physician's name, date of
1383 admission, date of discharge or transfer, and diagnosis; (ii) the first and last names of the infant's ~~mother~~
1384 ~~and father~~ parents; (iii) the first and last name of the primary contact person for the infant; and (iv) data
1385 pertaining to stillbirths and birth defects reported by hospitals and derived from birth and death certificates
1386 and fetal death reports filed with the State Registrar of Vital Records and such other sources as may be
1387 authorized by the Commissioner.

1388 The Commissioner, as he deems necessary to facilitate the follow-up of infants whose data and
1389 health record information have been entered into the system, may authorize the integration or linking of
1390 the Virginia Congenital Anomalies Reporting and Education System with other Department of Health
1391 population-based surveillance systems.

1392 In addition, to minimize duplication and ensure accuracy during data entry, the Commissioner may
1393 authorize hospitals required to report stillbirth and birth defect data to the system to view such existing
1394 data and information as may be designated by the Commissioner.

1395 With the assistance of the advisory committee, the Board shall promulgate such regulations as may
1396 be necessary to implement this reporting and education system.

1397 C. As used in this section, "stillbirth" means an unintended, intrauterine fetal death occurring after
1398 a gestational period of 20 weeks.

1399 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1400 **§ 32.1-127. Regulations.**

1401 A. The regulations promulgated by the Board to carry out the provisions of this article shall be in
1402 substantial conformity to the standards of health, hygiene, sanitation, construction and safety as
1403 established and recognized by medical and health care professionals and by specialists in matters of public
1404 health and safety, including health and safety standards established under provisions of Title XVIII and
1405 Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

1406 B. Such regulations:

1407 1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing
1408 homes and certified nursing facilities to ensure the environmental protection and the life safety of its
1409 patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes
1410 and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and
1411 certified nursing facilities, except those professionals licensed or certified by the Department of Health
1412 Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing
1413 services to patients in their places of residence; and (v) policies related to infection prevention, disaster
1414 preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For

1415 purposes of this paragraph, facilities in which five or more first trimester abortions per month are
1416 performed shall be classified as a category of "hospital";

1417 2. Shall provide that at least one physician who is licensed to practice medicine in this
1418 Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at
1419 each hospital which operates or holds itself out as operating an emergency service;

1420 3. May classify hospitals and nursing homes by type of specialty or service and may provide for
1421 licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

1422 4. Shall also require that each hospital establish a protocol for organ donation, in compliance with
1423 federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42
1424 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization
1425 designated in CMS regulations for routine contact, whereby the provider's designated organ procurement
1426 organization certified by CMS (i) is notified in a timely manner of all deaths or imminent deaths of patients
1427 in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ
1428 donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified
1429 by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for
1430 tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at
1431 least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of
1432 tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid
1433 interference with organ procurement. The protocol shall ensure that the hospital collaborates with the
1434 designated organ procurement organization to inform the family of each potential donor of the option to
1435 donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall
1436 have completed a course in the methodology for approaching potential donor families and requesting
1437 organ or tissue donation that (a) is offered or approved by the organ procurement organization and
1438 designed in conjunction with the tissue and eye bank community and (b) encourages discretion and
1439 sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition,
1440 the hospital shall work cooperatively with the designated organ procurement organization in educating the
1441 staff responsible for contacting the organ procurement organization's personnel on donation issues, the

1442 proper review of death records to improve identification of potential donors, and the proper procedures
1443 for maintaining potential donors while necessary testing and placement of potential donated organs,
1444 tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the
1445 relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer
1446 of the hospital or his designee knows of such opposition, and no donor card or other relevant document,
1447 such as an advance directive, can be found;

1448 5. Shall require that each hospital that provides obstetrical services establish a protocol for
1449 admission or transfer of any pregnant woman who presents herself while in labor;

1450 6. Shall also require that each licensed hospital develop and implement a protocol requiring written
1451 discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall
1452 require that the discharge plan be discussed with the patient and that appropriate referrals for the mother
1453 and the infant be made and documented. Appropriate referrals may include, but need not be limited to,
1454 treatment services, comprehensive early intervention services for infants and toddlers with disabilities and
1455 their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et
1456 seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent
1457 possible, the ~~father~~ other parent of the infant and any members of the patient's extended family who may
1458 participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant
1459 to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal
1460 law restrictions, the community services board of the jurisdiction in which the woman resides to appoint
1461 a discharge plan manager. The community services board shall implement and manage the discharge plan;

1462 7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant
1463 for admission the home's or facility's admissions policies, including any preferences given;

1464 8. Shall require that each licensed hospital establish a protocol relating to the rights and
1465 responsibilities of patients which shall include a process reasonably designed to inform patients of such
1466 rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to
1467 patients on admission, shall be consistent with applicable federal law and regulations of the Centers for
1468 Medicare and Medicaid Services;

1469 9. Shall establish standards and maintain a process for designation of levels or categories of care
1470 in neonatal services according to an applicable national or state-developed evaluation system. Such
1471 standards may be differentiated for various levels or categories of care and may include, but need not be
1472 limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

1473 10. Shall require that each nursing home and certified nursing facility train all employees who are
1474 mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting
1475 procedures and the consequences for failing to make a required report;

1476 11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations,
1477 or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication
1478 or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute
1479 to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period
1480 of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or
1481 hospital policies and procedures, by the person giving the order, or, when such person is not available
1482 within the period of time specified, co-signed by another physician or other person authorized to give the
1483 order;

1484 12. Shall require, unless the vaccination is medically contraindicated or the resident declines the
1485 offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the
1486 administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal
1487 vaccination, in accordance with the most recent recommendations of the Advisory Committee on
1488 Immunization Practices of the Centers for Disease Control and Prevention;

1489 13. Shall require that each nursing home and certified nursing facility register with the Department
1490 of State Police to receive notice of the registration or reregistration of any sex offender within the same or
1491 a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

1492 14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission,
1493 whether a potential patient is a registered sex offender, if the home or facility anticipates the potential
1494 patient will have a length of stay greater than three days or in fact stays longer than three days;

1495 15. Shall require that each licensed hospital include in its visitation policy a provision allowing
1496 each adult patient to receive visits from any individual from whom the patient desires to receive visits,
1497 subject to other restrictions contained in the visitation policy including, but not limited to, those related to
1498 the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

1499 16. Shall require that each nursing home and certified nursing facility shall, upon the request of
1500 the facility's family council, send notices and information about the family council mutually developed by
1501 the family council and the administration of the nursing home or certified nursing facility, and provided
1502 to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice
1503 up to six times per year. Such notices may be included together with a monthly billing statement or other
1504 regular communication. Notices and information shall also be posted in a designated location within the
1505 nursing home or certified nursing facility. No family member of a resident or other resident representative
1506 shall be restricted from participating in meetings in the facility with the families or resident representatives
1507 of other residents in the facility;

1508 17. Shall require that each nursing home and certified nursing facility maintain liability insurance
1509 coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least
1510 equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries
1511 and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum
1512 insurance shall result in revocation of the facility's license;

1513 18. Shall require each hospital that provides obstetrical services to establish policies to follow
1514 when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling
1515 patients and their families and other aspects of managing stillbirths as may be specified by the Board in
1516 its regulations;

1517 19. Shall require each nursing home to provide a full refund of any unexpended patient funds on
1518 deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid
1519 to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds
1520 by the discharged patient or, in the case of the death of a patient, the person administering the person's
1521 estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.); and

1522 20. Shall require that each hospital that provides inpatient psychiatric services establish a protocol
1523 that (i) requires, for any refusal to admit a medically stable patient referred to its psychiatric unit, direct
1524 verbal communication between the on-call physician in the psychiatric unit and the referring physician, if
1525 requested by such referring physician, and (ii) prohibits on-call physicians or other hospital staff from
1526 refusing a request for such direct verbal communication by a referring physician.

1527 C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and
1528 certified nursing facilities may operate adult day care centers.

1529 D. All facilities licensed by the Board pursuant to this article which provide treatment or care for
1530 hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot
1531 numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to
1532 be contaminated with an infectious agent, those hemophiliacs who have received units of this
1533 contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot
1534 which is known to be contaminated shall notify the recipient's attending physician and request that he
1535 notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail,
1536 return receipt requested, each recipient who received treatment from a known contaminated lot at the
1537 individual's last known address.

1538 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1539 **§ 32.1-134.01. Certain information required for maternity patients.**

1540 Every licensed nurse midwife, licensed midwife, or hospital providing maternity care shall, prior
1541 to releasing each maternity patient, make available to such patient and, if present, to the ~~father~~ other parent
1542 of the infant, other relevant family members, or caretakers, information about the incidence of postpartum
1543 blues and perinatal depression, information to increase awareness of shaken baby syndrome and the
1544 dangers of shaking infants, and information about safe sleep environments for infants that is consistent
1545 with current information available from the American Academy of Pediatrics. This information shall be
1546 discussed with the maternity patient and the ~~father~~ other parent of the infant, other relevant family
1547 members, or caretakers who are present at discharge.

1548 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1549 **§ 32.1-257. Filing birth certificates; from whom required; signatures of parents.**

1550 A. A certificate of birth for each live birth which occurs in this Commonwealth shall be filed with
1551 the State Registrar within seven days after such birth. The certificate of birth shall be registered by the
1552 State Registrar if it has been completed and filed in accordance with this section.

1553 B. When a birth occurs in an institution or en route thereto, the person in charge of such institution
1554 or an authorized designee shall obtain the personal data, and prepare the certificate either on forms
1555 furnished by the State Registrar or by an electronic process as approved by the Board. Such person or
1556 designee shall, if submitting a form, secure the signatures required by the certificate. The physician or
1557 other person in attendance shall provide the medical information required by the certificate within five
1558 days after the birth. The person in charge of the institution or an authorized designee shall certify to the
1559 authenticity of the birth registration either by affixing his signature to the certificate or by an electronic
1560 process approved by the Board, and shall file the certificate of birth with the State Registrar within seven
1561 days after such birth.

1562 C. When a birth occurs outside an institution, the certificate shall be prepared on forms furnished
1563 by the State Registrar and filed by one of the following in the indicated order of priority, in accordance
1564 with the regulations of the Board:

- 1565 1. The physician in attendance at or immediately after the birth, or in the absence of such physician,
- 1566 2. Any other person in attendance at or immediately after the birth, or in the absence of such a
1567 person,
- 1568 3. The ~~father, the~~ mother, the other parent, or, in the absence of the ~~father~~ other parent and the
1569 inability of the mother, the person in charge of the premises where the birth occurred.

1570 C1. When a birth occurs on a moving conveyance within the United States of America and the
1571 child is first removed from the conveyance in this Commonwealth, the birth shall be registered in this
1572 Commonwealth and the place where the child is first removed from the conveyance shall be considered
1573 the place of birth. When a birth occurs on a moving conveyance while in international waters or air space
1574 or in a foreign country or its air space and the child is first removed from the conveyance in this

1575 Commonwealth, the birth shall be registered in this Commonwealth although the certificate shall indicate
1576 the actual place of birth insofar as can be determined.

1577 D. If the mother of a child is not married to the natural father of the child at the time of birth or
1578 was not married to the natural father at any time during the ten months next preceding such birth, the name
1579 of the father shall not be entered on the certificate of birth without a sworn acknowledgment of paternity,
1580 executed subsequent to the birth of the child, of both the mother and of the person to be named as the
1581 father. In any case in which a final determination of the paternity of a child has been made by a court of
1582 competent jurisdiction pursuant to § 20-49.8, from which no appeal has been taken and for which the time
1583 allowed to perfect an appeal has expired, the name of the father and the surname of the child shall be
1584 entered on the certificate of birth in accordance with the finding and order of the court.

1585 Children born of marriages prohibited by law, deemed null or void or dissolved by a court shall
1586 nevertheless be legitimate and the birth certificate for such children shall contain full information
1587 concerning the ~~father~~ other parent.

1588 For the purpose of birth registration in the case of a child resulting from assisted conception,
1589 pursuant to Chapter 9 (§ 20-156 et seq.) of Title 20, the birth certificate of such child shall contain full
1590 information concerning the mother's ~~husband~~ spouse as the ~~father~~ other parent of the child and the
1591 gestational mother as the mother of the child. Donors of sperm or ova shall not have any parental rights
1592 or duties for any such child.

1593 In the event any person desires to have the name of the father entered on the certificate of birth
1594 based upon the judgment of paternity of a court of another state, such person shall apply to an appropriate
1595 court of the Commonwealth for an order reflecting that such court has reviewed such judgment of paternity
1596 and has determined that such judgment of paternity was amply supported in evidence and legitimate for
1597 the purposes of Article IV, Section 1 of the United States Constitution.

1598 If the order of paternity should be appealed, the registrar shall not enter the name of the alleged
1599 father on the certificate of birth during the pendency of such appeal. If the father is not named on the
1600 certificate of birth, no other information concerning the father shall be entered on the certificate.

1601 E. Either of the parents of the child shall verify the accuracy of the personal data to be entered on
1602 the certificate of birth in time to permit the filing within the seven days prescribed above.

1603 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1604 **§ 32.1-258.1. Certificate of Birth Resulting in Stillbirth; requirements.**

1605 Upon the request of either individual listed as the ~~mother or father~~ parent on a report of fetal death
1606 in the Commonwealth as defined in § 32.1-264, the State Registrar shall issue a Certificate of Birth
1607 Resulting in Stillbirth for unintended, intrauterine fetal deaths occurring after a gestational period of 20
1608 weeks or more. The requesting ~~mother or father~~ parent may, but shall not be required to, provide a name
1609 for the stillborn child on the Certificate of Birth Resulting in Stillbirth. The Board of Health shall prescribe
1610 a reasonable fee to cover the administrative cost and preparation of such certificate. This section shall
1611 apply retroactively to any circumstances that would have resulted in the issuance of a Certificate of Birth
1612 Resulting in Stillbirth, as prescribed by the Board.

1613 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1614 **§ 32.1-271. Disclosure of information in records; when unlawful; when permitted;**
1615 **proceeding to compel disclosure; when certain records made public.**

1616 A. To protect the integrity of vital records and to ensure the efficient and proper administration of
1617 the system of vital records, it shall be unlawful, notwithstanding the provisions of §§ 2.2-3700 through
1618 2.2-3714, for any person to permit inspection of or to disclose information contained in vital records or to
1619 copy or issue a copy of all or part of any such vital records except as authorized by this section or regulation
1620 of the Board or when so ordered by a court of the Commonwealth.

1621 B. Data contained in vital records may be disclosed for valid and substantial research purposes in
1622 accordance with the regulations of the Board.

1623 C. Any person aggrieved by a decision of a county or city registrar may appeal to the State
1624 Registrar. If the State Registrar denies disclosure of information or inspection of or copying of vital
1625 records, such person may petition the court of the county or city in which he resides if he resides in the
1626 Commonwealth or in which the recorded event occurred or the Circuit Court of the City of Richmond,

1627 Division I, for an order compelling disclosure, inspection or copying of such vital record. The State
1628 Registrar or his authorized representative may appear and testify in such proceeding.

1629 D. When 100 years have elapsed after the date of birth, or 25 years have elapsed after the date of
1630 death, marriage, divorce, or annulment the records of these events in the custody of the State Registrar
1631 shall, unless precluded from release by statute or court order, or at law-enforcement request, become
1632 public information and be made available in accordance with regulations that shall provide for the
1633 continued safekeeping of the records. All records that are public information on July 1, 1983, shall
1634 continue to be public information. Original records in the custody of the State Registrar that become public
1635 information shall be turned over to the Library of Virginia for safekeeping and for public access consistent
1636 with other state archival records, subject to the State Registrar and the Library of Virginia entering into a
1637 memorandum of understanding to arrange for continued prompt access by the State Registrar to original
1638 records for purposes of amendments to those records or other working purposes. The State Registrar's
1639 office may retain copies thereof for its own administrative and disclosure purposes.

1640 E. The State Registrar or the city or county registrar shall disclose data about or issue a certified
1641 copy of a birth certificate of a child to the grandparent of the child upon the written request of the
1642 grandparent when the grandparent has demonstrated to the State Registrar evidence of need, as prescribed
1643 by Board regulation, for the data or birth certificate.

1644 F. The State Registrar or the city or county registrar shall issue a certified copy of a death certificate
1645 to the grandchild or great-grandchild of a decedent in accordance with procedures prescribed by the Board
1646 in regulation.

1647 G. The State Registrar or the city or county registrar shall disclose data about or issue a certified
1648 copy of a death certificate to a nonprofit organ, eye or tissue procurement organization that is a member
1649 of the Virginia Transplant Council for the purpose of determining the suitability of organs, eyes and tissues
1650 for donation, as prescribed by the Board in regulations. Such regulations shall ensure that the information
1651 disclosed includes the cause of death and any other medical information necessary to determine the
1652 suitability of the organs, eyes and tissues for donation.

1653 H. The State Registrar shall seek to enter into a long-term contract with a private company
1654 experienced in maintaining genealogical research databases to create, maintain, and update such an online
1655 index at no direct cost to the Commonwealth, in exchange for allowing the private company to also provide
1656 such index to its subscribers and customers. The online index shall be designed and constructed to have
1657 the capability of allowing birth, marriage, divorce, and death entries on the index to be linked to a digital
1658 image of the underlying original birth, marriage, divorce, or death record once any such underlying record
1659 has become public information, and the index shall be designed to allow the Library of Virginia to create
1660 and activate such links to digital images of the original records. Any social security numbers appearing
1661 on original birth, marriage, divorce, or death records shall be redacted from the digital images provided to
1662 the public in the manner provided by law, which may include bulk redaction of social security fields from
1663 the images via automated methods.

1664 Following contract implementation, the State Registrar shall maintain a publicly available online
1665 vital records index or indexes, consisting at a minimum of name, date, and county or city of occurrence
1666 for births (naming the child), marriages (naming the ~~bride and groom spouses~~), divorces (naming the
1667 parties to the divorce), and deaths (naming the decedent), which vital records index information, except
1668 as otherwise precluded from release by statute, court order, or law-enforcement request, shall be public
1669 information from the time of its receipt by the State Registrar and shall be accessible on the State
1670 Registrar's website and on or through the Library of Virginia website.

1671 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1672 **§ 37.2-714. Children born in state facilities.**

1673 Any child born in a state facility shall be deemed a resident of the county or city in which the
1674 mother resided at the time of her admission. The child shall be removed from the state facility as soon
1675 after birth as the health and well-being of the child permit and shall be delivered to his ~~father~~ other parent
1676 or other member of his family. If he is unable to effect the child's removal as herein provided, the director
1677 of the state facility shall cause the filing of a petition in the juvenile and domestic relations district court
1678 of the county or city in which the child is present, requesting adjudication of the care and custody of the
1679 child under the provisions of § 16.1-278.3. If the mother has received services in a state facility

1680 continuously for 10 months, the Department of Social Services shall have financial responsibility for the
1681 care of the child, and the custody of the child shall be determined in accordance with the provisions of §
1682 16.1-278.3. The judge of such court shall take appropriate action to effect prompt removal of the child
1683 from the state facility.

1684 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1685 **§ 37.2-718. Order to compel payment of expenses.**

1686 A. When any individual receiving services or his guardian, conservator, trustee, or other person
1687 liable for his expenses fails to pay those expenses and it appears from investigation that the individual, his
1688 guardian, conservator, trustee, or other person liable for his support is able or has sufficient estate to pay
1689 the expenses, the Department shall petition the appropriate court having jurisdiction over the estate of the
1690 individual or the court for the county or city in which the individual resides or from which he was admitted
1691 to a state facility for an order to compel payment of the expenses by the person liable therefor. In any case
1692 in which a person liable for the support of the individual is being proceeded against, the petition shall be
1693 directed to the appropriate court of the county or city in which the person liable for the support of the
1694 individual resides.

1695 B. The individual receiving services and his estate shall first be liable for the payment of his
1696 expenses and thereafter, the person liable for the support of the individual. Such person shall be the ~~father,~~
1697 ~~mother, husband, wife~~ parent, spouse, or child of the individual who has attained the age of majority.
1698 Multiple persons shall be jointly and severally liable. The Department shall collect part or all of the
1699 expenses from the several sources as appears proper under the circumstances and may proceed against all
1700 sources, except that the principal or income or both from a trust created for the benefit of the individual
1701 shall be liable for payment only as provided in Article 5 (§ 64.2-742 et seq.) of the Uniform Trust Code.
1702 In evaluating the circumstances, the Department may consider any events related to the admission of the
1703 individual for treatment or training that have affected the person liable, such as the infliction of serious
1704 injury by the individual on the person who is liable. The proceedings for the collection of expenses shall
1705 conform to the procedure for collection of debts due the Commonwealth.

