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HOUSE BILL NO. 1311

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact §§ 20-91, 20-107.1, 20-107.3, and 20-121.02 of the Code of Virginia and to repeal §§ 20-95 and 20-120 of the Code of Virginia, relating to divorce; cruelty, reasonable apprehension of bodily hurt, or willful desertion or abandonment; divorce from bed and board.*

Patrons—Clark, Anthony, Callsen and Convirs-Fowler; Senators: Boysko and Williams Graves

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-91, 20-107.1, 20-107.3, and 20-121.02 of the Code of Virginia are amended and reenacted as follows:

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

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

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

(2) [Repealed.]

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

(4), (5) [Repealed.]

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

(7), (8) [Repealed.]

(9) (a) On the application of either party if and when they have lived separate and apart without any cohabitation and without interruption for one year. In any case where the parties have entered into a separation agreement and there are no minor children either born of the parties, born of either party and adopted by the other or adopted by both parties, a divorce may be decreed on application if and when they have lived separately and apart without cohabitation and without interruption for six months. A plea of res adjudicata or of recrimination with respect to any other provision of this section shall not be a bar to either party obtaining a divorce on this ground; nor shall it be a bar that either party has been adjudged insane, either before or after such separation has commenced, but at the expiration of one year or six months, whichever is applicable, from the commencement of such separation, the grounds for divorce shall be deemed to be complete, and the committee of the insane defendant, if there be one, shall be made a party to the cause, or if there be no committee, then the court shall appoint a guardian ad litem to represent the insane defendant.

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

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

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

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that

59 a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees
60 of fault during the marriage and the relative economic circumstances of the parties.

61 C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic
62 payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award,
63 or in any combination thereof.

64 D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party
65 to receive support in the future. In any case in which the right to support is so reserved, there shall be a
66 rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time
67 between the date of the marriage and the date of separation. Once granted, the duration of such a reservation
68 shall not be subject to modification. Unless otherwise provided by stipulation or contract executed on or after
69 July 1, 2020, or unless otherwise ordered by the court on or after July 1, 2020, a party seeking to exercise his
70 right to support so reserved shall be required to prove a material change of circumstances as a prerequisite for
71 the court to consider exercise of such reservation.

72 E. The court, in determining whether to award support and maintenance for a spouse, shall consider the
73 circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery
74 and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 ~~or~~ § 20-95. In
75 determining the nature, amount and duration of an award pursuant to this section, the court shall consider the
76 following:

77 1. The obligations, needs and financial resources of the parties, including but not limited to income from
78 all pension, profit sharing or retirement plans, of whatever nature;

79 2. The standard of living established during the marriage;

80 3. The duration of the marriage;

81 4. The age and physical and mental condition of the parties and any special circumstances of the family;

82 5. The extent to which the age, physical or mental condition or special circumstances of any child of the
83 parties would make it appropriate that a party not seek employment outside of the home;

84 6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;

85 7. The property interests of the parties, both real and personal, tangible and intangible;

86 8. The provisions made with regard to the marital property under § 20-107.3;

87 9. The earning capacity, including the skills, education and training of the parties and the present
88 employment opportunities for persons possessing such earning capacity;

89 10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate
90 education, training and employment to obtain the skills needed to enhance his earning ability;

91 11. The decisions regarding employment, career, economics, education and parenting arrangements made
92 by the parties during the marriage and their effect on present and future earning potential, including the
93 length of time one or both of the parties have been absent from the job market;

94 12. The extent to which either party has contributed to the attainment of education, training, career
95 position or profession of the other party; and

96 13. Such other factors, including the tax consequences to each party and the circumstances and factors that
97 contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the
98 equities between the parties.

99 F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal
100 support shall be accompanied by written findings and conclusions of the court identifying the factors in
101 subsection E which support the court's order. Any order granting or reserving any request for spousal support
102 shall state whether the retirement of either party was contemplated by the court and specifically considered
103 by the court in making its award, and, if so, the order shall state the facts the court contemplated and
104 specifically considered as to the retirement of the party. If the court awards periodic support for a defined
105 duration, such findings shall identify the basis for the nature, amount and duration of the award and, if
106 appropriate, a specification of the events and circumstances reasonably contemplated by the court which
107 support the award.

108 G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the
109 parties are physically separated and at least one party intends such separation to be permanent provided the
110 separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning
111 and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than
112 death or termination pursuant to § 20-110.

