

The Virginia Beach Young Lawyers Present

INTRODUCTION TO THE VIRGINIA BEACH COURTS

November 7th, 2014

2-5pm

Virginia Beach Circuit Court 5

A. Introduction to the General District Court

a. Civil Practice:

i. Most Common Forms: (Hon. Mr. David M. O'Dell, Clerk of Court and
Shelby Duell, Civil Division Manager)

1. Unlawful Detainers

2. Warrant In Debts

3. Garnishments

4. SCRA

5. Interrogatories

ii. New Policies and Recommended Procedures: (Hon. Mr. David M. O'Dell,
Clerk of Court and Shelby Duell, Civil Division Manager)

SUMMONS FOR UNLAWFUL DETAINER
(CIVIL CLAIM FOR EVICTION)

VA. CODE § 8.01-126
Commonwealth of Virginia
General District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summon the Defendant(s) as provided below:
TO THE DEFENDANT(S): You are commanded to appear before this Court on

RETURN DATE AND TIME to answer this civil claim.

DATE ISSUED

☐ CLERK ☐ DEPUTY CLERK ☐ MAGISTRATE

CLAIM AND AFFIDAVIT: That Defendant(s) unlawfully detains and withholds from Plaintiff(s):

ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and that the Defendant should be removed from possession based on the following:

☐ unpaid rent ☐ and further that rent is due and owing and damages have been incurred as follows:

\$ RENT rent due for PERIOD and \$ late fee

and \$ damages for with interest RATES AND BEGINNING DATES

and \$ costs and \$ civil recovery and \$ attorney's fees.

☐ Plaintiff requests judgment for all amounts due as of the date of the hearing.

☐ This summons is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia.

All required notices have been given.

☐ PLAINTIFF(S) ☐ PLAINTIFF'S ATTORNEY ☐ PLAINTIFF'S AGENT

Subscribed and sworn to before me this day of , 20

My commission expires: ☐ CLERK ☐ DEPUTY CLERK ☐ MAGISTRATE ☐ NOTARY PUBLIC

NOTARY REGISTRATION NO. ☐ City ☐ County of

CASE DISPOSITION

☐ JUDGMENT that Plaintiff(s) recover against ☐ named DEFENDANT(S).

☐ possession of the premises described above pursuant to § 8.01-128.

☐ A hearing shall be held on DATE AND TIME to establish final rent and damages.

☐ Immediate writ of possession authorized pursuant to Virginia Code

☐ § 8.01-129 based upon a judgment of default for ☐ a trustee's deed following foreclosure

☐ the nonpayment of rent ☐ immediate non-remediable termination.

☐ § 55-243(C) or § 55-248.34-1(D).

DEFENDANT(S) PRESENT? ☐ YES ☐ NO

DATE

JUDGE

☐ Rent, in the sum of \$ and \$ late fee
and \$ damages with interest RATES AND BEGINNING DATES and

\$ costs and \$ civil recovery and \$ attorney's fees.

HOMESTEAD EXEMPTION WAIVED? ☐ YES ☐ NO ☐ CANNOT BE DEMANDED

☐ JUDGMENT FOR ☐ NAMED DEFENDANT(S) ☐

☐ NON-SUIT ☐ DISMISSED DEFENDANT(S) PRESENT? ☐ YES ☐ NO

DATE

JUDGE

CASE NO.

PLAINTIFF(S) NAME(S) (LAST, FIRST, MIDDLE)

V.

TELEPHONE NUMBER

DEFENDANT(S) NAME(S) (LAST, FIRST, MIDDLE)

TELEPHONE NUMBER

TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location and your right to prevent this unlawful detainer action through payment of amounts owed.

☐ To dispute this case, you must appear on the return date to try this case

☐ To dispute this case, you must appear on the return date for the judge to set another date for trial.

If you fail to appear and a default judgment is entered against you, a writ of possession may be issued immediately for possession of the premises.

Bill of Particulars ordered

DUE DATE

Grounds of Defense ordered

DUE DATE

ATTORNEY FOR PLAINTIFF(S)

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)

TELEPHONE NUMBER

DISABILITY ACCOMMODATIONS for loss of vision, hearing, mobility, etc. Contact the court ahead of time.

HEARING DATE AND TIME

☐ Redemption tender presented; continued to:

HEARING DATE AND TIME

☐ Defendant must pay:

\$ RENT OWED into the court to be held in escrow by

DATE

and any rents coming due prior to the next hearing date must also be paid into the court.

JUDGE'S INITIALS

MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION

DATE

CLERK

To the Defendant(s):

(1) The preferred location for an Unlawful Detainer action is the city or county where the property is located. If the plaintiff has filed this case in a city or county other than where the property you rent is located, you may object to the location. The court may transfer the case to the preferred location, if the court agrees with you. The court may award costs and attorney's fees to you if the court agrees with your objection. To object to the location of the suit, you must do the following:

- Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the left column under the words "TO THE DEFENDANT(S)," (c) Plaintiff(s) name(s) and your name(s), (d) "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
- File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to the plaintiff.
- If you mail your written request to the court, the clerk will notify you of the judge's decision.

(2) If you pay the landlord or his attorney or pay into court all (i) rent due and owing as of the court date as contracted for in the rental agreement, (ii) other charges and fees as contracted for in the rental agreement, (iii) late charges contracted for in the rental agreement, (iv) reasonable attorney fees as contracted for in the rental agreement or as provided by law, and (v) costs of the proceeding as provided by law, this unlawful detainer action will be dismissed pursuant to Virginia Code § 55-243 or 55-248.34.1. You may exercise this right only once every 12 months that you continue to live in the same place, regardless of the term of the rental agreement or any renewal term.

(3) You may tell your landlord that you want another person to receive a copy of this summons, and the landlord shall send a copy to that person. However, the person you identify will not, by receiving a copy of the summons, become a party to the case or be able to challenge the landlord's actions on your behalf. Virginia Code § 55-248.9:1

I certify that I mailed a copy of this document to the defendants named therein at the address show therein on

DATE ☐ PLAINTIFF ☐ PLAINTIFF'S ATTORNEY ☐ PLAINTIFF'S AGENT

Fi. Fa. issued on
Interrogatories issued on
Garnishment issued on

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

Name
Address

☐ Personal Service ☐ Tel. No.

☐ Being unable to make personal service, a copy was delivered in the following manner:
☐ Delivered to family member (not temporary sojourner or guest) age 16 or older usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found)
☐ Served on the Secretary of the Commonwealth

☐ Not found SERVING OFFICER

DATE for

Name

Address

☐ Personal Service ☐ Tel. No.