1706 C. Notice of any hearing on the petition of the Department for an order to compel payment of
1707 expenses shall be served at least 15 days prior to the hearing and in the manner provided for the service
1708 of civil process on the individual receiving services and, if there is one, on his guardian, conservator, or
1709 trustee, on the other person legally responsible for the individual's support, or on the person against whom
1710 the proceedings are instituted.

1711 D. At the hearing, the court shall hear the allegations and proofs of the parties and shall by order
1712 require full or partial payment of maintenance by the liable parties, if they have sufficient ability, having
1713 due regard for the financial condition and estate of the individual receiving services or any other person
1714 liable for his expenses, his present and future needs, and the present and future needs of his lawful
1715 dependents, if the proceeding is to charge the individual or any other person liable with such expenses.

1716 E. Upon application of any interested party and upon like notice and procedure, the court may at
1717 any time modify an order to compel payment of expenses. If the application is made by any party other
1718 than the Department, the notice shall be served on the Commissioner.

1719 F. Any party aggrieved by an order or by the judgment of the court may appeal therefrom in the
1720 manner provided by law.

1721 G. Any order or judgment rendered by the court hereunder shall have the same force and effect
1722 and shall be enforceable in the same manner and form as any judgment recovered in favor of the
1723 Commonwealth.

1724 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1725 **§ 38.2-302. Life, accident and sickness insurance; application required.**

1726 A. No contract of insurance upon a person shall be made or effectuated unless at the time of the
1727 making of the contract the individual insured, being of lawful age and competent to contract for the
1728 insurance contract (i) applies for insurance, or (ii) consents in writing to the insurance contract. However:

1729 1. ~~A wife or husband~~ Either spouse may effect an insurance contract upon each other;

1730 2. Any person having an insurable interest in the life of a minor, or any person upon whom a minor
1731 is dependent for support and maintenance, may effect an insurance contract upon the life of or pertaining
1732 to the minor; or

1733 3. A corporate employer or an employee benefit trust having the insurable interest described in
1734 subdivision 3 of subsection B of § 38.2-301, may effect an insurance contract upon the lives of such
1735 employees, provided that the employer or trust provides the employee with notice in writing that such
1736 insurance has been purchased, the amount of such coverage, and to whom benefits are payable in the event
1737 of the employee's death.

1738 B. Nothing in this section shall prohibit a minor from obtaining insurance on his own life as
1739 authorized in § 38.2-3105.

1740 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1741 **§ 38.2-2204. Liability insurance on motor vehicles, aircraft and watercraft; standard**
1742 **provisions; "omnibus clause."**

1743 A. No policy or contract of bodily injury or property damage liability insurance, covering liability
1744 arising from the ownership, maintenance, or use of any motor vehicle, aircraft, or private pleasure
1745 watercraft, shall be issued or delivered in this Commonwealth to the owner of such vehicle, aircraft or
1746 watercraft, or shall be issued or delivered by any insurer licensed in this Commonwealth upon any motor
1747 vehicle, aircraft, or private pleasure watercraft that is principally garaged, docked, or used in this
1748 Commonwealth, unless the policy contains a provision insuring the named insured, and any other person
1749 using or responsible for the use of the motor vehicle, aircraft, or private pleasure watercraft with the
1750 expressed or implied consent of the named insured, against liability for death or injury sustained, or loss
1751 or damage incurred within the coverage of the policy or contract as a result of negligence in the operation
1752 or use of such vehicle, aircraft, or watercraft by the named insured or by any such person; however, nothing
1753 contained in this section shall be deemed to prohibit an insurer from limiting its liability under any one
1754 policy for bodily injury or property damage resulting from any one accident or occurrence to the liability
1755 limits for such coverage set forth in the policy for any such accident or occurrence or for any one person,
1756 regardless of the number of insureds under that policy. Provided that, when one accident or occurrence
1757 involves more than one defendant who is covered by the policy, the plaintiff may recover the per person
1758 limit of the policy against each such defendant, subject to the per accident or occurrence limit of the policy.
1759 Each such policy or contract of liability insurance, or endorsement to the policy or contract, insuring

1760 private passenger automobiles, aircraft, or private pleasure watercraft principally garaged, docked, or used
1761 in this Commonwealth, that has as the named insured an individual or ~~husband and wife~~ spouses and that
1762 includes, with respect to any liability insurance provided by the policy, contract or endorsement for use of
1763 a nonowned automobile, aircraft or private pleasure watercraft, any provision requiring permission or
1764 consent of the owner of such automobile, aircraft, or private pleasure watercraft for the insurance to apply,
1765 shall be construed to include permission or consent of the custodian in the provision requiring permission
1766 or consent of the owner.

1767 B. Notwithstanding any requirements in this section to the contrary, an insurer may exclude any
1768 person from coverage under a personal umbrella or excess policy, if the exclusion is requested in writing
1769 by the first named insured and is acknowledged in writing by the excluded driver.

1770 C. For aircraft liability insurance, such policy or contract may contain the exclusions listed in §
1771 38.2-2227. Notwithstanding the provisions of this section or any other provisions of law, no policy or
1772 contract shall require pilot experience greater than that prescribed by the Federal Aviation Administration,
1773 except for pilots operating air taxis, or pilots operating aircraft applying chemicals, seed, or fertilizer.

1774 D. No policy or contract of bodily injury or property damage liability insurance relating to the
1775 ownership, maintenance, or use of a motor vehicle shall be issued or delivered in this Commonwealth to
1776 the owner of such vehicle or shall be issued or delivered by an insurer licensed in this Commonwealth
1777 upon any motor vehicle principally garaged or used in this Commonwealth without an endorsement or
1778 provision insuring the named insured, and any other person using or responsible for the use of the motor
1779 vehicle with the expressed or implied consent of the named insured, against liability for death or injury
1780 sustained, or loss or damage incurred within the coverage of the policy or contract as a result of negligence
1781 in the operation or use of the motor vehicle by the named insured or by any other such person; however,
1782 nothing contained in this section shall be deemed to prohibit an insurer from limiting its liability under
1783 any one policy for bodily injury or property damage resulting from any one accident or occurrence to the
1784 liability limits for such coverage set forth in the policy for any such accident or occurrence or for any one
1785 person regardless of the number of insureds under that policy. Provided that, when one accident or
1786 occurrence involves more than one defendant who is covered by the policy, the plaintiff may recover the

1787 per person limit of the policy against each such defendant, subject to the per accident or occurrence limit
1788 of the policy. This provision shall apply notwithstanding the failure or refusal of the named insured or
1789 such other person to cooperate with the insurer under the terms of the policy. If the failure or refusal to
1790 cooperate prejudices the insurer in the defense of an action for damages arising from the operation or use
1791 of such insured motor vehicle, then the endorsement or provision shall be void. If an insurer has actual
1792 notice of a motion for judgment or complaint having been served on an insured, the mere failure of the
1793 insured to turn the motion or complaint over to the insurer shall not be a defense to the insurer, nor void
1794 the endorsement or provision, nor in any way relieve the insurer of its obligations to the insured, provided
1795 the insured otherwise cooperates and in no way prejudices the insurer.

1796 Where the insurer has elected to provide a defense to its insured under such circumstances and
1797 files responsive pleadings in the name of its insured, the insured shall not be subject to sanctions for failure
1798 to comply with discovery pursuant to Part Four of the Rules of the Supreme Court of Virginia unless it
1799 can be shown that the suit papers actually reached the insured, and that the insurer has failed after
1800 exercising due diligence to locate its insured, and as long as the insurer provides such information in
1801 response to discovery as it can without the assistance of the insured.

1802 E. Any endorsement, provision or rider attached to or included in any such policy of insurance
1803 which purports or seeks to limit or reduce the coverage afforded by the provisions required by this section
1804 shall be void, except an insurer may exclude such coverage as is afforded by this section, where such
1805 coverage would inure to the benefit of the United States Government or any agency or subdivision thereof
1806 under the provisions of the Federal Tort Claims Act, the Federal Drivers Act and Public Law 86-654
1807 District of Columbia Employee Non-Liability Act, or to the benefit of the Commonwealth under the
1808 provisions of the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and the self-insurance plan established
1809 by the Department of General Services pursuant to § 2.2-1837 for any state employee who, in the regular
1810 course of his employment, transports patients in his own personal vehicle.

1811 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1812 **§ 38.2-2212. Grounds and procedure for cancellation of or refusal to renew motor vehicle**
1813 **insurance policies; review by Commissioner.**

1814 A. The following definitions shall apply to this section:

1815 "Cancellation" or "to cancel" means a termination of a policy during the policy period.

1816 "Insurer" means any insurance company, association, or exchange licensed to transact motor
1817 vehicle insurance in this Commonwealth.

1818 "Policy of motor vehicle insurance" or "policy" means a policy or contract for bodily injury or
1819 property damage liability insurance issued or delivered in this Commonwealth covering liability arising
1820 from the ownership, maintenance, or use of any motor vehicle, insuring as the named insured one
1821 individual or ~~husband and wife~~ spouses who are residents of the same household, and under which the
1822 insured vehicle designated in the policy is either:

1823 a. A motor vehicle of a private passenger, station wagon, or motorcycle type that is not used
1824 commercially, rented to others, or used as a public or livery conveyance where the term "public or livery
1825 conveyance" does not include car pools, or

1826 b. Any other four-wheel motor vehicle which is not used in the occupation, profession, or business,
1827 other than farming, of the insured, or as a public or livery conveyance, or rented to others. The term "policy
1828 of motor vehicle insurance" or "policy" does not include (i) any policy issued through the Virginia
1829 Automobile Insurance Plan, (ii) any policy covering the operation of a garage, sales agency, repair shop,
1830 service station, or public parking place, (iii) any policy providing insurance only on an excess basis, or
1831 (iv) any other contract providing insurance to the named insured even though the contract may incidentally
1832 provide insurance on motor vehicles.

1833 "Renewal" or "to renew" means (i) the issuance and delivery by an insurer of a policy superseding
1834 at the end of the policy period a policy previously issued and delivered by the same insurer, providing
1835 types and limits of coverage at least equal to those contained in the policy being superseded, or (ii) the
1836 issuance and delivery of a certificate or notice extending the term of a policy beyond its policy period or
1837 term with types and limits of coverage at least equal to those contained in the policy. Each renewal shall
1838 conform with the requirements of the manual rules and rating program currently filed by the insurer with
1839 the Commission. Except as provided in subsection K of this section, any policy with a policy period or
1840 term of less than 12 months or any policy with no fixed expiration date shall for the purpose of this section

1841 be considered as if written for successive policy periods or terms of six months from the original effective
1842 date.

1843 B. This section shall apply only to that portion of a policy of motor vehicle insurance providing
1844 the coverage required by §§ 38.2-2204, 38.2-2205, and 38.2-2206.

1845 C. 1. No insurer shall refuse to renew a motor vehicle insurance policy solely because of any one
1846 or more of the following factors:

1847 a. Age;

1848 b. Sex;

1849 c. Residence;

1850 d. Race;

1851 e. Color;

1852 f. Creed;

1853 g. National origin;

1854 h. Ancestry;

1855 i. Marital status;

1856 j. Lawful occupation, including the military service;

1857 k. Lack of driving experience, or number of years driving experience;

1858 l. Lack of supporting business or lack of the potential for acquiring such business;

1859 m. One or more accidents or violations that occurred more than 48 months immediately preceding
1860 the upcoming anniversary date;

1861 n. One or more claims submitted under the uninsured motorists coverage of the policy where the
1862 uninsured motorist is known or there is physical evidence of contact;

1863 o. A single claim by a single insured submitted under the medical expense coverage due to an
1864 accident for which the insured was neither wholly nor partially at fault;

1865 p. One or more claims submitted under the comprehensive or towing coverages. However, nothing
1866 in this section shall prohibit an insurer from modifying or refusing to renew the comprehensive or towing
1867 coverages at the time of renewal of the policy on the basis of one or more claims submitted by an insured

1868 under those coverages, provided that the insurer shall mail or deliver to the insured at the address shown
1869 in the policy, or deliver electronically to the address provided by the named insured, written notice of any
1870 such change in coverage at least 45 days prior to the renewal;

1871 q. Two or fewer motor vehicle accidents within a three-year period unless the accident was caused
1872 either wholly or partially by the named insured, a resident of the same household, or other customary
1873 operator;

1874 r. Credit information contained in a "consumer report," as defined in the federal Fair Credit
1875 Reporting Act, 15 U.S.C. § 1681 et seq., bearing on a natural person's creditworthiness, credit standing or
1876 credit capacity. If credit information is used, in part, as the basis for the nonrenewal, such credit
1877 information shall be based on a consumer report procured within 120 days from the effective date of the
1878 nonrenewal. The provisions of this subdivision shall apply only to insurance purchased primarily for
1879 personal, family, or household purposes; or

1880 s. The refusal of a motor vehicle owner as defined in § 46.2-1088.6 to provide access to recorded
1881 data from a recording device as defined in § 46.2-1088.6.

1882 2. Nothing in this section shall require any insurer to renew a policy for an insured where the
1883 insured's occupation has changed so as to materially increase the risk. Nothing contained in subdivisions
1884 C 1 n, 1 o, and 1 p of this subsection shall prohibit an insurer from refusing to renew a policy where a
1885 claim is false or fraudulent. Nothing in this section prohibits any insurer from setting rates in accordance
1886 with relevant actuarial data.

1887 D. No insurer shall cancel a policy except for one or more of the following reasons:

1888 1. The named insured or any other operator who either resides in the same household or
1889 customarily operates a motor vehicle insured under the policy has had his driver's license suspended or
1890 revoked during the policy period or, if the policy is a renewal, during its policy period or the 90 days
1891 immediately preceding the last effective date.

1892 2. The named insured fails to pay the premium for the policy or any installment of the premium,
1893 whether payable to the insurer or its agent either directly or indirectly under any premium finance plan or
1894 extension of credit.

1895 3. The named insured or his duly constituted attorney-in-fact has notified the insurer of a change
1896 in the insured's legal residence to a state other than Virginia and the insured vehicle will be principally
1897 garaged in the new state of legal residence.

1898 E. No cancellation or refusal to renew by an insurer of a policy of motor vehicle insurance shall
1899 be effective unless the insurer delivers or mails to the named insured at the address shown in the policy a
1900 written notice of the cancellation or refusal to renew, or the insurer delivers such notice electronically to
1901 the address provided by the named insured. The notice shall:

1902 1. Be in a type size authorized under § 38.2-311.

1903 2. State the effective date of the cancellation or refusal to renew. The effective date of cancellation
1904 or refusal to renew shall be at least 45 days after mailing or delivering to the insured the notice of
1905 cancellation or notice of refusal to renew. However, when the policy is being canceled or not renewed for
1906 the reason set forth in subdivision 2 of subsection D of this section the effective date may be less than 45
1907 days but at least 15 days from the date of mailing or delivery.

1908 3. State the specific reason of the insurer for cancellation or refusal to renew and provide for the
1909 notification required by §§ 38.2-608, 38.2-609, and subsection B of § 38.2-610. However, those
1910 notification requirements shall not apply when the policy is being canceled or not renewed for the reason
1911 set forth in subdivision 2 of subsection D of this section.

1912 4. Inform the insured of his right to request in writing within 15 days of the receipt of the notice
1913 that the Commissioner review the action of the insurer.

1914 The notice of cancellation or refusal to renew shall contain the following statement to inform the
1915 insured of such right:

1916 IMPORTANT NOTICE

1917 Within 15 days of receiving this notice, you or your attorney may request in writing that the
1918 Commissioner of Insurance review this action to determine whether the insurer has complied with Virginia
1919 laws in canceling or nonrenewing your policy. If this insurer has failed to comply with the cancellation or
1920 nonrenewal laws, the Commissioner may require that your policy be reinstated. However, the

1921 Commissioner is prohibited from making underwriting judgments. If this insurer has complied with the
1922 cancellation or nonrenewal laws, the Commissioner does not have the authority to overturn this action.

1923 5. Inform the insured of the possible availability of other insurance which may be obtained through
1924 his agent, through another insurer, or through the Virginia Automobile Insurance Plan.

1925 6. If sent by mail or delivered electronically, comply with the provisions of § 38.2-2208.

1926 Nothing in this subsection prohibits any insurer or agent from including in the notice of
1927 cancellation or refusal to renew, any additional disclosure statements required by state or federal laws, or
1928 any additional information relating to the availability of other insurance.

1929 F. Nothing in this section shall apply:

1930 1. If the insurer or its agent acting on behalf of the insurer has manifested its willingness to renew
1931 by issuing or offering to issue a renewal policy, certificate, or other evidence of renewal, or has manifested
1932 its willingness to renew in writing to the insured. The written manifestation shall include the name of a
1933 proposed insurer, the expiration date of the policy, the type of insurance coverage, and information
1934 regarding the estimated renewal premium. The insurer shall retain a copy of each written manifestation
1935 for a period of at least one year from the expiration date of any policy that is not renewed;

1936 2. If the named insured, or his duly constituted attorney-in-fact, has notified the insurer or its agent
1937 orally, or in writing, if the insurer requires such notification to be in writing, that he wishes the policy to
1938 be canceled or that he does not wish the policy to be renewed, or if prior to the date of expiration he fails
1939 to accept the offer of the insurer to renew the policy;

1940 3. To any motor vehicle insurance policy which has been in effect less than 60 days when the
1941 termination notice is mailed or delivered to the insured, unless it is a renewal policy; or

1942 4. If an affiliated insurer has manifested its willingness to provide coverage at a lower premium
1943 than would have been charged for the same exposures on the expiring policy. The affiliated insurer shall
1944 manifest its willingness to provide coverage by issuing a policy with the types and limits of coverage at
1945 least equal to those contained in the expiring policy unless the named insured has requested a change in
1946 coverage or limits. When such offer is made by an affiliated insurer, an offer of renewal shall not be

1947 required of the insurer of the expiring policy, and the policy issued by the affiliated insurer shall be deemed
1948 to be a renewal policy.

1949 G. There shall be no liability on the part of and no cause of action of any nature shall arise against
1950 the Commissioner or his subordinates; any insurer, its authorized representatives, its agents, or its
1951 employees; or any person furnishing to the insurer information as to reasons for cancellation or refusal to
1952 renew, for any statement made by any of them in complying with this section or for providing information
1953 pertaining to the cancellation or refusal to renew. For the purposes of this section, no insurer shall be
1954 required to furnish a notice of cancellation or refusal to renew to anyone other than the named insured,
1955 any person designated by the named insured, or any other person to whom such notice is required to be
1956 given by the terms of the policy and the Commissioner.

1957 H. Within 15 days of receipt of the notice of cancellation or refusal to renew, any insured or his
1958 attorney shall be entitled to request in writing to the Commissioner that he review the action of the insurer
1959 in canceling or refusing to renew the policy of the insured. Upon receipt of the request, the Commissioner
1960 shall promptly begin a review to determine whether the insurer's cancellation or refusal to renew complies
1961 with the requirements of this section and of § 38.2-2208 if the notice was sent by mail or delivered
1962 electronically. The policy shall remain in full force and effect during the pendency of the review by the
1963 Commissioner except where the cancellation or refusal to renew is for the reason set forth in subdivision
1964 2 of subsection D of this section, in which case the policy shall terminate as of the effective date stated in
1965 the notice. Where the Commissioner finds from the review that the cancellation or refusal to renew has
1966 not complied with the requirements of this section or of § 38.2-2208, he shall immediately notify the
1967 insurer, the insured and any other person to whom such notice was required to be given by the terms of
1968 the policy that the cancellation or refusal to renew is not effective. Nothing in this section authorizes the
1969 Commissioner to substitute his judgment as to underwriting for that of the insurer. Where the
1970 Commissioner finds in favor of the insured, the Commission in its discretion may award the insured
1971 reasonable attorneys' fees.

1972 I. Each insurer shall maintain for at least one year, records of cancellation and refusal to renew and
1973 copies of every notice or statement referred to in subsection E of this section that it sends to any of its
1974 insureds.

1975 J. The provisions of this section shall not apply to any insurer that limits the issuance of policies
1976 of motor vehicle liability insurance to one class or group of persons engaged in any one particular
1977 profession, trade, occupation, or business. Nothing in this section requires an insurer to renew a policy of
1978 motor vehicle insurance if the insured does not conform to the occupational or membership requirements
1979 of an insurer who limits its writings to an occupation or membership of an organization. No insurer is
1980 required to renew a policy if the insured becomes a nonresident of Virginia.

1981 K. Notwithstanding any other provision of this section, a motor vehicle insurance policy with a
1982 policy period or term of five months or less may expire at its expiration date when the insurer has
1983 manifested in writing its willingness to renew the policy for at least 30 days and has mailed or delivered
1984 the written manifestation to the insured at least 15 days before the expiration date of the policy. The written
1985 manifestation shall include the name of the proposed insurer, the expiration date of the policy, the type of
1986 insurance coverage, and the estimated renewal premium. The insurer shall retain a copy of the written
1987 manifestation for at least one year from the expiration date of any policy that is not renewed.