113 H. Where there are no minor children whom the parties have a mutual duty to support, an order directing
114 the payment of spousal support, including those orders confirming separation agreements, entered on or after
115 October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the
116 following:

117 1. If known, the name, date of birth, and social security number of each party and, unless otherwise
118 ordered, each party's residential and, if different, mailing address, residential and employer telephone
119 number, and number appearing on a driver's license or other document issued under Chapter 3 (§ 46.2-300 et

120 seq.) of Title 46.2 or the comparable law of another jurisdiction, and the name and address of each party's
121 employer; however, when a protective order has been issued or the court otherwise finds reason to believe
122 that a party is at risk of physical or emotional harm from the other party, information other than the name of
123 the party at risk shall not be included in the order;

124 2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval,
125 the date payments are due, and the date the first payment is due;

126 3. A statement as to whether there is an order for health care coverage for a party;

127 4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the
128 period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited
129 to current spousal support obligations first, with any payment in excess of the current obligation applied to
130 arrearages;

131 5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good
132 cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice,
133 in advance, of any change of address and any change of telephone number within 30 days after the change;
134 and

135 6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due
136 and unpaid creates a judgment by operation of law.

137 **§ 20-107.3. Court may decree as to property and debts of the parties.**

138 A. Upon decreeing the dissolution of a marriage, and also upon decreeing a divorce from the bond of
139 matrimony, or upon the filing with the court as provided in subsection J of a certified copy of a final divorce
140 decree obtained without the Commonwealth, the court, upon request of either party, (i) shall determine the
141 legal title as between the parties, and the ownership and value of all property, real or personal, tangible or
142 intangible, of the parties and shall consider which of such property is separate property, which is marital
143 property, and which is part separate and part marital property in accordance with subdivision 3 and (ii) shall
144 determine the nature of all debts of the parties, or either of them, and shall consider which of such debts is
145 separate debt and which is marital debt. The court shall determine the value of any such property as of the
146 date of the evidentiary hearing on the evaluation issue. The court shall determine the amount of any such debt
147 as of the date of the last separation of the parties, if at such time or thereafter at least one of the parties
148 intends that the separation be permanent, and the extent to which such debt has increased or decreased from
149 the date of separation until the date of the evidentiary hearing. Upon motion of either party made no less than
150 21 days before the evidentiary hearing the court may, for good cause shown, in order to attain the ends of
151 justice, order that a different valuation date be used. The court, on the motion of either party, may retain
152 jurisdiction in the final decree of divorce to adjudicate the remedy provided by this section when the court
153 determines that such action is clearly necessary, and all decrees heretofore entered retaining such jurisdiction
154 are validated.

155 1. Separate property is (i) all property, real and personal, acquired by either party before the marriage; (ii)
156 all property acquired during the marriage by bequest, devise, descent, survivorship or gift from a source other
157 than the other party; (iii) all property acquired during the marriage in exchange for or from the proceeds of
158 sale of separate property, provided that such property acquired during the marriage is maintained as separate
159 property; and (iv) that part of any property classified as separate pursuant to subdivision 3. Income received
160 from separate property during the marriage is separate property if not attributable to the personal effort of
161 either party. The increase in value of separate property during the marriage is separate property, unless
162 marital property or the personal efforts of either party have contributed to such increases and then only to the
163 extent of the increases in value attributable to such contributions. The personal efforts of either party must be
164 significant and result in substantial appreciation of the separate property if any increase in value attributable
165 thereto is to be considered marital property.

166 2. Marital property is (i) all property titled in the names of both parties, whether as joint tenants, tenants
167 by the entirety or otherwise, except as provided by subdivision 3, (ii) that part of any property classified as
168 marital pursuant to subdivision 3, or (iii) all other property acquired by each party during the marriage which
169 is not separate property as defined above. All property including that portion of pensions, profit-sharing or
170 deferred compensation or retirement plans of whatever nature, acquired by either spouse during the marriage,
171 and before the last separation of the parties, if at such time or thereafter at least one of the parties intends that
172 the separation be permanent, is presumed to be marital property in the absence of satisfactory evidence that it
173 is separate property. For purposes of this section marital property is presumed to be jointly owned unless
174 there is a deed, title or other clear indicia that it is not jointly owned.

175 3. The court shall classify property as part marital property and part separate property as follows:

176 a. In the case of income received from separate property during the marriage, such income shall be marital
177 property only to the extent it is attributable to the personal efforts of either party. In the case of the increase in
178 value of separate property during the marriage, such increase in value shall be marital property only to the
179 extent that marital property or the personal efforts of either party have contributed to such increases, provided
180 that any such personal efforts must be significant and result in substantial appreciation of the separate

181 property.