☐ Being unable to make personal service, a copy was delivered in the following manner:
☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found)
☐ Served on the Secretary of the Commonwealth
☐ Not found SERVING OFFICER

DATE for

SUMMONS FOR UNLAWFUL DETAINER

(CIVIL CLAIM FOR EVICTION)

VA. CODE § 8.01-126
Commonwealth of Virginia

VIRGINIA BEACH GENERAL DISTRICT COURT

General District Court

CITY OR COUNTY

2425 NIMMO PKWY BLDG 10 VA BEACH VA 23456

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summon the Defendant(s) as provided below:
TO THE DEFENDANT(S): You are commanded to appear before this Court on

to answer this civil claim.

RETURN DATE AND TIME

DATE ISSUED

[] CLERK [] DEPUTY CLERK [] MAGISTRATE

CLAIM AND AFFIDAVIT: That Defendant(s) unlawfully detains and withholds from Plaintiff(s):

SURFS UPLANE #666 VA BEACH VA

ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and that the Defendant should be removed from possession based on the following:

☒ unpaid rent ☐ damages for ☐ civil recovery and \$ ☐ attorney's fees.

and further that rent is due and owing and damages have been incurred as follows: \$ 4,000.00 SDA
rent due for OCTOBER 2014 and \$ 8,000.00 late fee

PERIOD PET FEE with interest 6% DOJ
and \$ 2,000.00 SDA damages for 25,000.00 SDA attorney's fees.

and \$ 56.00 and \$ 25,000.00 SDA attorney's fees.

☒ Plaintiff requests judgment for all amounts due as of the date of the hearing \$ 20,000.00

☒ This summons is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia.

All required notices have been given.

PLAINTIFF(S) ☒ PLAINTIFF'S ATTORNEY ☐ PLAINTIFF'S AGENT

Subscribed and sworn to before me this day of , 20

My commission expires: day of
NOTARY REGISTRATION NO. [] CLERK [] DEPUTY CLERK [] MAGISTRATE [] NOTARY PUBLIC
[] City [] County of

CASE DISPOSITION

☒ JUDGMENT that Plaintiff(s) recover against { } named DEFENDANT(S).

☒ possession of the premises described above pursuant to § 8.01-128.

☐ A hearing shall be held on to establish final rent and damages.

DATE AND TIME

☒ Immediate writ of possession authorized pursuant to Virginia Code

☐ § 8.01-129 based upon a judgment of default for [] a trustee's deed following foreclosure

☐ The nonpayment of rent [] immediate non-remediable termination.

☐ § 55-243(C) or § 55-248.34-1(D).

DEFENDANT(S) PRESENT? [] YES ☒ NO

DATE

JUDGE

rent, in the sum of \$ 20.00 and \$ 4,000.00 late fee

and \$ 60.00 damages with interest 6% DOJ

RATE(S) AND BEGINNING DATE(S)

costs and \$ 20,000.00 attorney's fees.

HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CANNOT BE DEMANDED

JUDGMENT FOR [] NAMED DEFENDANT(S) []

[] NON-SUIT [] DISMISSED DEFENDANT(S) PRESENT? [] YES [] NO

DATE

JUDGE

CASE NO. GV14000000-00

SONYA'S PLACE ON THE BEACH

PLAINTIFF(S) NAME(S) (LAST, FIRST, MIDDLE)

#1 HAPPINESS STREET

VA BEACH, VA

757-555-5555

TELEPHONE NUMBER

V.

OIDELL DAVE

DEFENDANT(S) NAME(S) (LAST, FIRST, MIDDLE)

SURFS UPLANE #666

VA BEACH, VA

TELEPHONE NUMBER

TO DEFENDANT: You are not required to appear, however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location and your right to prevent this unlawful detainer action through payment of amounts owed.

[] To dispute this case, you must appear on the return date to try this case

[] To dispute this case, you must appear on the return date for the judge to set another date for trial.

If you fail to appear and a default judgment is entered against you, a writ of possession may be issued immediately for possession of the premises.

Bill of Particulars ordered

DUE DATE

Grounds of Defense ordered

DUE DATE

ATTORNEY FOR PLAINTIFF(S)

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)

TELEPHONE NUMBER

DISABILITY ACCOMMODATIONS for loss of vision, hearing, mobility, etc. Contact the court ahead of time.

HEARING DATE AND TIME

EXAMPLE

1

[] Redemption tender presented; continued to:

HEARING DATE AND TIME

[] Defendant must pay:

\$ RENT OWED into the court to be held in escrow by

DATE

and any rents coming due prior to the next hearing date must also be paid into the court.

JUDGE'S INITIALS

MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION

DATE

CLERK

SUMMONS FOR UNLAWFUL DETAINER

(CIVIL CLAIM FOR EVICTION)

VA. CODE § 8.01-126
Commonwealth of Virginia

VIRGINIA BEACH GENERAL DISTRICT COURT

General District Court

CITY OR COUNTY

2425 NIMMO PKWY BLDG 10 VA BEACH VA 23456

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: Summons on the Defendant(s) as provided below:
TO THE DEFENDANT(S): You are commanded to appear before this Court on

to answer this civil claim.

RETURN DATE AND TIME

DATE ISSUED

☐ CLERK ☐ DEPUTY CLERK ☐ MAGISTRATE

CLAIM AND AFFIDAVIT: That Defendant(s) unlawfully detains and withholds from Plaintiff(s):

SURF'S UP LANE #666 VA BEACH VA
ADDRESS/DESCRIPTION OF DETAINED PROPERTY

and that the Defendant should be removed from possession based on the following:

☒ Unpaid rent ☐ and further that rent is due and owing and damages have been incurred as follows:

\$ 2,000.00 rent due for OCTOBER 2014 and \$ 3,000.00 late fee

and \$ 2,000.00 damages for PET FEE with interest 6% DOJ

and \$ costs 66.00 and \$ 23,000.00 attorney's fees.

☒ Plaintiff requests judgment for all amounts due as of the date of the hearing.

☒ This summons is filed to terminate a tenancy pursuant to the Virginia Residential Landlord and Tenant Act, § 55-248.2 et seq. of the Code of Virginia.

All required notices have been given.

Subscribed and sworn to before me this day of 20

My commission expires:

NOTARY REGISTRATION NO.

☐ City ☐ County of

CASE DISPOSITION

☒ JUDGMENT that Plaintiff(s) recover against ☐ named DEFENDANT(S).

☒ possession of the premises described above pursuant to § 8.01-128.

☐ A hearing shall be held on to establish final rent and damages.

DATE AND TIME

☒ Immediate writ of possession authorized pursuant to Virginia Code

☐ § 8.01-129 based upon a judgment of default for ☐ a trustee's deed following foreclosure

☐ the nonpayment of rent ☐ immediate non-remediable termination.

☐ § 55-243(C) or § 55-248.34-1(D)

DEFENDANT(S) PRESENT? ☐ YES ☐ NO

DATE

☐ Rent in the sum of \$ and \$ late fee

and \$ damages with interest and

RATES) AND BEGINNING DATE(S)

\$ costs and \$ civil recovery and \$ attorney's fees.