1988 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

1989 **§ 38.2-4019. Beneficiaries.**

1990 No person other than a ~~wife, husband~~ spouse, relative by blood to the fourth degree, ~~father-in-law,~~
1991 ~~mother-in-law, son-in-law, daughter-in-law, stepfather, stepmother~~ parent-in-law, child-in-law, step-
1992 parent, stepchild, or child by legal adoption of the member, or one who is dependent upon the member or
1993 one who has an insurable interest in the life of the member as described in § 38.2-301, shall be named a
1994 beneficiary of the member's certificate. Within the above limitations, each member shall have the right to
1995 designate his beneficiary and to change his beneficiary, upon due notice to the society. If the beneficiary
1996 is not living or if no allowable beneficiary has been designated, any proceeds otherwise payable shall be
1997 payable to the member's estate.

1998 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

1999 **§ 38.2-5009.1. Infants dying shortly after birth.**

2000 A. For births occurring on or after July 1, 2003, if the Commission determines that an infant has
2001 sustained a birth-related neurological injury and that obstetrical services were delivered by a participating
2002 physician at the birth or that the birth occurred in a participating hospital, and the infant dies within 180
2003 days of birth, the Commission, in its discretion, may make an award in an amount not exceeding \$100,000
2004 to the infant's family, which award shall be in addition to and not in lieu of any other award providing
2005 compensation as provided in § 38.2-5009.

2006 B. Prior to making an award pursuant to this section, the Commission shall conduct a hearing for
2007 the purpose of determining whether such award is appropriate and, if so, the proper amount of such an
2008 award and how it should be paid, after receiving evidence pertaining to sorrow, mental anguish, solace,
2009 grief associated with the death of the infant, and all other material factors that are relevant.

2010 C. The hearing referred to in subsection B may be conducted as part of a hearing conducted
2011 pursuant to § 38.2-5009. The same procedural requirements applicable to a hearing conducted pursuant to
2012 § 38.2-5009 shall apply to a hearing conducted hereunder.

2013 D. As used in this section, an infant's family means the infant's ~~father, mother, or both parents~~, or
2014 if neither is a party to the proceeding, the infant's legal guardian.

2015 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2016 **§ 55-20. Survivorship between joint tenants abolished.**

2017 When any joint tenant dies, before or after the vesting of the estate, whether the estate is real or
2018 personal, or whether partition could have been compelled or not, his part shall descend to his heirs, or pass
2019 by devise, or go to his personal representative, subject to debts or distribution, as if he had been a tenant
2020 in common. And if hereafter any estate, real or personal, is conveyed or devised to ~~a husband and his wife~~
2021 ~~persons married to each other~~, they shall take and hold the same by moieties in like manner as if a distinct
2022 moiety had been given to each by a separate conveyance.

2023 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2024 **§ 55-20.2. Tenants by the entireties in real and personal property; certain trusts.**

2025 A. Any ~~husband and wife~~ persons married to each other may own real or personal property as
2026 tenants by the entireties for as long as they are married. Personal property may be owned as tenants by the
2027 entireties whether or not the personal property represents the proceeds of the sale of real property. An
2028 intent that the part of the one dying should belong to the other shall be manifest from a designation of ~~a~~
2029 ~~husband and wife~~ the spouses as "tenants by the entireties" or "tenants by the entirety."

2030 B. Except as otherwise provided by statute, no interest in real property held as tenants by the
2031 entireties shall be severed by written instrument unless the instrument is a deed signed by both spouses as
2032 grantors.

2033 C. Notwithstanding any contrary provision of § 64.2-747, any property of ~~a husband and wife~~
2034 persons married to each other that is held by them as tenants by the entireties and conveyed to their joint
2035 revocable or irrevocable trusts, or to their separate revocable or irrevocable trusts, and any proceeds of the
2036 sale or disposition of such property, shall have the same immunity from the claims of their separate
2037 creditors as it would if it had remained a tenancy by the entirety, so long as (i) they remain ~~husband and~~
2038 ~~wife~~ married to each other, (ii) it continues to be held in the trust or trusts, and (iii) it continues to be their
2039 property, including where both spouses are current beneficiaries of one trust that holds the entire property
2040 or each spouse is a current beneficiary of a separate trust and the two separate trusts together hold the
2041 entire property, whether or not other persons are also current or future beneficiaries of the trust or trusts.
2042 The immunity from the claims of separate creditors under this subsection may be waived as to any specific
2043 creditor, including any separate creditor of either spouse, or any specifically described property, including
2044 any former tenancy by the entireties property conveyed into trust, by the trustee acting under the express
2045 provision of a trust instrument or with the written consent of both ~~the husband and the wife~~ spouses.

2046 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2047 **§ 55-35. How married persons may acquire and dispose of property.**

2048 ~~A married woman~~ Married persons shall have the right to acquire, hold, use, control and dispose
2049 of property as if ~~she~~ they were unmarried ~~and such~~. Such power of use, control and disposition shall apply
2050 to all property of a married woman which has been acquired by her since April 4, 1877, or shall be
2051 hereafter acquired. ~~Her husband's~~ The marital rights of persons married to each other shall not entitle ~~him~~

2052 either spouse to the possession or use, or to the rents, issues and profits, of such real estate during the
2053 coverture; nor shall the property of ~~the wife~~ either spouse be subject to the debts or liabilities of the
2054 ~~husband~~ other spouse.

2055 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These**
2056 **amendments also resolve the current law's potentially unconstitutional sex-based classification whih**
2057 **only applies to wives, but not husbands. See *Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303**
2058 **S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for**
2059 **the necessary goods and services furnished to his wife, was unconstitutional).**

2060 **§ 55-36. Contracts of, and suits by and against, married persons.**

2061 A married ~~woman~~ person may contract and be contracted with and sue and be sued in the same
2062 manner and with the same consequences as if ~~she~~ he were unmarried, whether the right or liability asserted
2063 by or against ~~her~~ him accrued heretofore or hereafter. In an action by a married ~~woman~~ person to recover
2064 for a personal injury inflicted on ~~her~~ she ~~him~~ he may recover the entire damage sustained including the
2065 personal injury and expenses arising out of the injury, whether chargeable to ~~her~~ him or ~~her husband~~ his
2066 spouse, notwithstanding the ~~husband~~ spouse may be entitled to the benefit of ~~her~~ his services about
2067 domestic affairs and consortium, and any sum recovered therein shall be chargeable with expenses arising
2068 out of the injury, including hospital, medical and funeral expenses, and any person, including the ~~husband~~
2069 spouse, partially or completely discharging such debts shall be reimbursed out of the sum recovered in the
2070 action, whensoever paid, to the extent to which such payment was justified by services rendered or
2071 expenses incurred by the obligee, provided, however, that written notice of such claim for reimbursement,
2072 and the amount and items thereof, shall have been served on such married ~~woman~~ person and on the
2073 defendant prior to any settlement of the sum recovered by ~~her~~ him; and no action for such injury, expenses
2074 or loss of services or consortium shall be maintained by ~~the husband~~ his spouse.

2075 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These**
2076 **amendments also resolve the current law's potentially unconstitutional sex-based classification whih**
2077 **only applies to wives, but not husbands. See *Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303**

2078 S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for
2079 the necessary goods and services furnished to his wife, was unconstitutional).

2080 § 55-38. Spouse's right of entry into land not barred by certain judgments; when a spouse
2081 may defend his right in lands which are his inheritance.

2082 A ~~woman spouse~~ shall not be barred of ~~her his~~ right of entry into land by a judgment in ~~her~~
2083 ~~husband's the other spouse's~~ lifetime by default or collusion, but after ~~his the other spouse's~~ death may
2084 prosecute the same by any proper suit; or, in the lifetime of the ~~husband other spouse~~, if ~~he the other~~
2085 ~~spouse~~ will not appear, or, against ~~his wife's the spouse's~~ consent, will render the ~~wife's spouse's~~ lands
2086 during the coverture in a suit against ~~the husband and wife both spouses~~ for lands which are ~~her the spouse's~~
2087 inheritance, the ~~wife spouse~~ may come at any time before judgment, and defend ~~her his~~ right.

2088 Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These
2089 amendments also resolve the current law's potentially unconstitutional sex-based classification whih
2090 only applies to wives, but not husbands. *See Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303
2091 S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for
2092 the necessary goods and services furnished to his wife, was unconstitutional).

2093 § 55-39. Rights of spouse not affected by other spouse's acts only.

2094 No conveyance or other act suffered or done by ~~the husband one spouse~~ only of any land which is
2095 the inheritance of ~~his wife the other spouse~~ shall be or make any discontinuance thereof, or be prejudicial
2096 to the ~~wife other spouse~~ or ~~her his~~ heirs, or to any having right or title to the same by ~~her his~~ death, but
2097 they may respectively enter into such land, according to their right and title therein, as if no such act had
2098 been done.

2099 Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These
2100 amendments also resolve the current law's potentially unconstitutional sex-based classification whih
2101 only applies to wives, but not husbands. *See Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303
2102 S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for
2103 the necessary goods and services furnished to his wife, was unconstitutional).

2104 § 55-41. Conveyance from married persons; effect on right of either spouse.

2105 When ~~a husband and his wife~~ persons married to each other have signed and delivered a writing
2106 purporting to convey any estate, real or personal, such writing, whether admitted to record or not, shall (i)
2107 if delivered prior to January 1, 1991, operate to convey from the spouse her right of dower or his right of
2108 curtesy in the real estate embraced therein, and (ii) if delivered after December 31, 1990, operate to
2109 manifest the spouse's written consent or joinder, as contemplated in § 64.2-305 or 64.2-308.9 to the
2110 transfer embraced therein. In either case, the writing passes from such spouse and his ~~or her~~
2111 all right, title and interest of every nature which at the date of such writing he ~~or she~~ may have in any
2112 estate conveyed thereby as effectually as if he ~~or she~~ were at such date an unmarried person. If, in either
2113 case, the writing is a deed conveying a spouse's land, no covenant or warranty therein on behalf of the
2114 other spouse joining in the deed shall operate to bind him ~~or her~~ any further than to convey her ~~or his~~
2115 interest in such land, unless it is expressly stated that such spouse enters into such covenant or warranty
2116 for the purpose of binding himself ~~or herself~~ personally.

2117 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
2118 **make technical changes consistent with Va. Code § 1-216.**

2119 **§ 55-43. Appointment of attorney in fact by married person; effect of writing executed by**
2120 **such attorney.**

2121 A married ~~woman~~ person, whether a resident of this Commonwealth or not, may, by power of
2122 attorney duly executed and acknowledged as prescribed in § 55-113 or § 55-114, appoint an attorney-in-
2123 fact to execute and acknowledge, for ~~her~~ him and in ~~her~~ his name, any deed or other writing which ~~she~~ he
2124 might execute. Every deed or other writing so executed by such attorney-in-fact in pursuance of such
2125 power of attorney while the same remains in force shall be valid and effectual, in all respects, to convey
2126 the interest and title of such married ~~woman~~ person in and to any real estate thereby conveyed or otherwise
2127 transferred.

2128 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These**
2129 **amendments also resolve the current law's potentially unconstitutional sex-based classification whih**
2130 **only applies to wives, but not husbands. See *Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303**

2131 S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for
2132 the necessary goods and services furnished to his wife, was unconstitutional).

2133 § 55-46. How estate of a married person to pass at death.

2134 When a married ~~woman~~ person, having title to any estate, dies intestate, as to such estate, or any
2135 part thereof, it, or such part, shall pass according to the provisions of Chapter 2 (§ 64.2-200 et seq.) of
2136 Title 64.2, subject to ~~her~~ his debts.

2137 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones. These**
2138 **amendments also resolve the current law's potentially unconstitutional sex-based classification whih**
2139 **only applies to wives, but not husbands. See *Schilling v. Bedford Co. Mem'l Hosp.*, 225 Va. 539, 303**
2140 **S.E.2d 905 (1983) (holding that the doctrine of necessities, which made a husband responsible for**
2141 **the necessary goods and services furnished to his wife, was unconstitutional).**

2142 § 55-106.1. Recording and indexing of certain documents showing changes of names.

2143 A duly authenticated copy of a marriage license with the certificate of the person celebrating the
2144 marriage or a duly authenticated copy of a final decree of divorce showing a change of name of a ~~woman~~
2145 person shall be entitled to be admitted to record in the clerk's office wherein deeds are recorded of the
2146 county or city wherein any land which, or an interest in which, is owned by such ~~woman~~ person lies, and
2147 shall be indexed by such clerk in the grantor and grantee indices in his office.

2148 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2149 § 55-131. Acknowledgments taken by officer who was spouse of grantee.

2150 Any certificate of acknowledgment to a deed or other writings taken prior to July 1, 1995, by a
2151 notary public or other officer duly authorized to take acknowledgments, who at the time of taking such
2152 acknowledgment was the ~~husband or wife~~ spouse of the grantee in the deed or other instrument, shall be
2153 held, and the same is hereby declared, valid and effective in all respects, if otherwise valid according to
2154 the law then in force. All acknowledgments of conveyances to a fiduciary taken before an officer, who is
2155 the ~~husband or wife~~ spouse of the same and who has no beneficial or monetary interest other than possible
2156 commissions or legal fees shall be conclusively presumed valid.

2157 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

§ 58.1-322.02. Virginia taxable income; subtractions.

In computing Virginia taxable income pursuant to § 58.1-322, to the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission, or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States, including, but not limited to, stocks, bonds, treasury bills, and treasury notes but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations, of the Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4. Up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision 5 of § 58.1-322.03 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Work Opportunity Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

8. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified in this subdivision.

9. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of

2185 perpetrators of crimes. This subdivision shall not apply to the following: an individual who is an employee
2186 of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which
2187 the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

2188 10. The amount of "qualified research expenses" or "basic research expenses" eligible for
2189 deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c)
2190 of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and
2191 members of limited liability companies to the extent and in the same manner as other deductions may pass
2192 through to such partners, shareholders, and members.

2193 11. Any income received during the taxable year derived from a qualified pension, profit-sharing,
2194 or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account
2195 or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined
2196 by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions
2197 to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the
2198 contributions to such plan or program were subject to taxation under the income tax in another state.

2199 12. Any income attributable to a distribution of benefits or a refund from a prepaid tuition contract
2200 or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 7 (§ 23.1-
2201 700 et seq.) of Title 23.1. The subtraction for any income attributable to a refund shall be limited to income
2202 attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

2203 13. All military pay and allowances, to the extent included in federal adjusted gross income and
2204 not otherwise subtracted, deducted, or exempted under this section, earned by military personnel while
2205 serving by order of the President of the United States with the consent of Congress in a combat zone or
2206 qualified hazardous duty area that is treated as a combat zone for federal tax purposes pursuant to § 112
2207 of the Internal Revenue Code.

2208 14. For taxable years beginning before January 1, 2015, the gain derived from the sale or exchange
2209 of real property or the sale or exchange of an easement to real property which results in the real property
2210 or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a
2211 period of time not less than 30 years. To the extent that a subtraction is taken in accordance with this

2212 subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for
2213 three years following the year in which the subtraction is taken.

2214 15. Fifteen thousand dollars of military basic pay for military service personnel on extended active
2215 duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar
2216 by the amount by which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if
2217 such military basic pay amount is equal to or exceeds \$30,000.

2218 16. The first \$15,000 of salary for each federal and state employee whose total annual salary from
2219 all employment for the taxable year is \$15,000 or less.

2220 17. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

2221 18. Any amount received as military retirement income by an individual awarded the
2222 Congressional Medal of Honor.

2223 19. Items of income attributable to, derived from, or in any way related to (i) assets stolen from,
2224 hidden from, or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii)
2225 damages, reparations, or other consideration received by a victim or target of Nazi persecution to
2226 compensate such individual for performing labor against his will under the threat of death, during World
2227 War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such
2228 items of income or with the proceeds from the sale of assets stolen from, hidden from, or otherwise lost
2229 to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The
2230 provisions of this subdivision shall only apply to an individual who was the first recipient of such items
2231 of income and who was a victim or target of Nazi persecution, or a spouse, ~~widow, widower~~ surviving
2232 spouse, or child or stepchild of such victim.

2233 As used in this subdivision:

2234 "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those
2235 European countries allied with Nazi Germany, or any other neutral European country or area in Europe
2236 under the influence or threat of Nazi invasion.

2237 "Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution
2238 by the Nazi regime who had assets stolen from, hidden from, or otherwise lost as a result of any act or

2239 omission in any way relating to (i) the Holocaust, (ii) World War II and its prelude and direct aftermath,
2240 (iii) transactions with or actions of the Nazi regime, (iv) treatment of refugees fleeing Nazi persecution,
2241 or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II
2242 and its prelude and aftermath. A "victim or target of Nazi persecution" also includes any individual forced
2243 into labor against his will, under the threat of death, during World War II and its prelude and direct
2244 aftermath.

2245 20. The military death gratuity payment made after September 11, 2001, to the survivor of
2246 deceased military personnel killed in the line of duty, pursuant to 10 U.S.C. Chapter 75; however, the
2247 subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from
2248 his federal gross income in accordance with § 134 of the Internal Revenue Code.

2249 21. The death benefit payments from an annuity contract that are received by a beneficiary of such
2250 contract, provided that (i) the death benefit payment is made pursuant to an annuity contract with an
2251 insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under
2252 this subdivision shall be allowed only for that portion of the death benefit payment that is included in
2253 federal adjusted gross income.

2254 22. Any gain recognized from the sale of launch services to space flight participants, as defined in
2255 49 U.S.C. § 70102, or launch services intended to provide individuals with the training or experience of a
2256 launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch
2257 services must be performed in Virginia or originate from an airport or spaceport in Virginia.

2258 23. Any gain recognized as a result of resupply services contracts for delivering payload, as defined
2259 in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the
2260 National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8,
2261 and launched from an airport or spaceport in Virginia.

2262 24. Any income taxed as a long-term capital gain for federal income tax purposes, or any income
2263 taxed as investment services partnership interest income (otherwise known as investment partnership
2264 carried interest income) for federal income tax purposes. To qualify for a subtraction under this
2265 subdivision, such income shall be attributable to an investment in a "qualified business," as defined in §

2266 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided that
2267 the business has its principal office or facility in the Commonwealth and less than \$3 million in annual
2268 revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the
2269 investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has
2270 claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the
2271 subtraction under this subdivision for an investment in the same business.

2272 25. For taxable years beginning on and after January 1, 2014, any income of an account holder for
2273 the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's
2274 first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55
2275 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-
2276 time home buyer savings account.

2277 Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction
2278 taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or
2279 funds withdrawn from the first-time home buyer savings account were used for any purpose other than
2280 the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The
2281 amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used
2282 for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for
2283 other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of
2284 the withdrawal to the total balance in the account at such time.

2285 However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i)
2286 withdrawn by reason of the qualified beneficiary's death or disability; (ii) a disbursement of assets of the
2287 account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101
2288 through 1330; or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of
2289 Title 55 into another account established pursuant to such chapter for the benefit of another qualified
2290 beneficiary.

2291 For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings
2292 account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

2293 26. For taxable years beginning on and after January 1, 2015, any income for the taxable year
2294 attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this
2295 subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue
2296 Code.

2297 27. a. Income, including investment services partnership interest income (otherwise known as
2298 investment partnership carried interest income), attributable to an investment in a Virginia venture capital
2299 account. To qualify for a subtraction under this subdivision, the investment shall be made on or after
2300 January 1, 2018, but before December 31, 2023. No subtraction shall be allowed under this subdivision
2301 for an investment in a company that is owned or operated by a family member or an affiliate of the
2302 taxpayer. No subtraction shall be allowed under this subdivision for a taxpayer who has claimed a
2303 subtraction under subdivision 24 or a tax credit under § 58.1-339.4 for the same investment.

2304 b. As used in this subdivision 27:

2305 "Qualified portfolio company" means a company that (i) has its principal place of business in the
2306 Commonwealth; (ii) has a primary purpose of production, sale, research, or development of a product or
2307 service other than the management or investment of capital; and (iii) provides equity in the company to
2308 the Virginia venture capital account in exchange for a capital investment. "Qualified portfolio company"
2309 does not include a company that is an individual or sole proprietorship.

2310 "Virginia venture capital account" means an investment fund that has been certified by the
2311 Department as a Virginia venture capital account. In order to be certified as a Virginia venture capital
2312 account, the operator of the investment fund shall register the investment fund with the Department prior
2313 to December 31, 2023, (i) indicating that it intends to invest at least 50 percent of the capital committed
2314 to its fund in qualified portfolio companies and (ii) providing documentation that it employs at least one
2315 investor who has at least four years of professional experience in venture capital investment or
2316 substantially equivalent experience. "Substantially equivalent experience" includes, but is not limited to,
2317 an undergraduate degree from an accredited college or university in economics, finance, or a similar field
2318 of study. The Department may require an investment fund to provide documentation of the investor's
2319 training, education, or experience as deemed necessary by the Department to determine substantial

2320 equivalency. If the Department determines that the investment fund employs at least one investor with the
2321 experience set forth herein, the Department shall certify the investment fund as a Virginia venture capital
2322 account at such time as the investment fund actually invests at least 50 percent of the capital committed
2323 to its fund in qualified portfolio companies.