182 For purposes of this subdivision, the nonowning spouse shall bear the burden of proving that (i)
183 contributions of marital property or personal effort were made and (ii) the separate property increased in
184 value. Once this burden of proof is met, the owning spouse shall bear the burden of proving that the increase
185 in value or some portion thereof was not caused by contributions of marital property or personal effort.

186 "Personal effort" of a party shall be deemed to be labor, effort, inventiveness, physical or intellectual skill,
187 creativity, or managerial, promotional or marketing activity applied directly to the separate property of either
188 party.

189 b. In the case of any pension, profit-sharing, or deferred compensation plan or retirement benefit, the
190 marital share as defined in subsection G shall be marital property.

191 c. In the case of any personal injury or workers' compensation recovery of either party, the marital share
192 as defined in subsection H shall be marital property.

193 d. When marital property and separate property are commingled by contributing one category of property
194 to another, resulting in the loss of identity of the contributed property, the classification of the contributed
195 property shall be transmuted to the category of property receiving the contribution. However, to the extent the
196 contributed property is retraceable by a preponderance of the evidence and was not a gift, such contributed
197 property shall retain its original classification.

198 e. When marital property and separate property are commingled into newly acquired property resulting in
199 the loss of identity of the contributing properties, the commingled property shall be deemed transmuted to
200 marital property. However, to the extent the contributed property is retraceable by a preponderance of the
201 evidence and was not a gift, the contributed property shall retain its original classification.

202 f. When separate property is retitled in the joint names of the parties, the retitled property shall be deemed
203 transmuted to marital property. However, to the extent the property is retraceable by a preponderance of the
204 evidence and was not a gift, the retitled property shall retain its original classification.

205 g. When the separate property of one party is commingled into the separate property of the other party, or
206 the separate property of each party is commingled into newly acquired property, to the extent the contributed
207 property is retraceable by a preponderance of the evidence and was not a gift, each party shall be reimbursed
208 the value of the contributed property in any award made pursuant to this section.

209 h. Subdivisions 3 d, e and f shall apply to jointly owned property. No presumption of gift shall arise under
210 this section where (i) separate property is commingled with jointly owned property; (ii) newly acquired
211 property is conveyed into joint ownership; or (iii) existing property is conveyed or retitled into joint
212 ownership. For purposes of this subdivision 3, property is jointly owned when it is titled in the name of both
213 parties, whether as joint tenants, tenants by the entireties, or otherwise.

214 4. Separate debt is (i) all debt incurred by either party before the marriage, (ii) all debt incurred by either
215 party after the date of the last separation of the parties, if at such time or thereafter at least one of the parties
216 intends that the separation be permanent, and (iii) that part of any debt classified as separate pursuant to
217 subdivision 5. However, to the extent that a party can show by a preponderance of the evidence that the debt
218 was incurred for the benefit of the marriage or family, the court may designate the debt as marital.

219 5. Marital debt is (i) all debt incurred in the joint names of the parties before the date of the last separation
220 of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent,
221 whether incurred before or after the date of the marriage, and (ii) all debt incurred in either party's name after
222 the date of the marriage and before the date of the last separation of the parties, if at such time or thereafter at
223 least one of the parties intends that the separation be permanent. However, to the extent that a party can show
224 by a preponderance of the evidence that the debt, or a portion thereof, was incurred, or the proceeds secured
225 by incurring the debt were used, in whole or in part, for a nonmarital purpose, the court may designate the
226 entire debt as separate or a portion of the debt as marital and a portion of the debt as separate.

227 B. For the purposes of this section only, both parties shall be deemed to have rights and interests in the
228 marital property. However, such interests and rights shall not attach to the legal title of such property and are
229 only to be used as a consideration in determining a monetary award, if any, as provided in this section.

230 C. Except as provided in subsection G, the court shall have no authority to order the division or transfer of
231 separate property or marital property, or separate or marital debt, which is not jointly owned or owed.
232 However, upon a finding that separate property of one party is in the possession or control of the other party,
233 the court may order that the property be transferred to the party whose separate property it is. The court may,
234 based upon the factors listed in subsection E, divide or transfer or order the division or transfer, or both, of
235 jointly owned marital property, jointly owed marital debt, or any part thereof. The court shall also have the
236 authority to apportion and order the payment of the debts of the parties, or either of them, that are incurred
237 prior to the dissolution of the marriage, based upon the factors listed in subsection E.