HOMESTEAD EXEMPTION WAIVED? ☐ YES ☐ NO ☐ CANNOT BE DEMANDED

☐ JUDGMENT FOR ☐ NAMED DEFENDANT(S) ☐

☐ NON-SUIT ☐ DISMISSED DEFENDANT(S) PRESENT? ☐ YES ☐ NO

DATE

JUDGE

CASE NO.

GV14000000-00

SONYA'S PLACE ON THE BEACH

PLAINTIFF(S) NAME(S) (LAST, FIRST, MIDDLE)

#1 HAPPINESS STREET

VA BEACH, VA

757-555-5555

TELEPHONE NUMBER

v.

O'DELL, DAVE

DEFENDANT(S) NAME(S) (LAST, FIRST, MIDDLE)

SURF'S UP LANE #666

VA BEACH, VA

TELEPHONE NUMBER

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location and your right to prevent this unlawful detainer action through payment of amounts owed.

☐ To dispute this case, you must appear on the return date to try this case

☐ To dispute this case, you must appear on the return date for the judge to set another date for trial.

If you fail to appear and a default judgment is entered against you, a writ of possession may be issued immediately for possession of the premises.

Bill of Particulars ordered

DUE DATE

Grounds of Defense ordered

DUE DATE

ATTORNEY FOR PLAINTIFF(S)

TELEPHONE NUMBER

ATTORNEY FOR DEFENDANT(S)

TELEPHONE NUMBER

DISABILITY ACCOMMODATIONS for loss of vision, hearing, mobility, etc. Contact the court ahead of time.

HEARING DATE AND TIME

EXAMPLE

2

☐ Redemption tender presented; continued to:

HEARING DATE AND TIME

☐ Defendant must pay:

\$ RENT OWED

into the court to be held in escrow by

DATE

and any rents coming due prior to the next hearing date must also be paid into the court.

JUDGE'S INITIALS

MONEY JUDGMENT PAID OR SATISFIED PURSUANT TO ATTACHED NOTICE OF SATISFACTION

DATE

CLERK

WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)
Commonwealth of Virginia VA. CODE § 16.1-79

CITY OR COUNTY General District Court

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER: You are hereby commanded to summon the Defendant(s).

TO THE DEFENDANT(S): You are summoned to appear before this Court at the above address on

RETURN DATE AND TIME to answer the Plaintiff(s)' civil claim (see below)

DATE ISSUED [] CLERK [] DEPUTY CLERK [] MAGISTRATE

CLAIM: Plaintiff(s) claim that Defendant(s) owe Plaintiff(s) a debt in the sum of

\$ net of any credits, with interest at % from date of until paid,
costs and \$ attorney's fees with the basis of this claim being

[] Open Account [] Contract [] Note [] Other (EXPLAIN)

HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] cannot be demanded

CASE DISPOSITION [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S EMPLOYEE/AGENT

JUDGMENT against [] named Defendant(s) []

for \$ net of any credits, with interest at % from date

of until paid, \$ costs and \$ attorney's fees
HOMESTEAD EXEMPTION WAIVED? [] YES [] NO [] CANNOT BE DEMANDED

[] JUDGMENT FOR [] NAMED DEFENDANT(S) []
[] NON-SUIT [] DISMISSED

Defendant(s) Present? [] YES
[] NO

DATE JUDGE

CASE NO.

PLAINTIFF(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

V.

DEFENDANT(S) (LAST NAME, FIRST NAME, MIDDLE INITIAL)

WARRANT IN DEBT

TO DEFENDANT: You are not required to appear; however, if you fail to appear, judgment may be entered against you. See the additional notice on the reverse about requesting a change of trial location.

[] To dispute this claim, you must appear on the return date to try this case.
[] To dispute this claim, you must appear on the return date for the judge to set another date for trial.

Bill of Particulars

ORDERED DUE

Grounds of Defense

ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

HEARING DATE
AND TIME

JUDGMENT PAID OR
SATISFIED
PURSUANT TO
ATTACHED NOTICE
OF
SATISFACTION.

DATE

CLERK

DISABILITY
ACCOMMODATIONS
for loss of hearing,
vision, mobility, etc.,
contact the court ahead
of time.

RETURNS: Each defendant was served according to law, as indicated below, unless not found.

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE Tel. No.	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____ DATE for _____

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE Tel. No.	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____ DATE for _____

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE Tel. No.	
Being unable to make personal service, a copy was delivered in the following manner:	
<input type="checkbox"/> Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.	
<input type="checkbox"/> Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)	
<input type="checkbox"/> Served on Secretary of the Commonwealth	
<input type="checkbox"/> NOT FOUND	SERVING OFFICER _____ DATE for _____

OBJECTION TO VENUE:

To the Defendant(s): If you believe that Plaintiff(s) should have filed this suit in a different city or county, you may file a written request to have the case moved for trial to the general district court of that city or county. To do so, you must do the following:

1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to object to venue of this case in this court because" and state the reasons for your objection and also state in which city or county the case should be tried, and (e) your signature and mailing address.
2. File the written request in the clerk's office before the trial date (use the mail at your own risk) or give it to the judge when your case is called on the return date. Also send or deliver a copy to plaintiff.
3. If you mail this request to the court, you will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on

DATE
☐ Plaintiff
☐ Plaintiff's Atty.
☐ Plaintiff's Agent

Fi. Fa. issued on
 Interrogatories issued on:

Garnishment issued on

GARNISHMENT SUMMONS
Commonwealth of Virginia Va. Code §§ 8.01-511, 8.01-512.3

COURT NAME
General District Court

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the hearing date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

CLERK

DATE AND TIME OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

TO GARNISHEE: On check or written answer, include return date, case number and judgment debtor's name. MAKE CHECK PAYABLE TO JUDGMENT CREDITOR AND DELIVER TO THE COURT.

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.

Homestead Exemption Waived? ☐ yes ☐ no ☐ cannot be demanded

DATE OF ISSUANCE OF WRIT

CLERK

CASE DISPOSITION

I ORDER that

☐ the garnishee pay to the judgment creditor through the court \$ net of any credits.

☐ the case be DISMISSED.

☐

DATE ENTERED

JUDGE

CASE NO.

JUDGMENT CREDITOR'S NAME

STREET ADDRESS

CITY, STATE, ZIP

TELEPHONE NUMBER

JUDGMENT CREDITOR'S ATTORNEY'S NAME

ADDRESS

TELEPHONE NUMBER

JUDGMENT DEBTOR'S NAME (SERVE)

STREET ADDRESS

CITY, STATE, ZIP

SOCIAL SECURITY NUMBER

TELEPHONE NUMBER

GARNISHEE'S NAME

STREET ADDRESS

CITY, STATE, ZIP

DATE OF JUDGMENT

STATEMENT

TELEPHONE NUMBER

Judgment Principal

Credits

Interest

Judgment Costs

Attorney's Fees

Garnishment Costs

\$0.00 TOTAL BALANCE DUE

The garnishee shall rely on this amount.

