

Virginia Family Law – Jurisdiction and Service of Process

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Custody Determination – Jurisdiction

A. Except as otherwise provided in § 20-146.15, a court of this Commonwealth has jurisdiction to make an initial child custody determination only if: 1. This Commonwealth is the home state of the child on the date of the commencement of the proceeding, or was the home state of the child within six months before the commencement of the proceeding and the child is absent from this Commonwealth but a parent or person acting as a parent continues to live in this Commonwealth; 2. A court of another state does not have jurisdiction under subdivision 1, or a court of the home state of the child has declined to exercise jurisdiction on the ground that this Commonwealth is the more appropriate forum under § 20-146.18 or § 20-146.19, and (i) the child and the child's parents, or the child and at least one parent or a person acting as a parent, have a significant connection with this Commonwealth other than mere physical presence and (ii) substantial evidence is available in this Commonwealth concerning the child's care, protection, training, and personal relationships; 3. All courts having jurisdiction under subdivision 1 or 2 have declined to exercise jurisdiction on the ground that a court of this Commonwealth is the more appropriate forum to determine the custody of the child under § 20-146.18 or § 20-146.19; or 4. No court of any other state would have jurisdiction under the criteria specified in subdivision 1, 2, or 3. B. Subsection A is the exclusive jurisdictional basis for making a child custody determination by a court of this Commonwealth. C. Physical presence of, or personal jurisdiction over, a party or a child is not necessary or sufficient to make a child custody determination.

Custody Determination – Service/Notification Requirements

§ 20-146.7. Notice to persons outside state A. Notice required for the exercise of jurisdiction when a person is outside this Commonwealth may be given in a manner prescribed by the law of this Commonwealth for service of process or by the law of the state in which the service is attempted or made. Notice may also be by certified or registered mail, return receipt requested, addressed to the last known address of the person to be served. Notice must be given in a manner reasonably calculated to give actual notice and an opportunity to be heard but may be by publication pursuant to §§ 8.01-316 and 8.01-317 if other means are not effective. B. Proof of service may be made in the manner prescribed by the law of this Commonwealth or by the law of the state in which the service is made. C. Notice is not required for the exercise of jurisdiction with respect to a person who submits to the jurisdiction of the court.

Paternity and Child Support Proceeding – Jurisdiction

A "Child custody proceeding" includes proceedings for paternity, abuse, neglect, dependency, guardianship, termination of parental rights or protection from domestic abuse. We note that the provisions in the Virginia UCCJEA does not address jurisdiction or service/notification requirements for "Child custody proceedings" (rather, it only addresses "Child custody determinations", so there are no special requirements for these proceedings. The payment of child support is explicitly carved out from the

definition of "child custody determination" in the Virginia UCCJEA, so there are no special jurisdictional or service/notification requirements.

Paternity and Child Support Proceeding – Service/Notification Requirements

See Paternity and Child Support Proceeding - Jurisdiction Section.

Child Abuse/Neglect Proceeding – Jurisdiction

See Paternity and Child Support Proceeding - Jurisdiction Section

Child Abuse/Neglect Proceeding – Service/Notification Requirements

See Paternity and Child Support Proceeding - Jurisdiction Section.

Divorce and Legal Separation – Jurisdiction

See Paternity and Child Support Proceeding - Jurisdiction Section.

Divorce and Legal Separation – Service/Notification Requirements

See Paternity and Child Support Proceeding - Jurisdiction Section.

Adoption Proceeding – Jurisdiction

§ 20-146.2. Proceedings governed by other law This act does not govern an adoption proceeding or a proceeding pertaining to the authorization of emergency medical care for a child.

Adoption Proceeding – Service/Notification Requirements

See Adoption Proceeding Jurisdiction Section.

Domestic Violence – Jurisdiction

No independent statute identified.

Domestic Violence– Service/Notification Requirements

No independent statute identified.