2324 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2325 **§ 58.1-324. ~~Husband and wife~~ Married individuals.**

2326 A. If the federal taxable income of ~~husband or wife~~ married individuals is determined on a separate
2327 federal return, their Virginia taxable incomes shall be separately determined.

2328 B. If the federal taxable income of ~~husband and wife~~ married individuals is determined on a joint
2329 federal return, or if neither files a federal return:

2330 1. Their tax shall be determined on their joint Virginia taxable income; or

2331 2. Separate taxes may be determined on their separate Virginia taxable incomes if they so elect.

2332 C. Where ~~husband and wife~~ married individuals have not separately reported and claimed items of
2333 income, exemptions and deductions for federal income tax purposes, and have not elected to file a joint
2334 Virginia income tax return, such items allowable for Virginia income tax purposes shall be allocated and
2335 adjusted as follows:

2336 1. Income shall be allocated to the spouse who earned the income or with respect to whose property
2337 the income is attributable.

2338 2. Allowable deductions with respect to trade, business, production of income, or employment
2339 shall be allocated to the spouse to whom attributable.

2340 3. Nonbusiness deductions, where properly taken for federal income tax purposes, shall be
2341 allowable for Virginia income tax purposes, but shall be allocable between ~~husband and wife~~ married
2342 individuals as they may mutually agree. For this purpose, "nonbusiness deductions" consist of allowable
2343 deductions not described in subdivision 2.

2344 4. Where the standard deduction or low income allowance is properly taken pursuant to subdivision
2345 1 a of § 58.1-322.03, such deduction or allowance shall be allocable between ~~husband and wife~~ married
2346 individuals as they may mutually agree.

2347 5. Personal exemptions properly allowable for federal income tax purposes shall be allocated for
2348 Virginia income tax purposes as husband and wife may mutually agree; however, exemptions for taxpayer
2349 and spouse together with exemptions for old age and blindness must be allocated respectively to the spouse
2350 to whom they relate.

2351 D. Where allocations are permitted to be made under subsection C pursuant to agreement between
2352 ~~husband and wife~~ married individuals, and ~~husband and wife~~ they have failed to agree as to those
2353 allocations, such allocations shall be made between ~~husband and wife~~ them in a manner corresponding to
2354 the treatment for federal income tax purposes of the items involved, under regulations prescribed by the
2355 Department.

2356 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2357 **§ 58.1-326. ~~Husband and wife~~ Married individuals when one nonresident.**

2358 If ~~husband or wife~~ either spouse is a resident and the other spouse is a nonresident, separate taxes
2359 shall be determined on their separate Virginia taxable incomes on such single or separate forms as may be
2360 required by the Department, unless both elect to determine their joint Virginia taxable income as if both
2361 were residents.

2362 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2363 **§ 58.1-339.8. Income tax credit for low-income taxpayers.**

2364 A. As used in this section, unless the context requires otherwise:

2365 "Family Virginia adjusted gross income" means the combined Virginia adjusted gross income of
2366 an individual, the individual's spouse, and any person claimed as a dependent on the individual's or his
2367 spouse's income tax return for the taxable year.

2368 "Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of
2369 Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services
2370 under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

2371 "Virginia adjusted gross income" has the same meaning as the term is defined in § 58.1-321.

2372 B. 1. For taxable years beginning on and after January 1, 2000, any individual or persons filing a
2373 joint return whose family Virginia adjusted gross income does not exceed 100 percent of the poverty

2374 guideline amount corresponding to a household of an equal number of persons as listed in the poverty
2375 guidelines published during such taxable year, shall be allowed a credit against the tax levied pursuant to
2376 § 58.1-320 in an amount equal to \$300 each for the individual, the individual's spouse, and any person
2377 claimed as a dependent on the individual's or married ~~persons'~~ individuals' income tax return for the
2378 taxable year. For any taxable year in which ~~a husband and wife~~ married individuals file separate Virginia
2379 income tax returns, the credit provided under this section shall be allowed against the tax for only one of
2380 such two tax returns. Additionally, the credit provided under this section shall not be allowed against such
2381 tax of a dependent of the individual or of married ~~persons~~ individuals.

2382 2. For taxable years beginning on and after January 1, 2006, any individual or married ~~persons~~
2383 individuals, eligible for a tax credit pursuant to § 32 of the Internal Revenue Code, may for the taxable
2384 year, in lieu of the credit authorized under subdivision B 1, claim a credit against the tax imposed pursuant
2385 to § 58.1-320 in an amount equal to 20 percent of the credit claimed by the individual or married ~~persons~~
2386 individuals for federal individual income taxes pursuant to § 32 of the Internal Revenue Code for the
2387 taxable year. In no case shall a household be allowed a credit pursuant to this subdivision and subdivision
2388 B 1 for the same taxable year.

2389 For purpose of this subdivision, "household" means an individual and in the case of married
2390 ~~persons~~ individuals, the individual and his spouse regardless of whether or not the individual and his
2391 spouse file combined or separate Virginia individual income tax returns.

2392 C. The amount of the credit provided pursuant to subsection B for any taxable year shall not exceed
2393 the individual's or married ~~persons'~~ individuals' Virginia income tax liability.

2394 D. Notwithstanding any other provision of this section, no credit shall be allowed pursuant to
2395 subsection B in any taxable year in which the individual, the individual's spouse, or both, or any person
2396 claimed as a dependent on such individual's or married ~~persons'~~ individuals' income tax return, claims one
2397 or any combination of the following on his or their income tax return for such taxable year:

- 2398 1. The subtraction under subdivision 8 of § 58.1-322.02;
- 2399 2. The subtraction under subdivision 15 of § 58.1-322.02;
- 2400 3. The subtraction under subdivision 16 of § 58.1-322.02;

2401 4. The deduction for the additional personal exemption for blind or aged taxpayers under
2402 subdivision 2 b of § 58.1-322.03; or

2403 5. The deduction under subdivision 5 of § 58.1-322.03.

2404 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2405 **§ 58.1-341. Returns of individuals.**

2406 A. On or before May 1 of each year if an individual's taxable year is the calendar year, or on or
2407 before the fifteenth day of the fourth month following the close of a taxable year other than the calendar
2408 year, an income tax return under this chapter shall be made and filed by or for:

2409 1. Every resident individual, except as provided in § 58.1-321, required to file a federal income
2410 tax return for the taxable year, or having Virginia taxable income for the taxable year;

2411 2. Every nonresident individual having Virginia taxable income for the taxable year, except as
2412 provided in § 58.1-321.

2413 Notwithstanding the foregoing, every member of the armed services of the United States deployed
2414 outside of the United States shall be allowed an automatic extension to file an income tax return. Such
2415 extension shall expire 90 days following the completion of such member's deployment. For purposes of
2416 this section, "the armed services of the United States" includes active duty service with the regular Armed
2417 Forces of the United States or the National Guard or other reserve component.

2418 B. If the federal income tax liability of ~~husband or wife~~ either spouse is determined on a separate
2419 federal return, their Virginia income tax liabilities and returns shall be separate. If the federal income tax
2420 liabilities of ~~husband and wife~~ married individuals (other than ~~a husband and wife~~ married individuals
2421 described in subdivision 2 of subsection A) are determined on a joint federal return, or if neither files a
2422 federal return:

2423 1. They shall file a joint Virginia income tax return, and their tax liabilities shall be joint and
2424 several; or

2425 2. They may elect to file separate Virginia income tax returns if they comply with the requirements
2426 of the Department in setting forth information (whether or not on a single form), in which event their tax
2427 liabilities shall be separate unless such ~~husband and wife~~ married individuals file separately on a combined

2428 return. The election permitted under this subsection may be made or changed at any time within three
2429 years from the last day prescribed by law for the timely filing of the return.

2430 C. If either ~~husband or wife~~ spouse is a resident and the other is a nonresident, they shall file
2431 separate Virginia income tax returns on such single or separate forms as may be required by the
2432 Department, in which event their tax liabilities shall be separate except as provided in subsection D, unless
2433 both elect to determine their joint Virginia taxable income as if both were residents, in which event their
2434 tax liabilities shall be joint and several.

2435 D. If ~~husband and wife~~ married individuals file separate Virginia income tax returns on a single
2436 form pursuant to subsection B or C, and:

2437 1. If the sum of the payments by either spouse, including withheld and estimated taxes, exceeds
2438 the amount of the tax for which such spouse is separately liable, the excess may be applied by the
2439 Department to the credit of the other spouse if the sum of the payments by such other spouse, including
2440 withheld and estimated taxes, is less than the amount of the tax for which such other spouse is separately
2441 liable;

2442 2. If the sum of the payments made by both spouses with respect to the taxes for which they are
2443 separately liable, including withheld and estimated taxes, exceeds the total of the taxes due, refund of the
2444 excess may be made payable to both spouses.

2445 The provisions of this subsection shall not apply if the return of either spouse includes a demand
2446 that any overpayment made by him or her shall be applied only on account of his ~~or her~~ separate liability.

2447 E. The return for any deceased individual shall be made and filed by his executor, administrator,
2448 or other person charged with his property.

2449 F. The return for an individual who is unable to make a return by reason of minority or other
2450 disability shall be made and filed by his guardian, committee, fiduciary or other person charged with the
2451 care of his person or property (other than a receiver in possession of only a part of his property), or by his
2452 duly authorized agent.

2453 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
2454 **make a technical change consistent with Va. Code § 1-216.**

2455 **§ 58.1-344.3. Voluntary contributions of refunds requirements.**

2456 A. 1. For taxable years beginning on and after January 1, 2005, all entities entitled to voluntary
2457 contributions of tax refunds listed in subsections B and C must have received at least \$10,000 in
2458 contributions in each of the three previous taxable years for which there is complete data and in which
2459 such entity was listed on the individual income tax return.

2460 2. In the event that an entity listed in subsections B and C does not satisfy the requirement in
2461 subdivision 1, such entity shall no longer be listed on the individual income tax return.

2462 3. a. The entities listed in subdivisions B 21 and B 22 as well as any other entities in subsections
2463 B and C added subsequent to the 2004 Session of the General Assembly shall not appear on the individual
2464 income tax return until their addition to the individual income tax return results in a maximum of 25
2465 contributions listed on the return. Such contributions shall be added in the order that they are listed in
2466 subsections B and C.

2467 b. Each entity added to the income tax return shall appear on the return for at least three consecutive
2468 taxable years before the requirement in subdivision 1 is applied to such entity.

2469 4. The Department of Taxation shall report annually by the first day of each General Assembly
2470 Regular Session to the chairmen of the House and Senate Finance Committees the amounts collected for
2471 each entity listed under subsections B and C for the three most recent taxable years for which there is
2472 complete data. Such report shall also identify the entities, if any, that will be removed from the individual
2473 income tax return because they have failed the requirements in subdivision 1, the entities that will remain
2474 on the individual income tax return, and the entities, if any, that will be added to the individual income
2475 tax return.

2476 B. Subject to the provisions of subsection A, the following entities entitled to voluntary
2477 contributions shall appear on the individual income tax return and are eligible to receive tax refund
2478 contributions of not less than \$1:

2479 1. Nongame wildlife voluntary contribution.

2480 a. All moneys contributed shall be used for the conservation and management of endangered
2481 species and other nongame wildlife. "Nongame wildlife" includes protected wildlife, endangered and

2482 threatened wildlife, aquatic wildlife, specialized habitat wildlife both terrestrial and aquatic, and mollusks,
2483 crustaceans, and other invertebrates under the jurisdiction of the Board of Game and Inland Fisheries.

2484 b. All moneys shall be deposited into a special fund known as the Game Protection Fund and which
2485 shall be accounted for as a separate part thereof to be designated as the Nongame Cash Fund. All moneys
2486 so deposited in the Nongame Cash Fund shall be used by the Commission of Game and Inland Fisheries
2487 for the purposes set forth herein.

2488 2. Open space recreation and conservation voluntary contribution.

2489 a. All moneys contributed shall be used by the Department of Conservation and Recreation to
2490 acquire land for recreational purposes and preserve natural areas; to develop, maintain, and improve state
2491 park sites and facilities; and to provide funds to local public bodies pursuant to the Virginia Outdoor Fund
2492 Grants Program.

2493 b. All moneys shall be deposited into a special fund known as the Open Space Recreation and
2494 Conservation Fund. The moneys in the fund shall be allocated one-half to the Department of Conservation
2495 and Recreation for the purposes stated in subdivision 2 a and one-half to local public bodies pursuant to
2496 the Virginia Outdoor Fund Grants Program.

2497 3. Voluntary contribution to political party.

2498 All moneys contributed shall be paid to the State Central Committee of any party that meets the
2499 definition of a political party under § 24.2-101 as of July 1 of the previous taxable year. The maximum
2500 contribution allowable under this subdivision shall be \$25. In the case of a joint return of ~~husband and~~
2501 ~~wife~~ married individuals, each spouse may designate that the maximum contribution allowable be paid.

2502 4. United States Olympic Committee voluntary contribution.

2503 All moneys contributed shall be paid to the United States Olympic Committee.

2504 5. Housing program voluntary contribution.

2505 a. All moneys contributed shall be used by the Department of Housing and Community
2506 Development to provide assistance for emergency, transitional, and permanent housing for the homeless;
2507 and to provide assistance to housing for the low-income elderly for the physically or mentally disabled.

2508 b. All moneys shall be deposited into a special fund known as the Virginia Tax Check-off for
2509 Housing Fund. All moneys deposited in the fund shall be used by the Department of Housing and
2510 Community Development for the purposes set forth in this subdivision. Funds made available to the
2511 Virginia Tax Check-off for Housing Fund may supplement but shall not supplant activities of the Virginia
2512 Housing Trust Fund established pursuant to Chapter 9 (§ 36-141 et seq.) of Title 36 or those of the Virginia
2513 Housing Development Authority.

2514 6. Voluntary contributions to the Department for Aging and Rehabilitative Services.

2515 a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services
2516 for the enhancement of transportation services for the elderly and disabled.

2517 b. All moneys shall be deposited into a special fund known as the Transportation Services for the
2518 Elderly and Disabled Fund. All moneys so deposited in the fund shall be used by the Department for
2519 Aging and Rehabilitative Services for the enhancement of transportation services for the elderly and
2520 disabled. The Department for Aging and Rehabilitative Services shall conduct an annual audit of the
2521 moneys received pursuant to this subdivision and shall provide an evaluation of all programs funded
2522 pursuant to this subdivision annually to the Secretary of Health and Human Resources.

2523 7. Voluntary contribution to the Community Policing Fund.

2524 a. All moneys contributed shall be used to provide grants to local law-enforcement agencies for
2525 the purchase of equipment or the support of services, as approved by the Criminal Justice Services Board,
2526 relating to community policing.

2527 b. All moneys shall be deposited into a special fund known as the Community Policing Fund. All
2528 moneys deposited in such fund shall be used by the Department of Criminal Justices Services for the
2529 purposes set forth herein.

2530 8. Voluntary contribution to promote the arts.

2531 All moneys contributed shall be used by the Virginia Arts Foundation to assist the Virginia
2532 Commission for the Arts in its statutory responsibility of promoting the arts in the Commonwealth. All
2533 moneys shall be deposited into a special fund known as the Virginia Arts Foundation Fund.

2534 9. Voluntary contribution to the Historic Resources Fund.

2535 All moneys contributed shall be deposited in the Historic Resources Fund established pursuant to
2536 § 10.1-2202.1.

2537 10. Voluntary contribution to the Virginia Foundation for the Humanities and Public Policy.

2538 All moneys contributed shall be paid to the Virginia Foundation for the Humanities and Public
2539 Policy. All moneys shall be deposited into a special fund known as the Virginia Humanities Fund.

2540 11. Voluntary contribution to the Center for Governmental Studies.

2541 All moneys contributed shall be paid to the Center for Governmental Studies, a public service and
2542 research center of the University of Virginia. All moneys shall be deposited into a special fund known as
2543 the Governmental Studies Fund.

2544 12. Voluntary contribution to the Law and Economics Center.

2545 All moneys contributed shall be paid to the Law and Economics Center, a public service and
2546 research center of George Mason University. All moneys shall be deposited into a special fund known as
2547 the Law and Economics Fund.

2548 13. Voluntary contribution to Children of America Finding Hope.

2549 All moneys contributed shall be used by Children of America Finding Hope (CAFH) in its
2550 programs which are designed to reach children with emotional and physical needs.

2551 14. Voluntary contribution to 4-H Educational Centers.

2552 All moneys contributed shall be used by the 4-H Educational Centers throughout the
2553 Commonwealth for their (i) educational, leadership, and camping programs and (ii) operational and capital
2554 costs. The State Treasurer shall pay the moneys to the Virginia 4-H Foundation in Blacksburg, Virginia.

2555 15. Voluntary contribution to promote organ and tissue donation.

2556 a. All moneys contributed shall be used by the Virginia Transplant Council to assist in its statutory
2557 responsibility of promoting and coordinating educational and informational activities as related to the
2558 organ, tissue, and eye donation process and transplantation in the Commonwealth of Virginia.

2559 b. All moneys shall be deposited into a special fund known as the Virginia Donor Registry and
2560 Public Awareness Fund. All moneys deposited in such fund shall be used by the Virginia Transplant
2561 Council for the purposes set forth herein.

2562 16. Voluntary contributions to the Virginia War Memorial division of the Department of Veterans
2563 Services and the National D-Day Memorial Foundation.

2564 All moneys contributed shall be used by the Virginia War Memorial division of the Department
2565 of Veterans Services and the National D-Day Memorial Foundation in their work through each of their
2566 respective memorials. The State Treasurer shall divide the moneys into two equal portions and pay one
2567 portion to the Virginia War Memorial division of the Department of Veterans Services and the other
2568 portion to the National D-Day Memorial Foundation.

2569 17. Voluntary contribution to the Virginia Federation of Humane Societies.

2570 All moneys contributed shall be paid to the Virginia Federation of Humane Societies to assist in
2571 its mission of saving, caring for, and finding homes for homeless animals.

2572 18. Voluntary contribution to the Tuition Assistance Grant Fund.

2573 a. All moneys contributed shall be paid to the Tuition Assistance Grant Fund for use in providing
2574 monetary assistance to residents of the Commonwealth who are enrolled in undergraduate or graduate
2575 programs in private Virginia colleges.

2576 b. All moneys shall be deposited into a special fund known as the Tuition Assistance Grant Fund.
2577 All moneys so deposited in the Fund shall be administered by the State Council of Higher Education for
2578 Virginia in accordance with and for the purposes provided under the Tuition Assistance Grant Act (§ 23.1-
2579 628 et seq.).

2580 19. Voluntary contribution to the Spay and Neuter Fund.

2581 All moneys contributed shall be paid to the Spay and Neuter Fund for use by localities in the
2582 Commonwealth for providing low-cost spay and neuter surgeries through direct provision or contract or
2583 each locality may make the funds available to any private, nonprofit sterilization program for dogs and
2584 cats in such locality. The Tax Commissioner shall determine annually the total amounts designated on all
2585 returns from each locality in the Commonwealth, based upon the locality that each filer who makes a
2586 voluntary contribution to the Fund lists as his permanent address. The State Treasurer shall pay the
2587 appropriate amount to each respective locality.

2588 20. Voluntary contribution to the Virginia Commission for the Arts.

2589 All moneys contributed shall be paid to the Virginia Commission for the Arts.

2590 21. Voluntary contribution for the Department of Emergency Management.

2591 All moneys contributed shall be paid to the Department of Emergency Management.

2592 22. Voluntary contribution for the cancer centers in the Commonwealth.

2593 All moneys contributed shall be paid equally to all entities in the Commonwealth that officially
2594 have been designated as cancer centers by the National Cancer Institute.

2595 23. Voluntary contribution to the Brown v. Board of Education Scholarship Program Fund.

2596 a. All moneys contributed shall be paid to the Brown v. Board of Education Scholarship Program
2597 Fund to support the work of and generate nonstate funds to maintain the Brown v. Board of Education
2598 Scholarship Program.

2599 b. All moneys shall be deposited into the Brown v. Board of Education Scholarship Program Fund
2600 as established in § 30-231.4.

2601 c. All moneys so deposited in the Fund shall be administered by the State Council of Higher
2602 Education in accordance with and for the purposes provided in Chapter 34.1 (§ 30-231.01 et seq.) of Title
2603 30.

2604 24. Voluntary contribution to the Martin Luther King, Jr. Living History and Public Policy Center.