HEARING DATE & TIME

GARNISHMENT
SUMMONS

This is a garnishment against (check only one) ☐ the judgment debtor's wages, salary or other compensation.

☐ some other debt due or property of the judgment debtor, specifically,

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

☐ Support

☐ 50% ☐ 55%

☐ 60% ☐ 65%

(if not specified, then 50%)

☐ state taxes, 100%

If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of this GARNISHMENT SUMMONS).

\$ received by

JUDGMENT CREDITOR ☐ Judgment debtor present

DATE

The following statement is not the law but is an interpretation of the law which is intended to assist those who must respond to this garnishment. You may rely on this only for general guidance because the law itself is the final word. (Read the law, § 34-29 of the Code of Virginia, for a full explanation. A copy of § 34-29 is available at the Clerk's office. If you do not understand the law, call a lawyer for help.)

An employer may take as much as 25 percent of an employee's disposable earnings to satisfy this garnishment. But if any employee makes the minimum wage or less for his week's earnings, the employee will ordinarily get to keep 40 times the minimum hourly wage.

But an employer may withhold a different amount of money from that above if:

- (1) The employee must pay child support or spousal support and was ordered to do so by a court procedure or other legal procedure. No more than 65 percent of an employee's earnings may be withheld for support;
- (2) Money is withheld by order of a bankruptcy court; or
- (3) Money is withheld for a tax debt.

"Disposable earnings" means the money an employee makes "after taxes" and after other amounts required by law to be withheld are satisfied. Earnings can be salary, hourly wages, commissions, bonuses, payments to an independent contractor, or otherwise, whether paid directly to the employee or not.

If an employee tries to transfer, assign or in any way give his earnings to another person to avoid the garnishment, it will not be legal; earnings are still earnings.

Financial institutions that receive an employee's paycheck by direct deposit do not have to determine what part of a person's earnings can be garnished.

CAME TO HAND

DATE AND TIME

SHERIFF

NOTE:

Return of Writ of Fieri Facias to be used if no effects found otherwise, use appropriate sections of DC-467, WRIT OF FIERI FACIAS.

[] NO EFFECTS FOUND

DATE

SHERIFF

DEPUTY SHERIFF

RETURNS: The judgment debtor was served, according to law, as indicated below, unless not found, with a copy of both this summons and the § 8.01-512.4 form.

JUDGMENT DEBTOR

ADDRESS

[] PERSONAL SERVICE

[] Being unable to make personal service, a copy was delivered in the following manner:

[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] Served on Secretary of the Commonwealth.

[] Not found

SERVING OFFICER

DATE OF SERVICE for

RETURNS: The following garnishee was served, according to law, as indicated below, unless not found.

GARNISHEE

ADDRESS

[] PERSONAL SERVICE

[] FEDERAL SERVICE*

[] Being unable to make personal service, a copy was delivered in the following manner:

[] Served on registered agent of the corporation. List name and title:

[] Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

[] Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above. (Other authorized recipient not found.)

[] Served on the Secretary of the Commonwealth

[] Served on the Clerk of the State Corporation Commission, pursuant to § 8.01-513.

[] Copy mailed to judgment debtor after serving the garnishee on date of service unless a different date of mailing is shown.

DATE OF MAILING

[] Not found

SERVING OFFICER

DATE OF SERVICE for

* Federal garnishment statutes, 5 U.S.C. § 5520a(c)(1) and 42 U.S.C. § 659 provide that the garnishee, when a federal agency, may be served either personally or by certified or registered mail, return receipt requested.

SUGGESTION FOR SUMMONS IN GARNISHMENT

Commonwealth of Virginia Va. Code § 8.01-511

CITY OR COUNTY

General District Court

ORIGINAL JUDGMENT

DATE OF JUDGMENT	DATE EXECUTION ORDERED
CITY OR COUNTY WHERE JUDGMENT ENTERED	

STATEMENT

\$ Judgment Principal
Credits (see reverse)
Interest at % to return date
Judgment Costs
Attorney's Fee
Garnishment Costs

\$ 0.00 Total Balance Due
The garnishee shall rely on this amount.

MAXIMUM PORTION OF DISPOSABLE EARNINGS
SUBJECT TO GARNISHMENT

[] Support (if not specified, then 50%)
[] 50% [] 55% [] 60% [] 65% [] State Taxes, 100%
If none of the above are checked, then § 34-29(a) applies (a plain-language interpretation of this section is on the reverse of the SUMMONS).

I request the Clerk to summon the Suggested Garnishee to answer this suggestion.

This is a garnishment against (check only one) [] the judgment debtor's wages, salary or other compensation. [] some other debt due or property of the judgment debtor, specifically

I have reason to believe that there is a liability on the suggested garnishee because of the execution on the "ORIGINAL JUDGMENT" described above. I certify that:

- [] (1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
- [] (2) No summons has been issued upon this judgment creditor's suggestion against the same judgment debtor within a period of eighteen months, other than a summons which was based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
- [] (3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent, or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his or her lawful dependents, and that it was not for luxuries or nonessentials; or
- [] (4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or
- [] (5) The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or
- [] (6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.

I hereby certify that the last known address of the defendant is as shown at right.

[] I represent that I have made a diligent, good faith effort to secure the social security number of the judgment debtor and have been unable to do so.

DATE SUBMITTED

[] JUDGMENT CREDITOR [] AGENT [] ATTORNEY

WARNING: Any judgment creditor who knowingly gives false information in a Suggestion for Garnishment shall be guilty of a class 1 misdemeanor.

CASE NO. RETURN DATE

SUGGESTION FOR SUMMONS
IN GARNISHMENT

JUDGMENT CREDITOR'S NAME

STREET ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

JUDGMENT CREDITOR'S ATTORNEY'S NAME

STREET ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

JUDGMENT DEBTOR'S NAME

STREET ADDRESS

CITY STATE ZIP

SOCIAL SECURITY NUMBER TELEPHONE NUMBER

SUGGESTED GARNISHEE'S NAME (SEE NOTE BELOW)

STREET ADDRESS

CITY STATE ZIP

TELEPHONE NUMBER

If garnishee is judgment debtor's employer, please furnish employer's name, and state whether it is a corporation, or one or more persons trading under a fictitious or trade name.

INSTRUCTIONS TO JUDGMENT

Show how these credits were computed on this side of this form or on an attached sheet of paper.
You should show:

- Date and amount of each payment.
- How interest is computed.
- How payments are credited.

**AFFIDAVIT – DEFAULT JUDGMENT
SERVICEMEMBERS CIVIL RELIEF ACT**

Commonwealth of Virginia VA. CODE § 8.01-15.2

Case No.

RETURN DATE AND TIME

☐ Circuit Court ☐ General District Court
☐ Juvenile and Domestic Relations District Court

CITY OR COUNTY

v./In re:

I,, the undersigned affiant, states the following under oath:

PRINT NAME

☐ The defendant/respondent ☐ is in military service. ☐ is not in military service.