238 As a means of dividing or transferring the jointly owned marital property, the court may transfer or order
239 the transfer of real or personal property or any interest therein to one of the parties, permit either party to
240 purchase the interest of the other and direct the allocation of the proceeds, provided the party purchasing the
241 interest of the other agrees to assume any indebtedness secured by the property, or order its sale by private

242 sale by the parties, through such agent as the court shall direct, or by public sale as the court shall direct
 243 without the necessity for partition. All decrees entered prior to July 1, 1991, which are final and not subject to
 244 further proceedings on appeal as of that date, which divide or transfer or order the division or transfer of
 245 property directly between the parties are hereby validated and deemed self-executing. All orders or decrees
 246 which divide or transfer or order division or transfer of real property between the parties shall be recorded
 247 and indexed in the names of the parties in the appropriate grantor and grantee indexes in the land records in
 248 the clerk's office of the circuit court of the county or city in which the property is located.

249 D. In addition, based upon (i) the equities and the rights and interests of each party in the marital property,
 250 and (ii) the factors listed in subsection E, the court has the power to grant a monetary award, payable either in
 251 a lump sum or over a period of time in fixed amounts, to either party. The party against whom a monetary
 252 award is made may satisfy the award, in whole or in part, by conveyance of property, subject to the approval
 253 of the court. An award entered pursuant to this subsection shall constitute a judgment within the meaning of §
 254 8.01-426 and shall not be docketed by the clerk unless the decree so directs. An award entered pursuant to
 255 this subsection may be enforceable in the same manner as any other money judgment. The provisions of §
 256 8.01-382, relating to interest on judgments, shall apply unless the court orders otherwise.

257 Any marital property, which has been considered or ordered transferred in granting the monetary award
 258 under this section, shall not thereafter be the subject of a suit between the same parties to transfer title or
 259 possession of such property.

260 E. The amount of any division or transfer of jointly owned marital property, and the amount of any
 261 monetary award, the apportionment of marital debts, and the method of payment shall be determined by the
 262 court after consideration of the following factors:

- 263 1. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
- 264 2. The contributions, monetary and nonmonetary, of each party in the acquisition and care and
 265 maintenance of such marital property of the parties;
- 266 3. The duration of the marriage;
- 267 4. The ages and physical and mental condition of the parties;
- 268 5. The circumstances and factors which contributed to the dissolution of the marriage, specifically
 269 including any ground for divorce under the provisions of subdivision A (1), (3), or (6) of § 20-91 ~~or § 20-95~~;
- 270 6. How and when specific items of such marital property were acquired;
- 271 7. The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which
 272 may serve as security for such debts and liabilities;
- 273 8. The liquid or nonliquid character of all marital property;
- 274 9. The tax consequences to each party;
- 275 10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or
 276 the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last
 277 separation of the parties; and
- 278 11. Such other factors as the court deems necessary or appropriate to consider in order to arrive at a fair
 279 and equitable monetary award.

280 F. The court shall determine the amount of any such monetary award without regard to maintenance and
 281 support awarded for either party or support for the minor children of both parties and shall, after or at the time
 282 of such determination and upon motion of either party, consider whether an order for support and
 283 maintenance of a spouse or children shall be entered or, if previously entered, whether such order shall be
 284 modified or vacated.

285 G. In addition to the monetary award made pursuant to subsection D, and upon consideration of the
 286 factors set forth in subsection E:

287 1. The court may direct payment of a percentage of the marital share of any pension, profit-sharing or
 288 deferred compensation plan, or retirement benefits, whether vested or nonvested, that constitutes marital
 289 property and whether payable in a lump sum or over a period of time. The court may order direct payment of
 290 such percentage of the marital share by direct assignment to a party from the employer trustee, plan
 291 administrator, or other holder of the benefits. However, the court shall only direct that payment be made as
 292 such benefits are payable. No such payment shall exceed 50 percent of the marital share of the cash benefits
 293 actually received by the party against whom such award is made. "Marital share" means that portion of the
 294 total interest, the right to which was earned during the marriage and before the last separation of the parties, if
 295 at such time or thereafter at least one of the parties intended that the separation be permanent. Any
 296 determination of military retirement benefits shall be in accordance with the federal Uniformed Services
 297 Former Spouses' Protection Act (10 U.S.C. 1408 et seq.). If the court enters an order to distribute any
 298 Virginia Retirement System managed defined contribution plan, the Virginia Retirement System shall, if
 299 ordered by the court, calculate and include in such distribution gains and losses from the valuation date
 300 specified in the order through the date of distribution of the benefits, but only to the extent possible based on
 301 the information available to the Virginia Retirement System.