2605 All moneys contributed shall be paid to the Board of Trustees of the Martin Luther King, Jr. Living
2606 History and Public Policy Center.

2607 25. Voluntary contribution to the Virginia Caregivers Grant Fund.

2608 All moneys contributed shall be paid to the Virginia Caregivers Grant Fund established pursuant
2609 to § 63.2-2202.

2610 26. Voluntary contribution to public library foundations.

2611 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
2612 Tax Commissioner shall determine annually the total amounts designated on all returns for each public
2613 library foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
2614 appropriate amount to the respective public library foundation.

2615 27. Voluntary contribution to Celebrating Special Children, Inc.

2616 All moneys contributed shall be paid to Celebrating Special Children, Inc. and shall be deposited
2617 into a special fund known as the Celebrating Special Children, Inc. Fund.

2618 28. Voluntary contributions to the Department for Aging and Rehabilitative Services.

2619 a. All moneys contributed shall be used by the Department for Aging and Rehabilitative Services
2620 for providing Medicare Part D counseling to the elderly and disabled.

2621 b. All moneys shall be deposited into a special fund known as the Medicare Part D Counseling
2622 Fund. All moneys so deposited shall be used by the Department for Aging and Rehabilitative Services to
2623 provide counseling for the elderly and disabled concerning Medicare Part D. The Department for Aging
2624 and Rehabilitative Services shall conduct an annual audit of the moneys received pursuant to this
2625 subdivision and shall provide an evaluation of all programs funded pursuant to the subdivision to the
2626 Secretary of Health and Human Resources.

2627 29. Voluntary contribution to community foundations.

2628 All moneys contributed pursuant to this subdivision shall be deposited into the state treasury. The
2629 Tax Commissioner shall determine annually the total amounts designated on all returns for each
2630 community foundation and shall report the same to the State Treasurer. The State Treasurer shall pay the
2631 appropriate amount to the respective community foundation. A "community foundation" shall be defined
2632 as any institution that meets the membership requirements for a community foundation established by the
2633 Council on Foundations.

2634 30. Voluntary contribution to the Virginia Foundation for Community College Education.

2635 a. All moneys contributed shall be paid to the Virginia Foundation for Community College
2636 Education for use in providing monetary assistance to Virginia residents who are enrolled in
2637 comprehensive community colleges in Virginia.

2638 b. All moneys shall be deposited into a special fund known as the Virginia Foundation for
2639 Community College Education Fund. All moneys so deposited in the Fund shall be administered by the
2640 Virginia Foundation for Community College Education in accordance with and for the purposes provided
2641 under the Community College Incentive Scholarship Program (former § 23-220.2 et seq.).

2642 31. Voluntary contribution to the Middle Peninsula Chesapeake Bay Public Access Authority.

2643 All moneys contributed shall be paid to the Middle Peninsula Chesapeake Bay Public Access
2644 Authority to be used for the purposes described in § 15.2-6601.

2645 32. Voluntary contribution to the Breast and Cervical Cancer Prevention and Treatment Fund.

2646 All moneys contributed shall be paid to the Breast and Cervical Cancer Prevention and Treatment
2647 Fund established pursuant to § 32.1-368.

2648 33. Voluntary contribution to the Virginia Aquarium and Marine Science Center.

2649 All moneys contributed shall be paid to the Virginia Aquarium and Marine Science Center for use
2650 in its mission to increase the public's knowledge and appreciation of Virginia's marine environment and
2651 inspire commitment to preserve its existence.

2652 34. Voluntary contribution to the Virginia Capitol Preservation Foundation.

2653 All moneys contributed shall be paid to the Virginia Capitol Preservation Foundation for use in its
2654 mission in supporting the ongoing restoration, preservation, and interpretation of the Virginia Capitol and
2655 Capitol Square.

2656 35. Voluntary contribution for the Secretary of Veterans and Defense Affairs.

2657 All moneys contributed shall be paid to the Office of the Secretary of Veterans and Defense Affairs
2658 for related programs and services.

2659 C. Subject to the provisions of subsection A, the following voluntary contributions shall appear on
2660 the individual income tax return and are eligible to receive tax refund contributions or by making payment
2661 to the Department if the individual is not eligible to receive a tax refund pursuant to § 58.1-309 or if the
2662 amount of such tax refund is less than the amount of the voluntary contribution:

2663 1. Voluntary contribution to the Family and Children's Trust Fund of Virginia.

2664 All moneys contributed shall be paid to the Family and Children's Trust Fund of Virginia.

2665 2. Voluntary Chesapeake Bay restoration contribution.

2666 a. All moneys contributed shall be used to help fund Chesapeake Bay and its tributaries restoration
2667 activities in accordance with tributary plans developed pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter
2668 2 of Title 2.2 or the Chesapeake Bay Watershed Implementation Plan submitted by the Commonwealth

2669 of Virginia to the U.S. Environmental Protection Agency on November 29, 2010, and any subsequent
2670 revisions thereof.

2671 b. The Tax Commissioner shall annually determine the total amount of voluntary contributions
2672 and shall report the same to the State Treasurer, who shall credit that amount to a special nonreverting
2673 fund to be administered by the Office of the Secretary of Natural Resources. All moneys so deposited
2674 shall be used for the purposes of providing grants for the implementation of tributary plans developed
2675 pursuant to Article 7 (§ 2.2-215 et seq.) of Chapter 2 of Title 2.2 or the Chesapeake Bay Watershed
2676 Implementation Plan submitted by the Commonwealth of Virginia to the U.S. Environmental Protection
2677 Agency on November 29, 2010, and any subsequent revisions thereof.

2678 c. No later than November 1 of each year, the Secretary of Natural Resources shall submit a report
2679 to the House Committee on Agriculture, Chesapeake and Natural Resources; the Senate Committee on
2680 Agriculture, Conservation and Natural Resources; the House Committee on Appropriations; the Senate
2681 Committee on Finance; and the Virginia delegation to the Chesapeake Bay Commission, describing the
2682 grants awarded from moneys deposited in the fund. The report shall include a list of grant recipients, a
2683 description of the purpose of each grant, the amount received by each grant recipient, and an assessment
2684 of activities or initiatives supported by each grant. The report shall be posted on a website maintained by
2685 the Secretary of Natural Resources, along with a cumulative listing of previous grant awards beginning
2686 with awards granted on or after July 1, 2014.

2687 3. Voluntary Jamestown-Yorktown Foundation Contribution.

2688 All moneys contributed shall be used by the Jamestown-Yorktown Foundation for the Jamestown
2689 2007 quadricentennial celebration. All moneys shall be deposited into a special fund known as the
2690 Jamestown Quadricentennial Fund. This subdivision shall be effective for taxable years beginning before
2691 January 1, 2008.

2692 4. State forests voluntary contribution.

2693 a. All moneys contributed shall be used for the development and implementation of conservation
2694 and education initiatives in the state forests system.

2695 b. All moneys shall be deposited into a special fund known as the State Forests System Fund,
2696 established pursuant to § 10.1-1119.1. All moneys so deposited in such fund shall be used by the State
2697 Forester for the purposes set forth herein.

2698 5. Voluntary contributions to Uninsured Medical Catastrophe Fund.

2699 All moneys contributed shall be paid to the Uninsured Medical Catastrophe Fund established
2700 pursuant to § 32.1-324.2, such funds to be used for the treatment of Virginians sustaining uninsured
2701 medical catastrophes.

2702 6. Voluntary contribution to local school divisions.

2703 a. All moneys contributed shall be used by a specified local public school foundation as created
2704 by and for the purposes stated in § 22.1-212.2:2.

2705 b. All moneys collected pursuant to subdivision 6 a or through voluntary payments by taxpayers
2706 designated for a local public school foundation over refundable amounts shall be deposited into the state
2707 treasury. The Tax Commissioner shall determine annually the total amounts designated on all returns for
2708 each public school foundation and shall report the same to the State Treasurer. The State Treasurer shall
2709 pay the appropriate amount to the respective public school foundation.

2710 c. In order for a public school foundation to be eligible to receive contributions under this section,
2711 school boards must notify the Department during the taxable year in which they want to participate prior
2712 to the deadlines and according to procedures established by the Tax Commissioner.

2713 7. Voluntary contribution to Home Energy Assistance Fund.

2714 All moneys contributed shall be paid to the Home Energy Assistance Fund established pursuant to
2715 § 63.2-805, such funds to be used to assist low-income Virginians in meeting seasonal residential energy
2716 needs.

2717 8. Voluntary contribution to the Virginia Military Family Relief Fund.

2718 a. All moneys contributed shall be paid to the Virginia Military Family Relief Fund for use in
2719 providing assistance to military service personnel on active duty and their families for living expenses
2720 including, but not limited to, food, housing, utilities, and medical services.

2721 b. All moneys shall be deposited into a special fund known as the Virginia Military Family Relief
2722 Fund, established and administered pursuant to § 44-102.2.

2723 9. Voluntary contribution to the Federation of Virginia Food Banks.

2724 All moneys contributed shall be paid to the Federation of Virginia Food Banks, a Partner State
2725 Association of Feeding America. The Federation of Virginia Food Banks shall as soon as practicable make
2726 an equitable distribution of all such moneys to the Blue Ridge Area Food Bank, Capital Area Food Bank,
2727 Feeding America Southwest Virginia, FeedMore, Inc., Foodbank of Southeastern Virginia and the Eastern
2728 Shore, Fredericksburg Area Food Bank, or Virginia Peninsula Foodbank.

2729 The Secretary of Finance may request records or receipts of all distributions by the Federation of
2730 Virginia Food Banks of such moneys contributed for purposes of ensuring compliance with the
2731 requirements of this subdivision.

2732 D. Unless otherwise specified and subject to the requirements in § 58.1-344.2, all moneys collected
2733 for each entity in subsections B and C shall be deposited into the state treasury. The Tax Commissioner
2734 shall determine annually the total amount designated for each entity in subsections B and C on all
2735 individual income tax returns and shall report the same to the State Treasurer, who shall credit that amount
2736 to each entity's respective special fund.

2737 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2738 **§ 58.1-344.4. Voluntary contributions of refunds into Virginia College Savings Plan accounts.**

2739 A. If an individual is entitled to an income tax refund for the taxable year, that individual may
2740 designate on his Virginia individual income tax return a contribution to one or more Virginia College
2741 Savings Plan accounts established under Chapter 7 (§ 23.1-700 et seq.) of Title 23.1, in the amount of the
2742 entire individual income tax refund or a portion thereof.

2743 B. 1. The Department of Taxation shall send each contribution made pursuant to subsection A to
2744 the Virginia College Savings Plan with the following information:

2745 a. The amount of the individual income tax refund or that portion of the refund that the individual
2746 has chosen to contribute;

2747 b. The taxpayer's name, Social Security number or taxpayer identification number, address, and
2748 telephone number; and

2749 c. The Virginia College Savings Plan account number or numbers into which the contributions will
2750 be deposited.

2751 2. If a contribution to a Virginia College Savings Plan account is designated in an individual
2752 income tax return filed jointly by ~~a husband and wife~~ married individuals, the Department of Taxation
2753 shall send the information described in subdivision 1 for both ~~the husband and wife~~ spouses to the Virginia
2754 College Savings Plan.

2755 C. 1. If the taxpayer owns a single Virginia College Savings Plan account, the Virginia College
2756 Savings Plan shall deposit the contribution made pursuant to subsection A into that account.

2757 2. If the taxpayer owns more than one Virginia College Savings Plan account, the Virginia College
2758 Savings Plan shall allocate the contribution made pursuant to subsection A between or among the accounts
2759 in equal amounts, or as otherwise designated by the taxpayer.

2760 3. If the taxpayer does not own an existing Virginia College Savings Plan account and does not
2761 wish to open an account, contributions made pursuant to subsection A shall be returned to the taxpayer by
2762 the Virginia College Savings Plan.

2763 D. For the purpose of determining interest on an overpayment or refund under § 58.1-1833, no
2764 interest shall accrue after the Department of Taxation sends the contribution to the Virginia College
2765 Savings Plan.

2766 E. Any taxpayer designating that a refund be contributed to a Virginia College Savings Plan
2767 account shall, by making such designation, be deemed to authorize the Department of Taxation to provide
2768 all necessary information, including the information specified in subdivision B 1, to the Virginia College
2769 Savings Plan.

2770 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2771 **§ 58.1-490. Declarations of estimated tax.**

2772 A. Every resident and nonresident individual shall make a declaration of his estimated tax for every
2773 taxable year, if his Virginia tax liability can reasonably be expected to exceed an amount, to be determined

2774 under regulations promulgated by the Tax Commissioner, which takes into account the additions,
2775 subtractions, and deductions set forth in §§ 58.1-322.01, 58.1-322.02, 58.1-322.03, and 58.1-322.04, the
2776 credits set forth in Articles 3 (§ 58.1-332 et seq.) and 13.2 (§ 58.1-439.18 et seq.), and the filing exclusions
2777 set forth in § 58.1-321. Every estate with respect to any taxable year ending two or more years after the
2778 date of death of the decedent and every trust shall make a declaration of its estimated tax for every taxable
2779 year, if its Virginia taxable income can reasonably be expected to exceed the amount specified by
2780 regulation for individuals as set forth above.

2781 B. For purposes of this article, "estimated tax" means the amount which an individual estimates to
2782 be his income tax under this chapter for the taxable year, less the amount which he estimates to be the sum
2783 of any credits allowable against the tax.

2784 C. For purposes of this section, the declaration shall be the first voucher.

2785 D. In the case of ~~a husband and wife~~ married individuals, a single declaration under this section
2786 may be made by them jointly, in which case the liability with respect to the estimated tax shall be joint
2787 and several. No joint declaration may be made if either ~~the husband or the wife~~ spouse is a nonresident of
2788 the Commonwealth unless both are required by this chapter to file a return, if they are separated under a
2789 decree of divorce or of separate maintenance, or if they have different taxable years. If a joint declaration
2790 is made but a joint return is not made for the taxable year, the estimated tax for such year may be treated
2791 as the estimated tax of either ~~the husband or the wife~~ spouse, or may be divided between them.

2792 E. A declaration of estimated tax of an individual other than a farmer, fisherman, or merchant
2793 seaman shall be filed on or before May 1 of the taxable year, except that if the requirements of subsection
2794 A are first met:

2795 1. The declaration shall be filed on or before June 15; or

2796 2. After June 1 and before September 2 of the taxable year, the declaration shall be filed on or
2797 before September 15; or

2798 3. After September 1 of the taxable year, the declaration shall be filed on or before January 15 of
2799 the succeeding year.

2800 F. A declaration of estimated tax of an individual having an estimated gross income from (i)
2801 farming (including oyster farming); (ii) fishing; or (iii) working as a merchant seaman for the taxable year,
2802 which is at least two-thirds of his total estimated gross income for the taxable year, may be filed at any
2803 time on or before January 15 of the succeeding year, in lieu of the time otherwise prescribed.

2804 G. A declaration of estimated tax of an individual having a total estimated tax for the taxable year
2805 of \$40 or less may be filed at any time on or before January 15 of the succeeding year under regulations
2806 of the Tax Commissioner.

2807 H. An individual may amend a declaration under regulations of the Tax Commissioner.

2808 I. If on or before March 1 of the succeeding taxable year an individual files his return for the
2809 taxable year for which the declaration is required, and pays therewith the full amount of the tax shown to
2810 be due on the return:

2811 1. Such return shall be considered as his declaration if no declaration was required to be filed
2812 during the taxable year, but is otherwise required to be filed on or before January 15.

2813 2. Such return shall be considered as the amendment permitted by subsection H to be filed on or
2814 before January 15 if the tax shown on the return is greater than the estimated tax shown in a declaration
2815 previously made.

2816 J. This section shall apply to a taxable year other than a calendar year by the substitution of the
2817 months of such fiscal year for the corresponding months specified in this section.

2818 K. An individual having a taxable year of less than 12 months shall make a declaration in
2819 accordance with regulations of the Tax Commissioner.

2820 L. The declaration of estimated tax for an individual who is unable to make a declaration by reason
2821 of any disability shall be made and filed by his guardian, committee, fiduciary or other person charged
2822 with the care of his person or property (other than a receiver in possession of only a part of his property),
2823 or by his duly authorized agent.

2824 M. The declaration of estimated tax for a trust or estate shall be made by the fiduciary. For purposes
2825 of the estimated tax imposed in this article, any reference to an "individual" shall be deemed to include
2826 the fiduciary required to file a declaration for a trust or estate. Any overpayment of estimated tax with

2827 respect to any trust or estate shall be refunded to the fiduciary. A beneficiary of a trust or estate shall not
2828 be entitled to a credit against the beneficiary's individual income tax for any overpayment of estimated tax
2829 by a trust or estate.

2830 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2831 **§ 58.1-499. Refunds to individual taxpayers; crediting overpayment against estimated tax for**
2832 **ensuing year.**

2833 A. In the case of any overpayment of any tax, addition to tax, interest or penalties imposed on an
2834 individual income taxpayer by this chapter, whether by reason of excessive withholding, overestimating
2835 and overpaying estimated tax, error on the part of the taxpayer, or an erroneous assessment of tax, the Tax
2836 Commissioner shall order a refund of the amount of the overpayment to the taxpayer. The overpayment
2837 shall be refunded out of the state treasury on the order of the Tax Commissioner upon the Comptroller.

2838 B. If a refund of an overpayment of individual income tax payments is made payable jointly to ~~a~~
2839 ~~husband and wife~~ married individuals who receive a final divorce decree after filing a joint income tax
2840 return, separate income tax returns on a single form, an amendment thereto, or other claim resulting in the
2841 issuance of a refund, the Tax Commissioner shall order the reissuance of the refund in separate checks to
2842 ~~the husband and to the wife~~ each spouse if the unnegotiated joint refund check is returned to Department
2843 with a certification, in a form satisfactory to the Department, made by one spouse that the other spouse
2844 refuses to endorse the joint refund check or cannot be located. In making such certification, the spouse
2845 returning the check shall agree to indemnify the Commonwealth for any amounts that the Commonwealth
2846 may be required to pay to the other spouse with respect to such refund. A certified copy of the final divorce
2847 decree, including any agreement with respect to the division of property between the spouses, shall be
2848 provided with the certification. If the final divorce decree addresses the apportionment or ownership of
2849 the refunded amount, the refund shall be apportioned and separate payments ordered as provided therein.
2850 If the final divorce decree does not address the apportionment or ownership of the refunded amount, the
2851 amount of the refund shall be divided equally between the ~~husband and wife~~ spouses. The reissuance of
2852 refund payments pursuant to this subsection shall not affect the joint and several liability of the ~~husband~~
2853 ~~and wife~~ spouses for tax liabilities for the period for which the return or returns were filed.

2854 C. Whenever the annual income tax return of an individual income taxpayer indicates in the place
2855 provided thereon that the taxpayer has overpaid his tax for the taxable year by reason of excessive
2856 withholding or overestimating and overpaying estimated tax, or both, the amount of the overpayment as
2857 shown on his return, subject to correction for error, may be credited against the estimated income tax for
2858 the ensuing year at the taxpayer's election and according to regulations prescribed by the Department and
2859 such overpayments by either ~~a husband or wife~~ spouse on a separate return may be credited to the tax for
2860 the ensuing year of either of them or may be credited to their joint tax at the election of the person to
2861 whom the overpayment is payable; or otherwise such amount shall be refunded to him as soon as
2862 practicable. Interest on such refund shall be allowed and computed in accordance with § 58.1-1833. The
2863 making of any refund shall not absolve any taxpayer of any income tax liability which may in fact exist
2864 and the Tax Commissioner may make an assessment for any deficiency in the manner provided by law.

2865 D. No refund under this section, however, shall be made for any overpayment of less than one
2866 dollar except on special written application of the taxpayer, nor shall any refund of any amount under this
2867 section be made, whether on discovery by the Department or on written application of the taxpayer, if
2868 such discovery is not made or such written application is not received within three years from the last day
2869 prescribed by law for the timely filing of the return, or within sixty days from the final determination of
2870 any change or correction in the liability of the taxpayer for any federal tax upon which the state tax is
2871 based, whichever is later.

2872 E. Notwithstanding the provisions of the Setoff Debt Collection Act, Article 21 (§ 58.1-520 et
2873 seq.) of this chapter, whenever any taxpayer is entitled to a refund under this section, or under § 58.1-309
2874 or §§ 58.1-1821 through 58.1-1830 and such taxpayer owes the Commonwealth a past due income tax, or
2875 balance thereof, for any year, the amount of such refund may be credited on such past due income tax or
2876 balance, to the extent indicated.

2877 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

2878 **§ 58.1-520. (Contingent expiration) Definitions.**

2879 As used in this article:

2880 "Claimant agency" means any administrative unit of state, county, city or town government,
2881 including department, institution, commission, authority, or the office of Executive Secretary of the
2882 Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and
2883 institutions shall participate in the setoff program.