The following facts support the statement above:

☐ The affiant is unable to determine whether or not the defendant/respondent is in military service.

Pursuant to 50 U.S.C. app. § 521, if the court is unable to determine whether the defendant/respondent is in military service based upon the affiant's statement, the court, before entering judgment, may require the plaintiff/petitioner to file a bond in an amount approved by the court.

DATE

AFFIANT'S SIGNATURE

The above-named affiant personally appeared this day before the undersigned, and upon duly being sworn, made oath that the facts stated in this affidavit are true to the best of his or her knowledge, information and belief.

DATE

☐ CLERK ☐ DEPUTY CLERK ☐ MAGISTRATE ☐ JUDGE ☐ INTAKE OFFICER

FOR NOTARY PUBLIC'S USE ONLY:

State of ☐ City ☐ County of

Acknowledged, subscribed and sworn to before me this day of, 20

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC

(My commission expires:)

NOTICE REGARDING APPOINTMENT OF COUNSEL TO REPRESENT ABSENT SERVICEMEMBER:

Where appointment of counsel is required pursuant to 50 U.S.C. app. § 521 or § 522, the court may assess attorneys' fees and costs against any party, as the court deems appropriate, and shall direct in its order which of the parties to the case shall pay such fees and costs, except the Commonwealth unless it is the party that obtains the judgment.

FOR COURT USE ONLY:

☐ ORDER OF APPOINTMENT OF COUNSEL

I find that appointment of counsel is required pursuant to 50 U.S.C. app. § 521 or § 522 and therefore, I appoint the lawyer indicated below to represent the absent servicemember named as defendant/respondent above.

NAME, ADDRESS
COURT
POINTED
BY
JURY

NEXT HEARING DATE AND TIME

DATE

JUDGE

☐ STAY OF PROCEEDINGS

I find that a stay of proceedings is required pursuant to 50 U.S.C. app. § 521 and, therefore, such a stay, for a minimum period of 90 days, is ordered until

NEXT HEARING DATE AND TIME

DATE

JUDGE

SUMMONS TO ANSWER INTERROGATORIES

Va. Code §§ 8.01-506, 16.1-103

CITY OR COUNTY
General District Court

STREET ADDRESS OF COURT
TO ANY SERVING OFFICER. Serve this summons on the Respondent then return this summons to the Court of Commissioner in Chancery designated below before whom the Respondent is to appear. TO THE RESPONDENT: A Writ of Fieri Facias was issued on a judgment in favor of Judgment Creditor(s) against Judgment Debtor(s) as indicated below, and the Writ of Fieri Facias constitutes a lien upon the personal estate(s) of the Judgment Debtor(s). At the Judgment Creditor(s) request, you are hereby commanded to appear on

DATE at TIME before
[] this Court (or) [] Court (or)
[] Commissioner in Chancery

STREET ADDRESS
to answer questions concerning property and assets of Judgment Debtor(s) which are held or controlled by the Respondent.
TO JUDGE OR COMMISSIONER IN CHANCERY: Forward these case papers to the issuing court upon completion of the interrogatory proceedings.

DATE ISSUED [] CLERK [] JUDGE

REQUEST FOR SUMMONS TO ANSWER INTERROGATORIES

I request the issuance of a Summons to Answer Interrogatories in connection with the judgment [] in this case [] of the Court requiring the execution debtor to appear before the court named above, where the execution debtor resides or contiguous thereto. I have paid the required fees and have filed or docketed an Abstract of Judgment in this court. The details and status of such judgment are:

DATE WRIT OF FIERI FACIAS ISSUED	DATE OF JUDGMENT UPON WHICH	AMOUNT	COSTS	ATTY'S FEES
LEGAL INTERESTS DUE ON JUDGMENT: RATES AND BEGINNING DATE(S)		\$ CREDITS	\$ TOTAL BALANCE DUE	\$

I certify that I have not proceeded against the Judgment Debtor(s) under § 8.01-506 within six (6) months from this date.

DATED ISSUED [] JUDGMENT CREDITOR [] JUDGMENT CREDITOR'S ATTORNEY
ADDRESS/TELEPHONE NUMBER OF [] JUDGMENT CREDITOR [] JUDGMENT CREDITOR'S ATTORNEY

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to make the money herein mentioned, the principal, interest, costs and attorney's fees, less credits (itemized on the attached list), as shown above, out of the goods, chattels, money, bank notes and other personal property or intangible personal estate of the Judgment Debtor(s). You are further commanded to make your return to the Clerk's Office within 90 days of this date.

Homestead Exemption Waived? [] yes [] no [] cannot be demanded

DATE CLERK

RETURN DATE CASE NO.

SUMMONS TO ANSWER INTERROGATORIES AND WRIT OF FIERI FACIAS

RESPONDENT [] SAME AS DEFENDANT
ADDRESS/LOCATION

IN CONNECTION WITH THE CASE OF:
PLAINTIFF(S)

V.
DEFENDANT(S)

Plaintiffs are Judgment: [] Creditors [] Debtor(s)
Defendant(s) are Judgment: [] Creditors [] Debtor(s)

ATTORNEY FOR PLAINTIFF(S)

WARNING TO RESPONDENT: If you fail to appear in response to this summons, or if you fail to answer questions put to you at the hearing, or if you make answers deemed by the Court or Commissioner presiding to be evasive, YOU MAY BE SUBJECT TO ARREST AND IMPRISONMENT UNTIL SUCH TIME AS YOU SHALL MAKE PROPER ANSWERS.

HEARING DATE AND TIME

To the Judgment Debtor: If you wish to have this hearing transferred to a city or county where it would be more convenient to you to appear than the city or county shown on the front of this summons and you "show good cause" (give a good reason) for the transfer, the court will move the hearing. To use this procedure, you must do the following:

- 1. Prepare a written request which contains (a) this court's name, (b) the case number and the "return date" as shown on the other side of this form in the right corner, (c) Plaintiff(s)' name(s) and Defendant(s)' name(s), (d) the phrase "I move to transfer this hearing because" and state the reasons for wanting to transfer, and also state in which city or county the case should be tried, and (e) your signature and mailing address.
- 2. File the written request with the clerk's office of the court named at the top of the front side of this summons before the hearing date (use the mail at your own risk). If the summons requires the hearing to be held at a different court or before a commissioner in chancery, also send or deliver a copy (marked "COPY") to that court or commissioner in chancery. Finally, also send or deliver a copy to the Judgment Creditor(s) as shown on the front of this summons.
- 3. You will be notified of the judge's decision.

I certify that I mailed a copy of this document to the defendants named therein at the address shown therein on

DATE ☐ PLAINTIFF ☐ PLAINTIFF'S ATTORNEY

Fi. Fa. issued on

Interrogatories issued on

Garnishment issued on

CAME TO HAND

DATE AND TIME

SHERIFF

NOTE:

Return of Writ of Fieri Facias to be used if no effects found—otherwise, use appropriate sections of DC-467, WRIT OF FIERI FACIAS.