302 2. To the extent permitted by federal or other applicable law, the court may order a party to designate a

303 spouse or former spouse as irrevocable beneficiary during the lifetime of the beneficiary of all or a portion of
304 any survivor benefit or annuity plan of whatsoever nature, but not to include a life insurance policy except to
305 the extent permitted by § 20-107.1:1. The court, in its discretion, shall determine as between the parties, who
306 shall bear the costs of maintaining such plan.

307 H. In addition to the monetary award made pursuant to subsection D, and upon consideration of the
308 factors set forth in subsection E, the court may direct payment of a percentage of the marital share of any
309 personal injury or workers' compensation recovery of either party, whether such recovery is payable in a
310 lump sum or over a period of time. However, the court shall only direct that payment be made as such
311 recovery is payable, whether by settlement, jury award, court award, or otherwise. "Marital share" means that
312 part of the total personal injury or workers' compensation recovery attributable to lost wages or medical
313 expenses to the extent not covered by health insurance accruing during the marriage and before the last
314 separation of the parties, if at such time or thereafter at least one of the parties intended that the separation be
315 permanent.

316 I. Nothing in this section shall be construed to prevent the affirmation, ratification and incorporation in a
317 decree of an agreement between the parties pursuant to §§ 20-109 and 20-109.1. Agreements, otherwise valid
318 as contracts, entered into between spouses prior to the marriage shall be recognized and enforceable.

319 J. A court of proper jurisdiction under § 20-96 may exercise the powers conferred by this section after a
320 court of a foreign jurisdiction has decreed a dissolution of a marriage or a divorce from the bond of
321 matrimony, if (i) one of the parties was domiciled in this Commonwealth when the foreign proceedings were
322 commenced, (ii) the foreign court did not have personal jurisdiction over the party domiciled in the
323 Commonwealth, (iii) the proceeding is initiated within two years of receipt of notice of the foreign decree by
324 the party domiciled in the Commonwealth, and (iv) the court obtains personal jurisdiction over the parties
325 pursuant to subdivision A 9 of § 8.01-328.1, or in any other manner permitted by law.

326 K. The court shall have the continuing authority and jurisdiction to make any additional orders necessary
327 to effectuate and enforce any order entered pursuant to this section, including the authority to:

328 1. Order a date certain for transfer or division of any jointly owned property under subsection C or
329 payment of any monetary award under subsection D;

330 2. Punish as contempt of court any willful failure of a party to comply with the provisions of any order
331 made by the court under this section;

332 3. Appoint a special commissioner to transfer any property under subsection C where a party refuses to
333 comply with the order of the court to transfer such property; and

334 4. Modify any order entered in a case filed on or after July 1, 1982, intended to affect or divide any
335 pension, profit-sharing or deferred compensation plan or retirement benefits pursuant to the United States
336 Internal Revenue Code or other applicable federal laws, only for the purpose of establishing or maintaining
337 the order as a qualified domestic relations order or to revise or conform its terms so as to effectuate the
338 expressed intent of the order.

339 L. If it appears upon or after the entry of a final decree of divorce from the bond of matrimony that neither
340 party resides in the city or county of the circuit court that entered the decree, the court may, on the motion of
341 any party or on its own motion, transfer to the circuit court for the city or county where either party resides
342 the authority to make additional orders pursuant to subsection K or to carry out or enforce any stipulation,
343 contract, or agreement between the parties that has been affirmed, ratified, and incorporated by reference
344 pursuant to § 20-109.1.

345 **§ 20-121.02. Decree of divorce without amended bill or amended cross-bill.**

346 In any divorce suit wherein a bill of complaint or cross-bill prays for a divorce from the bonds of
347 matrimony under § 20-91 ~~or prays for a divorce from bed and board under § 20-95~~, at such time as there
348 exists in either party's favor grounds for a divorce from the bonds of matrimony under *subdivision A (9) of §*
349 *20-91 A (9)*, either party may move the court wherein such divorce suit is pending for a divorce from the
350 bonds of matrimony on the grounds set out in *subdivision A (9) of § 20-91 A (9)* without amending the bill of
351 complaint or cross-bill.

352 **2. That §§ 20-95 and 20-120 of the Code of Virginia are repealed.**

353 **3. That the provisions of this act shall apply to suits for divorce filed on or after July 1, 2024.**