2884 "Debtor" means any individual having a delinquent debt or account with any claimant agency
2885 which obligation has not been satisfied by court order, set aside by court order, or discharged in
2886 bankruptcy.

2887 "Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution
2888 ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines
2889 which have accrued through contract, subrogation, tort, operation of law, or any other legal theory
2890 regardless of whether there is an outstanding judgment for that sum which is legally collectible and for
2891 which a collection effort has been or is being made.

2892 "Mailing date of notice" means the date of notice appearing thereon.

2893 "Refund" means any individual's Virginia state or local income tax refund payable pursuant to §
2894 58.1-309. This term also includes any refund belonging to a debtor resulting from the filing of a joint
2895 income tax return or a refund belonging to a debtor resulting from the filing of a return where ~~husband~~
2896 ~~and wife~~ married individuals have elected to file a combined return and separately state their Virginia
2897 taxable incomes under the provisions of § 58.1-324 B 2.

2898 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2899 **§ 58.1-520. (Contingent effective date) Definitions.**

2900 As used in this article:

2901 "Claimant agency" means any administrative unit of state, county, city or town government,
2902 including department, institution, commission, authority, or the office of Executive Secretary of the
2903 Supreme Court, any circuit or district court and the Internal Revenue Service. All state agencies and
2904 institutions shall participate in the setoff program.

2905 "Debtor" means any individual having a delinquent debt or account with any claimant agency
2906 which obligation has not been satisfied by court order, set aside by court order, or discharged in
2907 bankruptcy.

2908 "Delinquent debt" means any liquidated sum due and owing any claimant agency, or any restitution
2909 ordered paid to a clerk of the court pursuant to Title 19.2, including any amount of court costs or fines
2910 which have accrued through contract, subrogation, tort, operation of law, or any other legal theory
2911 regardless of whether there is an outstanding judgment for that sum which is legally collectible and for
2912 which a collection effort has been or is being made.

2913 "Mailing date of notice" means the date of notice appearing thereon.

2914 "Refund" means any individual's (i) Virginia state or local income tax refund payable pursuant to
2915 § 58.1-309 or (ii) federal income tax refund payable pursuant to § 6402 of the Internal Revenue Code.
2916 This term also includes any refund belonging to a debtor resulting from the filing of a joint income tax
2917 return or a refund belonging to a debtor resulting from the filing of a return where ~~husband and wife~~
2918 married individuals have elected to file a combined return and separately state their Virginia taxable
2919 incomes under the provisions of § 58.1-324 B 2.

2920 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2921 **§ 58.1-810. What other deeds not taxable.**

2922 When the tax has been paid at the time of the recordation of the original deed, no additional
2923 recordation tax shall be required for admitting to record:

- 2924 1. A deed of confirmation;
- 2925 2. A deed of correction;
- 2926 3. A deed to which ~~a husband and wife~~ married individuals are the only parties;
- 2927 4. A deed arising out of a contract to purchase real estate; if the tax already paid is less than a
2928 proper tax based upon the full amount of consideration or actual value of the property involved in the
2929 transaction, an additional tax shall be paid based on the difference between the full amount of such
2930 consideration or actual value and the amount on which the tax has been paid; or
- 2931 5. A notice of assignment of a note secured by a deed of trust or mortgage.

2932 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2933 **§ 58.1-3210. Exemption or deferral of taxes on property of certain elderly and handicapped**
2934 **persons.**

2935 A. The governing body of any county, city or town may, by ordinance, provide for the exemption
2936 from, deferral of, or a combination program of exemptions from and deferrals of taxation of real estate
2937 and manufactured homes as defined in § 36-85.3, or any portion thereof, and upon such conditions and in
2938 such amount as the ordinance may prescribe. Such real estate shall be owned by, and be occupied as the
2939 sole dwelling of anyone at least 65 years of age or if provided in the ordinance, anyone found to be
2940 permanently and totally disabled as defined in § 58.1-3217. Such ordinance may provide for the exemption
2941 from or deferral of that portion of the tax which represents the increase in tax liability since the year such
2942 taxpayer reached the age of 65 or became disabled, or the year such ordinance became effective, whichever
2943 is later. A dwelling jointly held by ~~a husband and wife~~ married individuals, with no other joint owners,
2944 may qualify if either spouse is 65 or over or is permanently and totally disabled, and the proration of the
2945 exemption or deferral under § 58.1-3211.1 shall not apply for such dwelling.

2946 B. For purposes of this section, "eligible person" means a person who is at least age 65 or, if
2947 provided in the ordinance pursuant to subsection A, permanently and totally disabled. Under subsection
2948 A, real property owned and occupied as the sole dwelling of an eligible person includes real property (i)
2949 held by the eligible person alone or in conjunction with his spouse as tenant or tenants for life or joint
2950 lives, (ii) held in a revocable inter vivos trust over which the eligible person or the eligible person and his
2951 spouse hold the power of revocation, or (iii) held in an irrevocable trust under which an eligible person
2952 alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a
2953 continuing right of use or support. The term "eligible person" does not include any interest held under a
2954 leasehold or term of years.

2955 C. For purposes of this article, any reference to real estate shall include manufactured homes.

2956 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2957 **§ 58.1-3211.1. Prorated tax exemption or deferral of tax.**

2958 A. The governing body of the county, city, or town may, by ordinance, also provide for an
2959 exemption from or deferral of (or combination program thereof) real estate taxes for dwellings jointly held
2960 by two or more individuals not all of whom are at least age 65 or (if provided in the ordinance) permanently
2961 and totally disabled, provided that the dwelling is occupied as the sole dwelling by all such joint owners.

2962 The tax exemption or deferral for the dwelling that otherwise would have been provided under the
2963 local ordinance shall be prorated by multiplying the amount of the exemption or deferral by a fraction that
2964 has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who
2965 are at least age 65 or (if provided in the ordinance) permanently and totally disabled, and as a denominator,
2966 100%. As a condition of eligibility for such tax exemption or deferral, the joint owners of the dwelling
2967 shall be required to furnish to the relevant local officer sufficient evidence of each joint owner's ownership
2968 interest in the dwelling.

2969 B. For purposes of this subsection, "eligible person" means a person who is at least age 65 or, if
2970 provided in the ordinance pursuant to subsection A, permanently and totally disabled. For purposes of the
2971 tax exemption pursuant to subsection A, real property that is a dwelling jointly held by two or more
2972 individuals includes real property (i) held by an eligible person in conjunction with one or more other
2973 people as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which an
2974 eligible person with one or more other people hold the power of revocation, or (iii) held in an irrevocable
2975 trust under which an eligible person in conjunction with one or more other people possesses a life estate
2976 or an estate for joint lives or enjoys a continuing right of use or support. The term "eligible person" does
2977 not include any interest held under a leasehold or term of years.

2978 C. The provisions of this section shall not apply to dwellings jointly held by ~~a husband and wife~~
2979 married individuals, with no other joint owners.

2980 D. Nothing in this section shall be interpreted or construed to provide for an exemption from or
2981 deferral of tax for any dwelling jointly held by nonindividuals.

2982 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

2983 **§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.**

2984 A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for
2985 tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the
2986 real property, including the joint real property of ~~husband and wife~~ married individuals, of any veteran
2987 who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal
2988 law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real
2989 property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011,
2990 and he has a qualified primary residence on the date of the rating, then the exemption for him under this
2991 section begins on the date of such rating. However, no county, city, or town shall be liable for any interest
2992 on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written
2993 statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011,
2994 then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a
2995 refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

2996 B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also
2997 qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the
2998 surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his
2999 principal place of residence.

3000 C. A county, city, or town shall provide for the exemption from real property taxes the qualifying
3001 dwelling pursuant to this section and shall provide for the exemption from real property taxes the land,
3002 not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an
3003 exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§
3004 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of
3005 acres pursuant to this section. If the veteran owns a house that is his residence, including a manufactured
3006 home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility
3007 have been removed, such house or manufactured home shall be exempt even if the veteran does not own
3008 the land on which the house or manufactured home is located. If such land is not owned by the veteran,
3009 then the land is not exempt. A real property improvement other than a dwelling, including the land upon
3010 which such improvement is situated, made to such one acre or greater number of acres exempt from

3011 taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the
3012 improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified
3013 in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.

3014 D. For purposes of this exemption, real property of any veteran includes real property (i) held by
3015 a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii)
3016 held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power
3017 of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his
3018 spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The
3019 term does not include any interest held under a leasehold or term of years.

3020 The exemption for a surviving spouse under subsection B includes real property (a) held by the
3021 veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse
3022 holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse
3023 possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any
3024 interest held under a leasehold or term of years.

3025 E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding
3026 the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an
3027 ownership interest in the property that permits them to occupy the property, then the tax exemption for
3028 the property that otherwise would have been provided shall be prorated by multiplying the amount of the
3029 exemption by a fraction that has as a numerator the number of people who are qualified for the exemption
3030 pursuant to this section and has as a denominator the total number of all people having an ownership
3031 interest that permits them to occupy the property.

3032 2. In the event that the primary residence is jointly owned by two or more individuals, not all of
3033 whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption
3034 under this section by virtue of holding the property in any of the three ways set forth in subsection D, then
3035 the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that
3036 has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who
3037 qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

3038 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones. It**

3039 **should be noted that Art. X, § 6-A of the Constitution of Virginia uses the term "husband and wife."**

3040 **§ 58.1-3219.6. Application for exemption.**

3041 The veteran or surviving spouse claiming the exemption under this article shall file with the
3042 commissioner of the revenue of the county, city, or town or such other officer as may be designated by
3043 the governing body in which the real property is located, on forms to be supplied by the county, city, or
3044 town, an affidavit or written statement (i) setting forth the name of the disabled veteran and the name of
3045 the spouse, if any, also occupying the real property, (ii) indicating whether the real property is jointly
3046 owned by ~~a husband and wife~~ married individuals, and (iii) certifying that the real property is occupied as
3047 the veteran's principal place of residence. The veteran shall also provide documentation from the U.S.
3048 Department of Veterans Affairs or its successor agency indicating that the veteran has a 100 percent
3049 service-connected, permanent, and total disability. The veteran shall be required to refile the information
3050 required by this section only if the veteran's principal place of residence changes. In the event of a
3051 surviving spouse of a veteran claiming the exemption, the surviving spouse shall also provide
3052 documentation that the veteran's death occurred on or after January 1, 2011.

3053 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones. It**

3054 **should be noted that Art. X, § 6-A of the Constitution of Virginia uses the term "husband and wife."**

3055 **§ 58.1-3343. Effect of lien on certain real estate jointly owned.**

3056 The lien on real estate owned by more than one person as tenants in common, joint tenants or
3057 otherwise for the payment of all prior, present and subsequent taxes and levies or assessments thereof,
3058 including any tax, levy, or assessment authorized under § 58.1-3712, 58.1-3713, 58.1-3713.4, or 58.1-
3059 3741, shall not be impaired if such real estate was or is assessed in the name of one of such owners with
3060 the notation, "and another," or "and others," or "and wife," or "and husband," or "and spouse," or the
3061 appropriate abbreviations of such words, or their legal equivalents, so as to indicate that the real estate
3062 was or is owned by more than one person.

3063 **Drafting note: Amendment adds gender-neutral terms to existing gender-specific ones.**

§ 58.1-3506.1. Other classification for taxation of certain tangible personal property owned by certain elderly and handicapped persons.

The governing body of any county, city or town may, by ordinance, levy a tax on one motor vehicle owned and used primarily by or for anyone at least 65 years of age or anyone found to be permanently and totally disabled, as defined in § 58.1-3506.3, at a different rate from the tax levied on other tangible personal property, upon such conditions as the ordinance may prescribe. Such rate shall not exceed the tangible personal property tax on the general class of tangible personal property. For purposes of this article, the term motor vehicle shall include only automobiles and pickup trucks. Any such motor vehicle owned by ~~a husband and wife~~ married individuals may qualify if either spouse is 65 or over or if either spouse is permanently and totally disabled. Notwithstanding any other provision of this section or article, for any automobile or pickup truck that is (i) a qualifying vehicle, as such term is defined in § 58.1-3523, and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 of this title for providing tangible personal property tax relief, the rate of tax levied pursuant to this article shall not exceed the rates of tax and rates of assessment required under such chapter.

Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.

§ 58.1-3506.2. Restrictions and conditions.

Any difference in the rates for purposes of this section shall be subject to the following restrictions and conditions:

1. The total combined income received, excluding the first \$7,500 of income, at the option of the local government, from all sources during the preceding calendar year by the owner of the motor vehicle shall not exceed the greater of \$30,000 or the income limits based on family size for the respective metropolitan statistical area, annually published by the Department of Housing and Urban Development for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. § 1715z).

2. The owner's net financial worth, including the present value of all equitable interests, as of December 31 of the immediately preceding calendar year, excluding the value of the principal residence

3091 and the land, not exceeding one acre, upon which it is situated, shall not exceed \$75,000. The local
3092 government may also exclude such furnishings as furniture, household appliances and other items
3093 typically used in a home.

3094 3. Notwithstanding the provisions of subdivisions 1 and 2 of this section, in Fairfax County and
3095 any town adjacent thereto, Arlington County, Chesterfield County, Loudoun County, and Prince William
3096 County, or the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Manassas, Manassas Park,
3097 Portsmouth, Suffolk or Virginia Beach, or the Town of Leesburg, the board of supervisors or council may,
3098 by ordinance, raise the income and financial worth limitations for any reductions under this article to a
3099 maximum of the greater of \$52,000 or the income limits based upon family size for the respective
3100 metropolitan statistical area, published annually by the Department of Housing and Urban Development
3101 for qualifying for federal housing assistance pursuant to § 235 of the National Housing Act (12 U.S.C. §
3102 1715z), for the total combined income amount, and \$195,000 for the maximum net financial worth amount
3103 which shall exclude the value of the principal residence and the land, not exceeding one acre, upon which
3104 it is located.

3105 4. All income and net worth limitations shall be computed by aggregating the income and assets,
3106 as the case may be, of ~~a husband and wife~~ married individuals who reside in the same dwelling and shall
3107 be applied to any owner of the motor vehicle who seeks the benefit of the preferential tax rate permitted
3108 under this article, irrespective of how such motor vehicle may be titled.

3109 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3110 **§ 59.1-332. Conditions on offering items as an inducement to execute.**

3111 A. It is unlawful for any person by any means, as part of an advertising program, to offer any item
3112 of value as an inducement to the recipient to visit a membership camping operator's campground, attend
3113 a sales presentation or contact a salesperson, unless the person clearly discloses in writing in the offer in
3114 readily understandable language each of the following:

3115 1. The name and campground address of the membership camping operator.

3116 2. A general statement that the advertising program is being conducted by a membership camping
3117 operator and the purpose of any requested visit.

3118 3. A statement of odds, in arabic numerals, of receiving each item offered.

3119 4. The approximate retail value of each item offered.

3120 5. The number of campgrounds that are participating in such advertising program.

3121 6. The restrictions, qualifications and other conditions that must be satisfied before the recipient is
3122 entitled to receive the item, including:

3123 a. Any deadline, if any, by which the recipient must visit the campground, attend the sales
3124 presentation or contact a salesperson in order to receive the item.

3125 b. The approximate duration of any visit and sales presentation.

3126 c. The date upon which the offer shall terminate and the final date upon which the gifts or prizes
3127 are to be awarded.

3128 d. Any other conditions, such as minimum age qualification, a financial qualification or a
3129 requirement that if the recipient is married both ~~husband and wife~~ spouses must be present in order to
3130 receive the item.

3131 7. A statement that the membership camping operator reserves the right to provide a rain check or
3132 a substitute or like item, if these rights are reserved.

3133 8. All other material rules, terms and conditions of the offer or program.

3134 B. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
3135 of the person, to offer any item if the person knows or has reason to know that the offered item will not
3136 be available in a sufficient quantity based on the reasonably anticipated response to the offer.

3137 C. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
3138 of the person, to fail to provide any offered item which any recipient who has responded to the offer in
3139 the manner specified in the offer, has performed the requirements disclosed in the offer and has met the
3140 qualifications described in the offer is entitled to receive, unless the offered item is not reasonably
3141 available and the offer discloses the reservation of a right to provide a rain check or a like or substitute
3142 item if the offered item is unavailable.

3143 D. If the person making an offer subject to subsection A is unable to provide an offered item
3144 because of limitations of supply, quantity or quality not reasonably foreseeable or controllable by the

3145 person making the offer, the person making the offer shall inform the recipient of the recipient's right to
3146 receive a rain check for the item offered, unless the person making the offer knows or has a reasonable
3147 basis for knowing that the item will not be reasonably available at approximately the same price to the
3148 person making the offer, and shall inform the recipient of the recipient's right to at least one of the
3149 following additional options:

3150 1. The person making the offer will provide a like item of equivalent or greater retail value or a
3151 rain check for the item. This option must be offered if the offered item is not reasonably available.

3152 2. The person making the offer will provide a substitute item of equivalent or greater retail value.

3153 3. The person making the offer will provide a rain check for a like or substitute item.

3154 E. If a rain check is provided, the person making an offer subject to subsection A shall, within a
3155 reasonable time, and in any event not more than ninety days after the rain check is provided, deliver the
3156 agreed item to the recipient's address without additional cost or obligation to the recipient, unless the item
3157 for which the rain check is provided remains unavailable because of limitations of supply, quantity or
3158 quality not reasonably foreseeable or controllable by the person making the offer. If the item is unavailable
3159 for these reasons, the person shall, not more than thirty days after the expiration of the aforesaid ninety-
3160 day period, deliver a like item of equal or greater retail value or, if the item is not reasonably available to
3161 the person at approximately the same price, a substitute item of equal or greater retail value.

3162 F. On the written request of a recipient who has received or claims a right to receive any offered
3163 item, the person making an offer subject to subsection A shall furnish to the recipient sufficient evidence
3164 showing that the item provided matches the item randomly or otherwise selected for distribution to that
3165 recipient.

3166 G. It is unlawful for any person making an offer subject to subsection A, or any employee or agent
3167 of the person, to:

3168 1. Misrepresent the size, quantity, identity or quality of any prize, gift, money or other item of
3169 value offered.

3170 2. Misrepresent in any manner the odds of receiving any particular gift, prize, amount of money
3171 or other item of value.

3172 3. Label any offer a "notice of termination" or "notice of cancellation."

3173 4. Materially misrepresent, in any manner, the offer, or program.

3174 H. If any provision of this section is in conflict with the provisions of the Prizes and Gifts Act (§
3175 59.1-415 et seq.), the provisions of the Prizes and Gifts Act shall control.

3176 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3177 **§ 63.2-510. Obligation of person to support certain children living in same home; penalty.**

3178 A person shall be responsible for the support and maintenance of any child or children living in
3179 the same home in which he and the natural or adoptive parent of such child or children cohabit as ~~man~~
3180 ~~and wife~~ spouses and any such person who without cause willfully neglects or refuses or fails to provide
3181 for such support and maintenance shall be guilty of a misdemeanor and upon conviction shall be punished
3182 in accordance with the provisions of § 20-61.

3183 A pregnancy or the birth of a child during the time a person occupies the status set out above shall
3184 not be required as proof of cohabitation.

3185 The obligations imposed herein shall continue so long as such person occupies the status herein
3186 described.

3187 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3188 **§ 63.2-1201. Filing of petition for adoption; venue; jurisdiction; and proceedings.**

3189 Proceedings for the adoption of a minor child and for a change of name of such child shall be
3190 instituted only by petition to a circuit court in the county or city in which the petitioner resides, in the
3191 county or city in which the child-placing agency that placed the child is located, or in the county or city
3192 in which a birth parent executed a consent pursuant to § 63.2-1233. Such petition may be filed by any
3193 natural person who resides in the Commonwealth, or who has custody of a child placed by a child-placing
3194 agency of the Commonwealth, or by an adopting parent of a child who was subject to a consent proceeding
3195 held pursuant to § 63.2-1233, or by intended parents who are parties to a surrogacy contract. The petition
3196 shall ask leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the
3197 petitioner, also to change the name of such child. In the case of married persons, or persons who were
3198 previously married who are permitted to adopt a child under § 63.2-1201.1, the petition shall be the joint

3199 petition of the ~~husband and wife~~ spouses or former spouses but, in the event the child to be adopted is
3200 legally the child by birth or adoption of one of the petitioners, such petitioner shall unite in the petition
3201 for the purpose of indicating consent to the prayer thereof only. If any procedural provision of this chapter
3202 applies to only one of the adoptive parents, then the court may waive the application of the procedural
3203 provision for the spouse of the adoptive parent to whom the provision applies. The petition shall contain
3204 a full disclosure of the circumstances under which the child came to live, and is living, in the home of the
3205 petitioner. Each petition for adoption shall be signed by the petitioner as well as by counsel of record, if
3206 any. In any case in which the petition seeks the entry of an adoption order without referral for investigation,
3207 the petition shall be under oath.