☐ NO EFFECTS FOUND

DATE

SHERIFF

DEPUTY SHERIFF

by

RETURNED: Each defendant was served according to law, as indicated below, unless not found.

NAME

ADDRESS

☐ PERSONAL SERVICE Tel. No.

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.

☐ Other authorized recipient not found.

☐ Served on Secretary of the Commonwealth.

☐ Not found

SERVING OFFICER

DATE for

NAME

ADDRESS

☐ PERSONAL SERVICE Tel. No.

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of abode of party named above after giving information of its purport. List name, age of recipient, and relation of recipient to party named above.

☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode, address listed above.

☐ Other authorized recipient not found.

☐ Served on Secretary of the Commonwealth.

☐ Not found

SERVING OFFICER

DATE for

CITY OR COUNTY

STREET ADDRESS OF COURT

General District Court

Juvenile and Domestic Relations
District Court

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon forthwith the Respondent to appear before this Court on

to show cause, if any, why Respondent should not, pursuant to

DATE AND TIME

Virginia Code §.

have judgment in the amount of \$.

or other such amount as may be
proved entered against the Respondent Garnishee

be imprisoned until the Respondent complies with the Court's order or be fined for:

failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof:

payment due: \$. on.

failure to provide support as ordered on.

DATE

\$. per.

with \$. arrearage as of.

failure to obey an order of

this court

dated. ordering.

failure to appear on.

DATE

to answer interrogatories

(Other-Explain).

CONTINUED ON REVERSE

WARNING: Failure to appear may result in your being fined or jailed.

DATE ISSUED

CLERK

MAGISTRATE

JUDGE

CASE NO.

SUMMON THIS RESPONDENT:

LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN		HT.	IN.	WGT.	EYES	HAIR
		MO.	DAY	YR.				

SSN

SHOW CAUSE SUMMONS

(CIVIL)

In connection with the case of

Commonwealth of Virginia

v./In re

UNDERLYING CASE NO.

☐ Dismissed on motion of Petitioner.

The Respondent was this day:

- ☐ tried in absence
☐ present

The Respondent was:

- ☐ represented by counsel

NAME OF COUNSEL

- ☐ not represented by counsel

The Respondent:

- ☐ denied contempt
☐ did not contest contempt
☐ admitted contempt

And was TRIED and FOUND by me:

- ☐ not guilty of civil contempt
☐ guilty of civil contempt
☐ See attached Order

In addition:

- ☐ that there is a support arrearage of \$
as of

- ☐ with interest included
☐ without interest included

- ☐ that the garnishee should have withheld \$

- ☐ Pending disposition on

DATE AND TIME

the court ORDERS

.....
.....
.....

- ☐ ORDER the charge dismissed
☐ with prejudice
☐ without prejudice

DATE

I impose the following Disposition:

- ☐ Placed in custody until the respondent complies
with the requirements of the court's order for a
maximum of

- ☐ Civil fine of \$
payable to

- ☐ Judgment against garnishee in favor of judgment
creditor of \$

- ☐ Other:

- ☐ Appeal Bond \$

- ☐ Appearance Bond \$
☐ unsecured ☐ secured

- ☐ Accrual Bond \$

- ☐ Work Release ☐ authorized if eligible
☐ required ☐ not authorized

- ☐ Other:

- ☐ Respondent may purge his/her jail sentence by
paying a lump sum of \$ to
☐ DCSE ☐

- ☐ Purge Clause

.....
.....

- ☐ Respondent has been advised of his or her
right to appeal the civil contempt.

JUDGE

RE VS: Each respondent was served according
to the as indicated below, unless not found.

Name

Address

.....
.....

☐ PERSONAL SERVICE Telephone
No.

- ☐ Being unable to make personal service, a copy was
delivered in the following manner:

- ☐ Delivered to family member (not temporary sojourner
or guest) age 16 or older at usual place of abode of
party named above after giving information of its
purpose. List name, age of recipient, and relation of
recipient to party named above.

.....

.....

- ☐ Posted on front door or such other door as appears to
be the main entrance of usual place of abode, address
listed above. (Other authorized recipient not found.)

- ☐ Served on Secretary of the Commonwealth.

- ☐ Not found

SERVING OFFICER

..... for

DATE

COSTS

120 CT. APPL. ATTY.

234 JAIL ADMISSION FEE

CAPIAS: ATTACHMENT OF THE BODY (CIVIL)
Commonwealth of Virginia

V.A. CODE §§ 8.01-508, 8.01-519, 8.01-564,
8.01-565, 16.1-69.24, 16.1-278.16, 18.2-456, 19.2-358

CITY OR COUNTY

General District Court
Juvenile and Domestic Relations District Court

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded in the name of the Commonwealth forthwith to arrest the Respondent, and to produce the Respondent in this Court when found, or as soon thereafter as this Court may be in session, to show cause, if any, why Respondent should not, pursuant to

Va. Code §

have judgment in the amount of \$ or other such amount as may be proved entered against the Respondent Garnishee

be imprisoned until the Respondent complies with the Court's order or be fined for:

failure to pay fines, costs, forfeiture, restitution and/or penalty or an installment thereof:

payment due: \$ on

failure to provide support as ordered on DATE

\$ per

with \$ arrears as of DATE

failure to obey an order of this court

dated ordering

(Other-explain)

CONTINUED ON REVERSE

The following information is provided to the Judicial Officer in determining bail:

DATE ISSUED

CLERK MAGISTRATE JUDGE

CASE NO.

ARREST THIS RESPONDENT:

LAST NAME, FIRST NAME, MIDDLE NAME

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	MO.	BORN DAY	YR.	FT.	HT. IN.	WGT.	EYES	HAIR

SSN

CAPIAS: ATTACHMENT OF THE BODY (CIVIL)

In connection with the case of

Commonwealth of Virginia

v./In re

DEPENDANT(S)

UNDERLYING CASE NO.

EXECUTED by arresting the Respondent named above this day:

DATE AND TIME

ARRESTING OFFICER

BADGE NO., AGENCY AND JURISDICTION

FOR SHERIFF

HEARING DATE AND TIME

The Respondent was this day:

- ☐ tried in absence
☐ present

☐ PROSECUTING ATTORNEY PRESENT (NAME)

☐ DEFENDANT'S ATTORNEY PRESENT (NAME)

☐ NO ATTORNEY

☐ ATTORNEY WAIVED

☐ If convicted, no jail sentence will be imposed.

☐ Translator/Interpreter present:

NAME

The Respondent:

- ☐ denied guilt
☐ did not contest guilt
☐ admitted guilt

And was TRIED and FOUND by me:

- ☐ not guilty of contempt
☐ not guilty
☐ guilty of contempt
☐ guilty as charged
☐ See attached Order

In addition:

- ☐ that there is a support arrearage
of \$
☐ that the garnishee should have withheld
\$

☐ I ORDER the charge dismissed.

I impose the following Disposition:

☐ Placed in custody until the respondent complies
with the requirements of the court's order

☐ Placed in custody until the respondent complies
with the requirements of the court's order for a
maximum of

☐ Civil fine of \$
payable to

☐ Judgment against garnishee in favor of judgment
creditor of \$

☐ Other:

- ☐ Bail on Appeal \$
☐ Remanded for CCRC Report

DATE

JUDGE

**AFFIDAVIT FOR SERVICE OF PROCESS ON THE
SECRETARY OF THE COMMONWEALTH**

Commonwealth of Virginia Va. Code §§ 8.01-301, -329; 55-218.1; 57-51

Case No.

..... District Court

..... V.

.....

.....

TO THE PERSON PREPARING THIS AFFIDAVIT: You must comply with the appropriate requirements listed on the back of this form.

Attachments: ☐ Warrant ☐ Motion for Judgment ☐

I, the undersigned Affiant, state under oath that:

☐ the above-named defendant ☐

whose last known address is: ☐ same as above ☐

1. ☐ is a non-resident of the Commonwealth of Virginia or a foreign corporation and Virginia Code § 8.01-328.1(A)
applies (see NON-RESIDENCE GROUNDS REQUIREMENT on reverse).

2. ☐ is a person whom the party seeking service, after exercising due diligence, has been unable to locate (see DUE DILIGENCE
REQUIREMENT on reverse) and that

is the return date on the attached warrant, motion for judgment or notice (see TIMELY
SERVICE REQUIREMENT on reverse).

.....
DATE

☐ PARTY

☐ PARTY'S ATTORNEY

☐ PARTY'S AGENT

State of ☐ City ☐ County of

Acknowledged, subscribed and sworn to before me this day of, 20

.....
NOTARY REGISTRATION NUMBER

☐ CLERK ☐ MAGISTRATE ☐ NOTARY PUBLIC (My commission expires)

☐ Verification of the date of filing of the certificate of compliance requested in the self-addressed stamped envelope provided.

NOTICE TO THE RECIPIENT from the Office of the Executive Secretary of the Commonwealth of Virginia:

You are being served with this notice and attached pleadings under Section 8.01-329 of the Code of Virginia which designates the Secretary of the Commonwealth as statutory agent for Service of Process. The Secretary of the Commonwealth's ONLY responsibility is to mail, by certified mail, return receipt requested, the enclosed papers to you. If you have any questions concerning these documents, you may wish to seek advice from a lawyer.

SERVICE OF PROCESS IS EFFECTIVE ON THE DATE THAT THE CERTIFICATE OF COMPLIANCE IS FILED WITH THE ABOVE-NAMED COURT.

CERTIFICATE OF COMPLIANCE

I, the undersigned, Clerk in the Office of the Secretary of the Commonwealth, hereby certify the following:

1. On, legal service in the above-styled case was made upon the Secretary of the Commonwealth, as statutory agent for persons to be served in accordance with Section 8.01-329 of the Code of Virginia, as amended.
2. On, papers described in the Affidavit were forwarded by certified mail, return receipt requested, to the party designated to be served with process in the Affidavit.

.....
SERVICE OF PROCESS CLERK, DESIGNATED BY THE AUTHORITY OF THE
SECRETARY OF THE COMMONWEALTH

b. Traffic Practice:

i. Most Common Forms: (Hon. Mr. David M. O'Dell, Clerk of Court and Dawn Daniel, Traffic Division Manager)

- 1. Notice of Bond Appeal**
- 2. Motion to Rehear/Reconsider**
- 3. Bond Modifications**

ii. New Policies and Recommended Procedures: (Hon. Mr. David M. O'Dell, Clerk of Court and Dawn Daniel, Traffic Division Manager)

- 1. DUI COURT**
- 2. 8:30am Court**

c. Criminal Practice:

i. Most Common Forms: (Hon. Mr. David M. O'Dell, Clerk of Court and Pam Pringle, Criminal Division Manager)

1. Notice of Bond Appeal
2. Motion to Rehear/Reconsider
3. Bond Modifications

ii. New Policies and Recommended Procedures: (Hon. Mr. David M. O'Dell, Clerk of Court and Pam Pringle, Criminal Division Manager)

d. Ethical and Best Practices: Perspectives from the Bench: (Hon. Gene A. Woolard, Chief Judge and Hon. Salvatore R. Iaquinto, Presiding Judge)

NOTICE OF BOND APPEAL

TO: [CHECK ONE]

- ☐ Clerk of the Virginia Beach General District Court
☐ Clerk of the Virginia Beach Juvenile and Domestic Relations District Court

I note an appeal to the bond hearing held in the district court on _____.

Defendant: _____

Charge(s): _____

I certify that on _____ this notice was [CHECK ONE]:

- ☐ Delivered to the clerk's office of the district court.
☐ Transmitted by facsimile to the clerk's office of the district court:
 ○ 757-385-1065 GENERAL DISTRICT COURT CRIMINAL DIVISION.
 ○ 757-385-1063 GENERAL DISTRICT COURT TRAFFIC DIVISION.
 ○ 757-385-5683 JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT.

Signature of counsel for the defendant

Printed Name of Counsel

NOTICE TO COUNSEL: Scheduling Hearing in Circuit Court

A hearing shall **automatically** be set on the Circuit Court Docket at 9:30 a.m. 3 business days from the date this notice of appeal is filed in the district court unless a holiday or court closed then on the next business day per the below schedule. A holiday does not count as a business date when calculating 3 days from file date. You must contact the Office of the Commonwealth's Attorney to reschedule or change the hearing day. NOTE: This appeal notice must be either personally delivered or transmitted by facsimile to the district court prior to 4:00 p.m. A facsimile transmission completed after 4:00 p.m. shall be deemed filed on the next day that is not a Saturday, Sunday, or legal holiday.

If filed on:

Monday
Tuesday
Wednesday
Thursday
Friday

Day set in Circuit Court:

Thursday
Friday
following Monday
following Tuesday
following Wednesday

CLERK'S OFFICE USE

DATE FORWARDED TO COMMONWEALTH'S ATTORNEY OFFICE: _____

DEPUTY CLERK

MOTION TO REOPEN (CRIMINAL/TRAFFIC)/MOTION TO REHEAR (CIVIL)/
MOTION FOR NEW TRIAL (CIVIL)

Commonwealth of Virginia VA. CODE §§ 16.1-133.1; 8.01-322; 16.1-97.1

..... ☐ General District Court

CITY OR COUNTY

☐ Juvenile & Domestic Relations District Court

STREET ADDRESS OF COURT

I, the undersigned,

☐ move to reopen the case numbered under Va. Code § 16.1-133.1
in which I was found guilty of It has been

sixty days or less since the date of conviction on

☐ move for a rehearing of the civil case numbered under Va. Code § 8.01-322. I was
served by publication and it has been two years or less since the judgment, decree or order and one year or less
since I was served with a copy of the judgment, decree or order.