3208 A single petition for adoption under the provisions of this section shall be sufficient for the
3209 concurrent adoption by the same petitioners of two or more children who have the same birth parent or
3210 parents, and nothing in this section shall be construed as having heretofore required a separate petition for
3211 each of such children.

3212 The petition for adoption, except those filed pursuant to subdivisions 5 and 6 of § 63.2-1210, shall
3213 include an additional \$50 filing fee that shall be used to fund the Virginia Birth Father Registry established
3214 in Article 7 (§ 63.2-1249 et seq.) of this chapter.

3215 A petition filed while the child is under 18 years of age shall not become invalid because the child
3216 reaches 18 years of age prior to the entry of a final order of adoption. Any final order of adoption entered
3217 pursuant to § 63.2-1213 after a child reaches 18 years of age, where the petition was filed prior to the child
3218 turning 18 years of age, shall have the same effect as if the child was under 18 years of age at the time the
3219 order was entered by the circuit court provided the court has obtained the consent of the adoptee.

3220 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3221 **§ 63.2-1201.1. Previously married persons who stood in loco parentis during the time of the**
3222 **marriage may adopt in the same manner as married persons.**

3223 A. ~~A man and woman~~ Persons previously married to each other who stood in loco parentis to a
3224 child during their marriage to each other, and who could have adopted or readopted the child pursuant to
3225 this chapter while married to each other, but whose marriage is void, has been annulled or has dissolved,

3226 may adopt or readopt the child pursuant to the provisions in this chapter that are applicable to married
3227 persons.

3228 B. An individual previously married to a parent of a child by birth or adoption, and who stood in
3229 loco parentis to that child during the marriage, and who could have adopted the child pursuant to § 63.2-
3230 1241 during the marriage, may, with the consent of the prior spouse who is a parent of the child by birth
3231 or adoption, adopt the child, after the marriage has been dissolved, annulled or voided, pursuant to the
3232 provisions of this chapter that are applicable to step-parents.

3233 C. Any person or persons seeking to adopt or readopt pursuant to this section may be permitted to
3234 do so even if they have remarried.

3235 D. Nothing in this section shall be construed to permit any child to have more than two living
3236 parents by birth or adoption, who have legal rights and obligations in respect to the child, ~~in the form of~~
3237 ~~one father and one mother.~~

3238 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3239 **§ 63.2-1202. Parental, or agency, consent required; exceptions.**

3240 A. No petition for adoption shall be granted, except as hereinafter provided in this section, unless
3241 written consent to the proposed adoption is filed with the petition. Such consent shall be in writing, signed
3242 under oath and acknowledged before an officer authorized by law to take acknowledgments. The consent
3243 of a birth parent for the adoption of his child placed directly by the birth parent shall be executed as
3244 provided in § 63.2-1233, and the circuit court may accept a certified copy of an order entered pursuant to
3245 § 63.2-1233 in satisfaction of all requirements of this section, provided the order clearly evidences
3246 compliance with the applicable notice and consent requirements of § 63.2-1233.

3247 B. A birth parent who has not reached the age of 18 shall have legal capacity to give consent to
3248 adoption and perform all acts related to adoption, and shall be as fully bound thereby as if the birth parent
3249 had attained the age of 18 years.

3250 C. Consent shall be executed:

3251 1. By the birth mother and by any ~~man~~ person who:

3252 a. Is an acknowledged father under § 20-49.1;

3253 b. Is an adjudicated father under § 20-49.8;

3254 c. Is a presumed ~~father~~ parent under subsection D; or

3255 d. Has registered with the Virginia Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et
3256 seq.).

3257 Verification of compliance with the notice provisions of the Virginia Birth Father Registry shall
3258 be provided to the court.

3259 2. By the child-placing agency or the local board having custody of the child, with right to place
3260 him for adoption, through court commitment or parental agreement as provided in § 63.2-900, 63.2-903,
3261 or 63.2-1221; or an agency outside the Commonwealth that is licensed or otherwise duly authorized to
3262 place children for adoption by virtue of the laws under which it operates; and

3263 3. By the child if he is 14 years of age or older, unless the circuit court finds that the best interests
3264 of the child will be served by not requiring such consent.

3265 D. A ~~man~~ person shall be presumed to be ~~the father~~ a parent of a child if:

3266 1. ~~He~~ Such person and the mother of the child are married to each other and the child is born during
3267 the marriage;

3268 2. ~~He~~ Such person and the mother of the child were married to each other and the child is born
3269 within 300 days of their date of separation, as evidenced by a written agreement or decree of separation,
3270 or within 300 days after the marriage is terminated by death, annulment, declaration of invalidity, or
3271 divorce; or

3272 3. Before the birth of the child, ~~he~~ such person and the mother of the child married each other in
3273 apparent compliance with the law, even if the attempted marriage is or could be declared invalid, and the
3274 child is born during the invalid marriage or within 300 days of their date of separation, as evidenced by a
3275 written agreement or decree of separation, or within 300 days after its termination by death, annulment,
3276 declaration of invalidity, or divorce.

3277 Such presumption may be rebutted by sufficient evidence that would establish by a preponderance
3278 of the evidence the paternity of ~~another~~ a man other than such person or the impossibility or improbability
3279 of cohabitation with the birth mother for a period of at least 300 days prior to the birth of the child.

3280 E. No consent shall be required of a ~~birth father~~ parent, other than the birth mother, if he denies
3281 under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more
3282 than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final
3283 and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.

3284 F. No consent shall be required of the birth father of a child when the birth father is convicted of a
3285 violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-366, or an equivalent offense of
3286 another state, the United States, or any foreign jurisdiction, and the child was conceived as a result of such
3287 violation.

3288 G. No notice or consent shall be required of any person whose parental rights have been terminated
3289 by a court of competent jurisdiction, including foreign courts that have competent jurisdiction. No notice
3290 or consent is required of any birth parent of a child for whom a guardianship order was granted when the
3291 child was approved by the United States Citizenship and Immigration Services for purposes of adoption.

3292 H. No consent shall be required of a birth parent who, without just cause, has neither visited nor
3293 contacted the child for a period of six months immediately prior to the filing of the petition for adoption
3294 or the filing of a petition to accept consent to an adoption. The prospective adoptive parent(s) shall
3295 establish by clear and convincing evidence that the birth parent(s), without just cause, has neither visited
3296 nor contacted the child for a period of six months immediately prior to the filing of the petition for adoption
3297 or the filing of a petition to accept consent to an adoption. This provision shall not infringe upon the birth
3298 parent's right to be noticed and heard on the allegation of abandonment. For purposes of this section, the
3299 payment of child support, in the absence of other contact with the child, shall not be considered contact.

3300 I. A ~~birth father~~ parent of the child, other than the birth mother, may consent to the termination of
3301 all of his parental rights prior to the birth of the child.

3302 J. The failure of the nonconsenting party to appear at any scheduled hearing, either in person or by
3303 counsel, after proper notice has been given to said party, shall constitute a waiver of any objection and
3304 right to consent to the adoption.

3305 K. If a birth parent, legal guardian, or prospective adoptee, executing a consent, entrustment, or
3306 other documents related to the adoption, cannot provide the identification required pursuant to § 47.1-14,

3307 the birth parent, legal guardian, or prospective adoptee may execute a self-authenticating affidavit as to
3308 his identity subject to the penalties contained in § 63.2-1217.

3309 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3310 **§ 63.2-1215. Legal effects of adoption.**

3311 The birth parents, and the parents by previous adoption, if any, other than any such parent who is
3312 the ~~husband or wife~~ spouse of one of the petitioners, shall, by final order of adoption, be divested of all
3313 legal rights and obligations in respect to the child including the right to petition any court for visitation
3314 with the child. Except where a final order of adoption is entered pursuant to § 63.2-1241, any person
3315 whose interest in the child derives from or through the birth parent or previous adoptive parent, including
3316 but not limited to grandparents, stepparents, former stepparents, blood relatives and family members shall,
3317 by final order of adoption, be divested of all legal rights and obligations in respect to the child including
3318 the right to petition any court for visitation with the child. In all cases the child shall be free from all legal
3319 obligations of obedience and maintenance in respect to such persons divested of legal rights. Any child
3320 adopted under the provisions of this chapter shall, from and after the entry of the interlocutory order or
3321 from and after the entry of the final order where no such interlocutory order is entered, be, to all intents
3322 and purposes, the child of the person or persons so adopting him, and, unless and until such interlocutory
3323 order or final order is subsequently revoked, shall be entitled to all the rights and privileges, and subject
3324 to all the obligations, of a child of such person or persons born in lawful wedlock. An adopted person is
3325 the child of an adopting parent, and as such, the adopting parent shall be entitled to testify in all cases civil
3326 and criminal, as if the adopted child was born of the adopting parent in lawful wedlock.

3327 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3328 **§ 63.2-1218. Certain exchange of property, advertisement, solicitation prohibited; penalty.**

3329 No person or child-placing agency shall charge, pay, give, or agree to give or accept any money,
3330 property, service or other thing of value in connection with a placement or adoption or any act undertaken
3331 pursuant to this chapter except (i) reasonable and customary services provided by a licensed or duly
3332 authorized child-placing agency and fees paid for such services; (ii) payment or reimbursement for
3333 medical expenses and insurance premiums that are directly related to the birth mother's pregnancy and

3334 hospitalization for the birth of the child who is the subject of the adoption proceedings, for mental health
3335 counseling received by ~~the a birth mother or birth father~~ parent related to the adoption, and for expenses
3336 incurred for medical care for the child; (iii) payment or reimbursement for reasonable and necessary
3337 expenses for food, clothing, and shelter when, upon the written advice of her physician, the birth mother
3338 is unable to work or otherwise support herself due to medical reasons or complications associated with
3339 the pregnancy or birth of the child; (iv) payment or reimbursement for reasonable expenses incurred
3340 incidental to any required court appearance including, but not limited to, transportation, food and lodging;
3341 (v) usual and customary fees for legal services in adoption proceedings; and (vi) payment or
3342 reimbursement of reasonable expenses incurred for transportation in connection with any of the services
3343 specified in this section or intercountry placements as defined in § 63.2-100 and as necessary for
3344 compliance with state and federal law in such placements. No person shall advertise or solicit to perform
3345 any activity prohibited by this section. Any person violating the provisions of this section shall be guilty
3346 of a Class 6 felony. The Commissioner is authorized to investigate cases in which fees paid for legal
3347 services appear to be in excess of usual and customary fees in order to determine if there has been
3348 compliance with the provisions of this section.

3349 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3350 **§ 63.2-1222. Execution of entrustment agreement by birth parent(s); exceptions; notice and**
3351 **objection to entrustment; copy required to be furnished; requirement for agencies outside the**
3352 **Commonwealth.**

3353 A. For the purposes of this section, a birth parent who is less than 18 years of age shall be deemed
3354 fully competent and shall have legal capacity to execute a valid entrustment agreement, including an
3355 agreement that provides for the termination of all parental rights and responsibilities, and perform all acts
3356 related to adoption and shall be as fully bound thereby as if such birth parent had attained the age of 18
3357 years.

3358 B. An entrustment agreement for the termination of all parental rights and responsibilities with
3359 respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child born
3360 out of wedlock if the identity of the birth father is not reasonably ascertainable or such birth father did not

3361 register with the Virginia Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) or the birth
3362 father named by the birth mother denies under oath and in writing the paternity of the child. An affidavit
3363 signed by the birth mother stating that the identity of the birth father is unknown may be filed with the
3364 court alleging that the identity of the birth father is not known or reasonably ascertainable. A ~~birth father~~
3365 person shall be given notice of the entrustment if he is an acknowledged father pursuant to § 20-49.1, an
3366 adjudicated father pursuant to § 20-49.8, a presumed ~~father parent~~ pursuant to § 63.2-1202, or a putative
3367 father who has registered with the Virginia Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et
3368 seq.). If the putative father's identity is reasonably ascertainable, he shall be given notice pursuant to the
3369 requirements of § 63.2-1250.

3370 C. When a ~~birth father~~ person is required to be given notice pursuant to subsection B, he may be
3371 given notice of the entrustment by registered or certified mail to his last known address. If he fails to
3372 object to the entrustment within 15 days of the mailing of such notice, his entrustment shall not be required.
3373 An objection to an entrustment agreement shall be in writing, signed by the objecting party or counsel of
3374 record for the objecting party and filed with the agency that mailed the notice of entrustment within the
3375 time period specified in § 63.2-1223.

3376 D. The execution of an entrustment agreement shall be required of a presumed ~~father parent~~ except
3377 under the following circumstances: (i) if ~~he~~ such person denies paternity under oath and in writing in
3378 accordance with § 63.2-1202; (ii) if the presumption is rebutted by sufficient evidence, satisfactory to the
3379 circuit court, which would establish by a preponderance of the evidence the paternity of ~~another a~~
3380 other than such person or the impossibility or improbability of cohabitation of the birth mother and her
3381 ~~husband spouse~~ for a period of at least 300 days preceding the birth of the child; (iii) if ~~another a~~
3382 other than such person admits, in writing and under oath, that he is the biological father; or (iv) if an
3383 adoptive placement has been determined to be in the best interests of the child pursuant to § 63.2-1205.

3384 E. When none of the provisions of subsections C and D apply, notice of the entrustment shall be
3385 given to the presumed ~~father parent~~ pursuant to the requirements of § 16.1-277.01.

3386 F. An entrustment agreement for the termination of all parental rights and responsibilities with
3387 respect to the child shall be valid notwithstanding that it is not signed by the birth father of a child when

3388 the birth father has been convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of
3389 § 18.2-366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and
3390 the child was conceived as a result of such violation.

3391 G. A ~~birth father~~ parent, other than the birth mother, may execute an entrustment agreement for
3392 the termination of all of his parental rights prior to the birth of the child. Such entrustment shall be subject
3393 to the revocation provisions of § 63.2-1223.

3394 H. No entrustment shall be required of a ~~birth father~~ parent, other than the birth mother, if he denies
3395 under oath and in writing the paternity of the child. Such denial of paternity may be withdrawn no more
3396 than 10 days after it is executed. Once the child is 10 days old, any executed denial of paternity is final
3397 and constitutes a waiver of all rights with respect to the adoption of the child and cannot be withdrawn.

3398 I. A copy of the entrustment agreement shall be furnished to all parties signing such agreement.

3399 J. When any agency outside the Commonwealth, or its agent, that is licensed or otherwise duly
3400 authorized to place children for adoption by virtue of the laws under which it operates executes an
3401 entrustment agreement in the Commonwealth with a birth parent for the termination of all parental rights
3402 and responsibilities with respect to the child, the requirements of §§ 63.2-1221 through 63.2-1224 shall
3403 apply. The birth parent may expressly waive, under oath and in writing, the execution of the entrustment
3404 under the requirements of §§ 63.2-1221 through 63.2-1224 in favor of the execution of an entrustment or
3405 relinquishment under the laws of another state if the birth parent is represented by independent legal
3406 counsel. Such written waiver shall expressly state that the birth parent has received independent legal
3407 counsel advising of the laws of Virginia and of the other state and that Virginia law is expressly being
3408 waived. The waiver also shall include the name, address, and telephone number of such legal counsel.
3409 Any entrustment agreement that fails to comply with such requirements shall be void.

3410 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3411 **§ 63.2-1224. Explanation of process, legal effects of adoption required.**

3412 Prior to the placement of a child for adoption, the licensed child-placing agency or local board
3413 having custody of the child shall provide an explanation of the adoption process to the birth mother and,
3414 if reasonably available, ~~the man~~ a person who is an acknowledged father pursuant to § 20-49.1, an

3415 adjudicated father pursuant to § 20-49.8, a presumed ~~father parent~~ pursuant to § 63.2-1202, or a putative
3416 father who has registered with the Virginia Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et
3417 seq.) of this chapter.

3418 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3419 **§ 63.2-1233. Consent to be executed in juvenile and domestic relations district court;**
3420 **exceptions.**

3421 When the juvenile and domestic relations district court is satisfied that all requirements of § 63.2-
3422 1232 have been met with respect to at least one birth parent and the adoptive child is at least in the third
3423 calendar day of life, that birth parent or both birth parents, as the case may be, shall execute consent to the
3424 proposed adoption in compliance with the provisions of § 63.2-1202 while before the juvenile and
3425 domestic relations district court in person and in the presence of the prospective adoptive parents. The
3426 juvenile and domestic relations district court shall accept the consent of the birth parent(s) and transfer
3427 custody of the child to the prospective adoptive parents, pending notification to any nonconsenting birth
3428 parent, as described hereinafter.

3429 1. a. The execution of consent before the juvenile and domestic relations district court shall not be
3430 required of a birth ~~father parent, other than the birth mother, if the birth father such parent~~ consents under
3431 oath and in writing to the adoption.

3432 b. The consent of a birth father who is not married to the mother of the child at the time of the
3433 child's conception or birth shall not be required if the putative father named by the birth mother denies
3434 under oath and in writing the paternity of the child or if the putative father did not register with the Virginia
3435 Birth Father Registry pursuant to Article 7 (§ 63.2-1249 et seq.) of this chapter. If the identity of the birth
3436 father is reasonably ascertainable, but the whereabouts of the birth father are not reasonably ascertainable,
3437 verification of compliance with the Virginia Birth Father Registry shall be provided to the court.

3438 c. When a ~~birth father person~~ is required to be given notice, he may be given notice of the adoption
3439 by registered or certified mail to his last known address and if he fails to object to the adoption within 15
3440 days of the mailing of such notice, his consent shall not be required. An objection shall be in writing,
3441 signed by the objecting party or counsel of record for the objecting party and shall be filed with the clerk

3442 of the juvenile and domestic relations district court in which the petition was filed during the business day
3443 of the court, within the time period specified in this section. When no timely objection is filed, no hearing
3444 on this issue is required. Failure of the objecting party to appear at any scheduled hearing, either in person
3445 or by counsel, shall constitute a waiver of such objection.

3446 d. The juvenile and domestic relations district court may accept the written consent of ~~the birth~~
3447 ~~father~~ a parent, other than the birth mother, at the time of the child's conception or birth, provided that his
3448 identifying information required in § 63.2-1232 is filed in writing with the juvenile and domestic relations
3449 district court of jurisdiction. Such consent shall advise ~~the birth father~~ such parent of his opportunity for
3450 legal representation, shall identify the court in which the case was or is intended to be filed, and shall be
3451 presented to the juvenile and domestic relations district court for acceptance. The consent may waive
3452 further notice of the adoption proceedings and shall contain the name, address and telephone number of
3453 ~~the birth father's~~ such parent's legal counsel or an acknowledgment that he was informed of his opportunity
3454 to be represented by legal counsel and declined such representation. For good cause shown, the court may
3455 dispense with the requirements regarding the filing of ~~the birth father's~~ such parent's identifying
3456 information pursuant to this subdivision 1. d.

3457 e. In the event that the birth mother's consent is not executed in the juvenile and domestic relations
3458 district court, the consent of the ~~birth father~~ other parent shall be executed in the juvenile and domestic
3459 relations district court.

3460 f. A child born to a married birth mother shall be presumed to be the child of her ~~husband~~ spouse
3461 and his consent shall be required, unless the court finds that the ~~father's~~ spouse's consent is withheld
3462 contrary to the best interests of the child as provided in § 63.2-1205 or if his consent is unobtainable. The
3463 consent of such ~~presumed father~~ spouse shall be under oath and in writing and may be executed in or out
3464 of court. The presumption that the ~~husband~~ spouse is the ~~father~~ parent of the child may be rebutted by
3465 sufficient evidence, satisfactory to the juvenile and domestic relations district court, which would establish
3466 by a preponderance of the evidence the paternity of ~~another~~ a man other than the spouse or the
3467 impossibility or improbability of cohabitation of the birth mother and her ~~husband~~ spouse for a period of
3468 at least 300 days preceding the birth of the child, in which case the ~~husband's~~ spouse's consent shall not

3469 be required. The executed denial of paternity by the ~~putative father~~ spouse shall be sufficient to rebut the
3470 presumption that he is the ~~father~~ parent of the child. If the court is satisfied that the presumption has been
3471 rebutted, notice of the adoption shall not be required to be given to the presumed ~~father~~ spouse.

3472 2. After the application of the provisions of subdivision 1, if a birth parent is entitled to a hearing,
3473 the birth parent shall be given notice of the date and location of the hearing and be given the opportunity
3474 to appear before the juvenile and domestic relations district court. Such hearing may occur subsequent to
3475 the proceeding wherein the consenting birth parent appeared but may not be held until 15 days after
3476 personal service of notice on the nonconsenting birth parent, or if personal service is unobtainable, 10
3477 days after the completion of the execution of an order of publication against such birth parent. The juvenile
3478 and domestic relations district court may appoint counsel for the birth parent(s). If the juvenile and
3479 domestic relations district court finds that consent is withheld contrary to the best interests of the child, as
3480 set forth in § 63.2-1205, or is unobtainable, it may grant the petition without such consent and enter an
3481 order waiving the requirement of consent of the nonconsenting birth parent and transferring custody of
3482 the child to the prospective adoptive parents. No further consent or notice shall be required of a birth
3483 parent who fails to appear at any scheduled hearing, either in person or by counsel. If the juvenile and
3484 domestic relations district court denies the petition, the juvenile and domestic relations district court shall
3485 order that any consent given for the purpose of such placement shall be void and, if necessary, the court
3486 shall determine custody of the child as between the birth parents.

3487 3. Except as provided in subdivisions 4 and 5, if consent cannot be obtained from at least one birth
3488 parent, the juvenile and domestic relations district court shall deny the petition and determine custody of
3489 the child pursuant to § 16.1-278.2.

3490 4. If a child has been under the physical care and custody of the prospective adoptive parents and
3491 if both birth parents have failed, without good cause, to appear at a hearing to execute consent under this
3492 section for which they were given proper notice pursuant to § 16.1-264, the juvenile and domestic relations
3493 district court may grant the petition without the consent of either birth parent and enter an order waiving
3494 consent and transferring custody of the child to the prospective adoptive parents. Prior to the entry of such
3495 an order, the juvenile and domestic relations district court may appoint legal counsel for the birth parents

3496 and shall find by clear and convincing evidence (i) that the birth parents were given proper notice of the
3497 hearing(s) to execute consent and of the hearing to proceed without their consent; (ii) that the birth parents
3498 failed to show good cause for their failure to appear at such hearing(s); and (iii) that pursuant to § 63.2-
3499 1205, the consent of the birth parents is withheld contrary to the best interests of the child or is
3500 unobtainable. Under this subdivision, the court or the parties may waive the requirement of the
3501 simultaneous meeting under § 63.2-1231 and the requirements of subdivisions A 1, A 3, and A 7 of §
3502 63.2-1232 where the opportunity for compliance is not reasonably available under the applicable
3503 circumstances.

3504 5. If both birth parents are deceased, the juvenile and domestic relations district court, after hearing
3505 evidence to that effect, may grant the petition without the filing of any consent.

3506 6. No consent shall be required from the birth father of a child placed pursuant to this section when
3507 such father is convicted of a violation of subsection A of § 18.2-61, § 18.2-63, subsection B of § 18.2-
3508 366, or an equivalent offense of another state, the United States, or any foreign jurisdiction, and the child
3509 was conceived as a result of such violation, nor shall the birth father be entitled to notice of any of the
3510 proceedings under this section.

3511 7. No consent shall be required of a birth father if he denies under oath and in writing the paternity
3512 of the child. Such denial of paternity may be withdrawn no more than 10 days after it is executed. Once
3513 the child is 10 days old, any executed denial of paternity is final and constitutes a waiver of all rights with
3514 the respect to the adoption of the child and cannot be withdrawn.

3515 8. A ~~birth father~~ parent, other than the birth mother, may consent to the adoption prior to the birth
3516 of the child.

3517 9. The juvenile and domestic relations district court shall review each order entered under this
3518 section at least annually until such time as the final order of adoption is entered.

3519 10. When there has been an interstate transfer of the child in a parental placement adoption in
3520 compliance with Chapter 10 (§ 63.2-1000 et seq.) of this title, all matters relating to the adoption of the
3521 child including, but not limited to, custody and parentage shall be determined in the court of appropriate

3522 jurisdiction in the state that was approved for finalization of the adoption by the interstate compact
3523 authorities.

3524 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3525 **§ 63.2-1237. Petition for parental placement adoption; jurisdiction; contents.**

3526 Proceedings for the parental placement adoption of a minor child and for a change of name of such
3527 child shall be instituted only by petition to the circuit court in the county or city in which the petitioner
3528 resides or in the county or city where a birth parent has executed a consent pursuant to § 63.2-1233. Such
3529 petition may be filed by any natural person who resides in the Commonwealth or is the adopting parent(s)
3530 of a child who was subject to a consent proceeding held pursuant to § 63.2-1233. The petition shall ask
3531 leave to adopt a minor child not legally the petitioner's by birth and, if it is so desired by the petitioner,
3532 also to change the name of such child. In the case of married persons, the petition shall be the joint petition
3533 of the ~~husband and wife~~ spouses but, in the event the child to be adopted is legally the child by birth or
3534 adoption of one of the petitioners, such petitioner shall unite in the petition for the purpose of indicating
3535 his ~~or her~~ consent to the prayer thereof only. The petition shall contain a full disclosure of the
3536 circumstances under which the child came to live, and is living, in the home of the petitioner. Each petition
3537 for adoption shall be signed by the petitioner as well as by counsel of record, if any. In any case in which
3538 the petition seeks the entry of an adoption order without referral for investigation, the petition shall be
3539 under oath.

3540 The petition shall state that the findings required by § 63.2-1232 have been made and shall be
3541 accompanied by appropriate documentation supporting such statement, to include copies of documents
3542 executing consent and transferring custody of the child to the prospective adoptive parents, and a copy of
3543 the report required by § 63.2-1231. The court shall not waive any of the requirements of this paragraph
3544 nor any of the requirements of § 63.2-1232 except as allowed pursuant to subsection D of § 63.2-1232 or
3545 subdivision 4 of § 63.2-1233.

3546 A single petition for adoption under the provisions of this section shall be sufficient for the
3547 concurrent adoption by the same petitioners of two or more children who have the same birth parent or

3548 parents; and nothing in this section shall be construed as having heretofore required a separate petition for
3549 each of such children.

3550 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
3551 **make a technical change consistent with Va. Code § 1-216.**

3552 **§ 63.2-1241. Adoption of child by spouse of birth or adoptive parent.**

3553 A. In cases in which the spouse of a birth parent or parent by adoption who is not the birth parent
3554 of a child wishes to adopt the child, the birth parent and his spouse may file a petition for adoption in the
3555 circuit court of the county or city where the birth parent and his spouse reside or the county or city where
3556 the child resides. The petition shall be the joint petition of the birth parent and his spouse but the birth
3557 parent shall unite in the petition for the purpose of indicating consent to the prayer thereof only. The
3558 petition shall also state whether the petitioners seek to change the name of the child.

3559 B. The court may order the proposed adoption and change of name without referring the matter to
3560 the local director if (i) the birth parent or parent by adoption, other than the birth parent or parent by
3561 adoption joining in the petition for adoption, is deceased; (ii) the birth parent or parent by adoption, other
3562 than the birth parent or parent by adoption joining in the petition for adoption, consents to the adoption in
3563 writing and under oath; (iii) the acknowledged, adjudicated, ~~presumed~~, or putative father or the presumed
3564 parent denies paternity of the child; (iv) the birth mother swears under oath and in writing that the identity
3565 of the father is not reasonably ascertainable; (v) the child is the result of surrogacy and the birth parent,
3566 other than the birth parent joining in the petition, consents to the adoption in writing; (vi) the parent by
3567 adoption joining in the petition was not married at the time the child was adopted; or (vii) the child is 14
3568 years of age or older and has lived in the home of the person desiring to adopt the child for at least five
3569 years. However, if the court in its discretion determines that there should be an investigation before a final
3570 order of adoption is entered, the court shall refer the matter to the local director for an investigation and
3571 report to be completed within such time as the circuit court designates. If an investigation is ordered, the
3572 circuit court shall forward a copy of the petition and all exhibits thereto to the local director and the
3573 provisions of § 63.2-1208 shall apply.

3574 C. If an acknowledged, adjudicated, presumed, or putative birth parent or parent by adoption of a
3575 child refuses to consent to the adoption of a child by the spouse of the other birth parent or parent by
3576 adoption of the child, the court shall determine whether consent to the adoption is withheld contrary to the
3577 best interests of the child. If the court determines that consent to the adoption is withheld contrary to the
3578 best interests of the child, the court may order the adoption and change of name without referring the
3579 matter to the local director. However, if the court in its discretion determines that there should be an
3580 investigation before a final order of adoption is entered, the circuit court shall refer the matter to the local
3581 director for an investigation and report to be completed within such time as the circuit court designates.
3582 The order of reference may include a requirement that the local director investigate factors relevant to
3583 determining whether consent of a birth parent is withheld contrary to the best interests of the child,
3584 including factors set forth in § 63.2-1205. If an investigation is ordered, the circuit court shall forward a
3585 copy of the petition and all exhibits thereto to the local director and the provisions of § 63.2-1208 shall
3586 apply.

3587 D. In any case involving adoption of a child by a stepparent pursuant to this section, the court may
3588 waive appointment of a guardian ad litem for the child.

3589 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3590 **§ 63.2-1242.1. Close relative adoption.**

3591 A. For the purposes of this chapter, a "close relative placement" shall be an adoption by the child's
3592 grandparent, ~~or great-grandparent, or by an adult~~ adult ~~nephew or niece, adult brother or sister, adult uncle~~
3593 ~~or aunt, or adult great uncle or great aunt~~ who is the child's sibling, parent's sibling, parent's sibling's
3594 spouse, grandparent's sibling, or parent's sibling's child.

3595 B. In a close relative placement the court may accept the written and signed consent of the birth
3596 parent(s) that is signed under oath and acknowledged by an officer authorized by law to take such
3597 acknowledgements.

3598 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3599 **§ 63.2-1250. Registration; notice; form.**

3600 A. Any man who has engaged in sexual intercourse with a woman is deemed to be on legal notice
3601 that a child may be conceived and that the man is entitled to all legal rights and obligations resulting
3602 therefrom. Lack of knowledge of the pregnancy does not excuse failure to timely register with the Virginia
3603 Birth Father Registry.

3604 B. A man who desires to be notified of a placement of a child by a local board pursuant to § 63.2-
3605 900, a proceeding for adoption, or a proceeding for termination of parental rights regarding a child that he
3606 may have ~~fathered~~ conceived shall register with the Virginia Birth Father Registry.

3607 C. Failure to timely register with the Virginia Birth Father Registry shall waive all rights of a man
3608 who is not acknowledged to be, presumed to be, or adjudicated the father to withhold consent to an
3609 adoption proceeding unless the man was led to believe through the birth mother's misrepresentation that
3610 (i) the pregnancy was terminated or the mother miscarried when in fact the baby was born or (ii) the child
3611 died when in fact the child is alive. Upon discovery of the misrepresentation, the man shall register with
3612 the Virginia Birth Father Registry within 10 days.

3613 D. A man will not prejudice any rights by failing to register if:

3614 1. A father-child relationship between the man and the child has been established pursuant to § 20-
3615 49.1, 20-49.8, or if the man is ~~a presumed~~ to be the father ~~as defined in pursuant to subsection D of~~ § 63.2-
3616 1202; or

3617 2. The man commences a proceeding to adjudicate his paternity before a petition to accept consent
3618 or waive adoption consent is filed in the juvenile and domestic relations district court, or before a petition
3619 for adoption or a petition for the termination of his parental rights is filed with the court.

3620 E. Registration is timely if it is received by the Department within (i) 10 days of the child's birth
3621 or (ii) the time specified in subsection C or F. Registration is complete when the signed registration form
3622 is first received by the Department. The signed registration form shall be submitted in the manner
3623 prescribed by the Department.

3624 F. In the event that the identity and whereabouts of the birth father are reasonably ascertainable,
3625 the child-placing agency or adoptive parents shall give written notice to the birth father of the existence
3626 of an adoption plan and the availability of registration with the Virginia Birth Father Registry. Such written

3627 notice shall be provided by personal service or by certified mailing to the birth father's last known address.
3628 Registration is timely if the signed registration form is received by the Department within 10 days of
3629 personal service of the written notice or within 13 days of the certified mailing date of the written notice.
3630 The personal service or certified mailing may be completed either prior to or after the birth of the child.

3631 G. The child-placing agency or adoptive parent(s) shall give notice to a registrant who has timely
3632 registered of a placement of a child by a local board pursuant to § 63.2-900, a proceeding for adoption, or
3633 a proceeding for termination of parental rights regarding a child. Notice shall be given pursuant to the
3634 requirements of this chapter or § 16.1-277.01 for the appropriate adoption proceeding.

3635 H. 1. The Department shall prepare a form for registering with the agency that shall require (i) the
3636 registrant's name, date of birth and social security number; (ii) the registrant's driver's license number and
3637 state of issuance; (iii) the registrant's home address, telephone number, and employer; (iv) the name, date
3638 of birth, ethnicity, address, and telephone number of the putative mother, if known; (v) the state of
3639 conception; (vi) the place and date of birth of the child, if known; (vii) the name and gender of the child,
3640 if known; and (viii) the signature of the registrant. No form for registering with the Virginia Birth Father
3641 Registry shall be complete unless signed by the registrant and the signed registration form is received by
3642 the Department in the manner prescribed by the Department.

3643 2. The form shall also state that (i) timely registration entitles the registrant to notice of a
3644 proceeding for adoption of the child or termination of the registrant's parental rights, (ii) registration does
3645 not commence a proceeding to establish paternity, (iii) the information disclosed on the form may be used
3646 against the registrant to establish paternity, (iv) services to assist in establishing paternity are available to
3647 the registrant through the Department, (v) the registrant should also register in another state if conception
3648 or birth of the child occurred in another state, (vi) information on registries of other states may be available
3649 from the Department, (vii) the form is signed under penalty of perjury, and (viii) procedures exist to
3650 rescind the registration of a claim of paternity.

3651 3. A registrant shall promptly notify the Virginia Birth Father Registry of any change in
3652 information, including change of address. The Department shall incorporate all updated information

3653 received into its records but is not required to request or otherwise pursue current or updated information
3654 for incorporation in the registry.

3655 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and is**
3656 **consistent with Virginia court decisions and other provisions of the Virginia Code. *See Bergaust v.***
3657 ***Flaherty*, 57 Va. App. 423, 435, 703 S.E.2d 248, 253 (2011) (holding that the terms "conceived" and**
3658 **"fathered" used in Va. Code § 8.01-328.1(A)(8) were synonymous gender-specific terms referring**
3659 **to the act of conception and recognizing that the term "conceived" has been applied in case law**
3660 **"interchangeably to the actions of the female getting pregnant, as well as to the actions of a couple**
3661 **creating a fetus"). *Cf.* Va. Code § 20-88.35 (providing that a Virginia court may exercise personal**
3662 **jurisdiction over a nonresident under the Uniform Interstate Family Support Act if such**
3663 **nonresident "engaged in sexual intercourse in the Commonwealth and the child may have been**
3664 **conceived by the act of intercourse").**

3665 **§ 63.2-1519. Physician-patient and spousal privileges inapplicable.**

3666 In any legal proceeding resulting from the filing of any report or complaint pursuant to this chapter,
3667 the physician-patient and ~~husband-wife~~ spousal privileges shall not apply.

3668 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3669 **§ 64.2-200. Course of descents generally; right of Commonwealth if no other heir.**

3670 A. The real estate of any decedent not effectively disposed of by will descends and passes by
3671 intestate succession in the following course:

3672 1. To the surviving spouse of the decedent, unless the decedent is survived by children or their
3673 descendants, one or more of whom are not children or their descendants of the surviving spouse, in which
3674 case, two-thirds of the estate descends and passes to the decedent's children and their descendants, and
3675 one-third of the estate descends and passes to the surviving spouse.

3676 2. If there is no surviving spouse, then the estate descends and passes to the decedent's children
3677 and their descendants.

3678 3. If there is none of the foregoing, then to the decedent's parents, or to the surviving parent.

3679 4. If there is none of the foregoing, then to the decedent's ~~brothers and sisters~~ siblings, and their
3680 descendants.

3681 5. If there is none of the foregoing, then one-half of the estate descends and passes to the ~~paternal~~
3682 kindred of one of the decedent's parents and one-half descends and passes to the ~~maternal~~ kindred of the
3683 ~~decedent~~ other of the decedent's parents in the following course:

3684 a. To the decedent's grandparents, or to the surviving grandparent.

3685 b. If there is none of the foregoing, then to the siblings of the decedent's ~~uncles and aunts~~ parents,
3686 and their descendants.

3687 c. If there is none of the foregoing, then to the decedent's great-grandparents.

3688 d. If there is none of the foregoing, then to the ~~brothers and sisters~~ siblings of the decedent's
3689 grandparents, and their descendants.

3690 e. And so on, in other cases, without end, passing to the nearest lineal ancestors, and the
3691 descendants of such ancestors.

3692 B. If there are either no surviving ~~paternal~~ kindred of one of the decedent's parents or no surviving
3693 ~~maternal~~ kindred of the other of the decedent's parents, the whole estate descends and passes to the ~~paternal~~
3694 ~~or maternal~~ kindred of the parent who survive the decedent. If there are ~~neither maternal nor paternal~~ no
3695 kindred of either parent, the whole estate descends and passes to the kindred of the decedent's most recent
3696 spouse, if any, provided that the decedent and the spouse were married at the time of the spouse's death,
3697 as if such spouse had died intestate and entitled to the estate.

3698 C. If there is no other heir of a decedent's real estate, such real estate is subject to escheat to the
3699 Commonwealth in accordance with Chapter 10 (§ 55-168 et seq.) of Title 55.

3700 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3701 **§ 64.2-905. Multiple beneficiaries; separate custodial trusts; survivorship.**

3702 A. Beneficial interests in a custodial trust created for multiple beneficiaries are deemed to be
3703 separate custodial trusts of equal undivided interests for each beneficiary. Except in a transfer or
3704 declaration for use and benefit of ~~husband and wife~~ spouses, for whom survivorship is presumed, a right

3705 of survivorship does not exist unless the instrument creating the custodial trust specifically provides for
3706 survivorship or survivorship is required as to marital property.

3707 B. Custodial trust property held under this chapter by the same custodial trustee for the use and
3708 benefit of the same beneficiary may be administered as a single custodial trust.

3709 C. A custodial trustee of custodial trust property held for more than one beneficiary shall separately
3710 account to each beneficiary pursuant to §§ 64.2-906 and 64.2-914 for the administration of the custodial
3711 trust.

3712 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3713 **§ 64.2-2401. Bond; orders as to management of estate; support of dependents.**

3714 The court shall require that any conservator appointed pursuant to § 64.2-2400 post a bond in an
3715 amount deemed sufficient by the court. The court shall also enter any orders it deems necessary (i)
3716 directing the conservator in the management, operation, and control of the estate and (ii) requiring the
3717 conservator to make ample and suitable provisions out of the estate in his possession, subject to the rights
3718 of creditors, for the support of the absentee's ~~wife~~ spouse and minor children, as well as any other person
3719 dependent upon the absentee for support and maintenance. The court shall require the conservator to make
3720 reports from time to time as the court may deem expedient.

3721 **Drafting note: Amendment replaces gender-specific terms with gender-neutral ones.**

3722 **§ 65.2-515. Persons conclusively presumed to be wholly dependent.**

3723 A. The following persons shall be conclusively presumed to be dependents wholly dependent for
3724 support upon the deceased employee:

3725 1. ~~A wife upon a husband whom she had not voluntarily deserted or abandoned at the time of the~~
3726 ~~accident or with whom she lived at the time of his accident, if she is then actually dependent upon him;~~

3727 2. A ~~husband~~ spouse upon a ~~wife~~ his deceased spouse whom he had not voluntarily deserted at the
3728 time of the accident or with whom he lived at the time of ~~her~~ the accident, if he is then actually dependent
3729 upon ~~her~~ his deceased spouse;

3730 ~~3.~~2. A child under the age of eighteen upon a parent and a child over such age if physically or
3731 mentally incapacitated from earning a livelihood or a child under the age of twenty-three if enrolled as a
3732 full-time student in any accredited educational institution; and

3733 ~~4.~~3. Parents in destitute circumstances, provided there be no total dependents pursuant to other
3734 provisions of this section.

3735 B. As used in this section, the term "child" shall include a stepchild, a legally adopted child, a
3736 posthumous child, and an acknowledged illegitimate child, but shall not include a married child; and the
3737 term "parent" shall include stepparents and parents by adoption.

3738 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones.**

3739 **§ 65.2-517. Termination of dependency.**

3740 For the purpose of this title, the dependence of ~~a widow or widower~~ the surviving spouse of a
3741 deceased employee shall terminate with death or remarriage, and the amount to be theretofore received by
3742 him ~~or her~~ shall be divided among the children or other dependents in the proportion of which they are
3743 receiving compensation, and the dependence of a child or any minor dependent, except a child or minor
3744 dependent physically or mentally incapacitated from earning a livelihood, or a full-time student, as defined
3745 in § 65.2-515, shall terminate with the attainment of eighteen years of age.

3746 **Drafting note: Amendments replace gender-specific terms with gender-neutral ones and**
3747 **make a technical change consistent with Va. Code § 1-216.**

3748 #