☐ move for a new trial in the civil case numbered under Va. Code § 16.1-97.1. It has
been thirty days or less since the date of judgment in this case.

I am making this motion based on the following reasons:

DATE OF MOTION

APPLICANT'S SIGNATURE

PRINT NAME OF APPLICANT

TITLE OF APPLICANT

NOTICE OF HEARING

TO:

RESPONDENT

Take notice that a hearing will be held in this Court on m. on this motion.
DATE AND TIME

DATE

☐ CLERK

☐ DEPUTY CLERK

HEARING DATE

CASE NO.

MOTION TO REOPEN (CRIMINAL/TRAFFIC)
MOTION TO REHEAR (CIVIL)
MOTION FOR NEW TRIAL (CIVIL)

Criminal/Traffic

☐ Commonwealth of Virginia

☐

v./In re

DEFENDANT

Civil

PLAINTIFF(S)

v./In re

DEFENDANT(S)

Service on Respondent type required:

☐ Personal Service only

☐ Personal or Substituted Service only

☐ Mailed on

DATE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Defendant's Name: _____

CHARGE(S): Counsel may contact the jail to verify the charges the defendant is in custody on at 385-8563. [Include all charge(s) the bond applies to. If a capias for failure to appear has been executed include the underlying offense(s).] [Also INCLUDE Date(s) of Offense(s)]. [Do not include non-jailable offenses]

CASE NUMBER(S): _____

BAIL ORDER

By agreement of counsel, bail is set as follows:

[CHECK APPLICABLE]:

- ☐ Execution of a secured bond. SURETY set at: \$ _____
- ☐ Unsecured [personal recognizance] bond set at \$ _____
- ☐ Bond appeal to Court of Appeals/Supreme Court set at \$ _____ ☐ Surety ☐ Unsecured
- ☐ OTHER: _____
- _____

Additional Bail Conditions [if any]:

- ☐ Pretrial Supervision. Compliance with all terms and conditions of pretrial program and report immediately to Pretrial Intake Office upon release.
- ☐ Other (specify): _____
- _____
- _____
- _____
- _____

CHECK ONE:

- ☐ Next Circuit Court Date: _____
- ☐ Next Court Date in District Court: _____

The Clerk shall provide a copy of this Order to the Sheriff by facsimile and forward a copy to the appropriate district court (if appeal of bond) & CCP by facsimile (if placed in Pretrial).

ENTER: _____

CIRCUIT COURT JUDGE

We ask for this:

Attorney for the Commonwealth

Attorney for the Defendant

Printed name: _____

Contact phone number: _____

**REQUEST FOR COPY OF CERTIFICATE
OF ANALYSIS**

Commonwealth of Virginia Va. Code § 19.2-187

Case No. (if known):

.....
HEARING DATE AND TIME

Charge:

☐ General District Court ☐ Circuit Court
☐ Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

.....
COURT ADDRESS

☐ Commonwealth of Virginia

v.
DEFENDANT

☐
LOCALITY

To the Clerk of the above-named Court:

I, , hereby request that a copy
☐ DEFENDANT ☐ COUNSEL FOR DEFENDANT (PRINT NAME)

of the certificate of analysis in the above-named case be sent to me at the following address:

.....
DATE

.....
SIGNATURE

I certify that a copy of this request has been mailed or delivered to the Commonwealth's Attorney of this
jurisdiction on this day of , 20

.....
☐ DEFENDANT

☐ COUNSEL FOR DEFENDANT

.....
TELEPHONE NUMBER OF ☐ DEFENDANT ☐ COUNSEL FOR DEFENDANT

CERTIFICATION

☐ This case is not yet before this court. This request must be resubmitted.

☐ I certify that I have mailed or delivered a copy of such certification to the address provided in the above
case, at no charge to the signator, on this day of , 20

.....
DATE

.....
☐ CLERK ☐ DEPUTY CLERK ☐ COMMONWEALTH'S ATTORNEY

B. Introduction to the Juvenile and Domestic Relations Court

- i.** Most Common Forms: (Hon. Pamela Scott, Clerk of Court)
- ii.** New Policies and Recommended Procedures: (Hon. Pamela Scott, Clerk of Court)

Applicable fees apply if custody/visitation or spousal support petitions are filed.

Procedures for setting a matter on the CIVIL Motions docket:

When you set civil motions, these notices should reflect a time of 11:30 a.m. and will be placed on the CIVIL Motions docket. There is one CIVIL Motions docket on any given day except for Friday. Any miscellaneous motions related to a pending civil case are to be scheduled on the CIVIL docket of the Judge assigned to hear that specific case. If your office notices parties for a different time, without prior approval by the Judge, your Notice of Hearing and Motion will not be docketed and will be returned for you to make the appropriate corrections. The clerk's office will no longer correct Notices of Hearings. If you have a Civil Motion that needs to be heard on a Friday, it will be placed on the DUTY docket at 8:30 a.m. for a hearing at 9 a.m.

The court conducts **arraignments by video conferencing**. Juvenile arraignments are conducted Monday through Friday at 11:30 a.m. Adult arraignments are conducted Monday through Friday at 11:00 a.m. These are heard in courtroom #7.

How to set a contested case on the docket?

The Judges handle their contested dockets differently. Please contact the Judges' courtroom clerks and they will advise you on this procedure.

How to get on the Virginia Beach Juvenile & Domestic Relations District Court Appointed Counsel / Guardian Ad Litem List?

The attorney can submit a letter requesting to be placed on the Virginia Beach Juvenile and Domestic Relations District Court's [VB J&DR Court] Court Appointed Counsel/Guardian Ad Litem List [CAC/GAL]. The letter is addressed to the Chief Judge of the VB J&DR Court with certification letters attached. The Judges will review the letter and the certifications for approval to be added to the VB J&DR Court CAC/GAL duty list. The attorney will receive notification if approved.

Qualifications required and maintained:

- A. Guardian Ad Litem for Children
 - a. Certification received through Supreme Court of Virginia
 - b. www.courts.state.va.us
- B. Virginia Indigent Defense Commission
 - a. must be Certified to handle Felony, Misdemeanor, and Juvenile delinquency cases.
 - b. All three certifications.
 - c. www.indigentdefense.virginia.gov

CAC/GAL duty calendars time period:

January through June [emailed out in October]
July through December [emailed out in April]

The duty attorney is assigned a specific docket(s) to cover:

- Division of Child Support Enforcement docket [DCSE]
- Department of Human Services docket [DHS]
- General Duty [all remaining dockets]

If attorney is unable to cover their duty days, the attorney is required to find another attorney on the VB J&DR Court CAC/GAL list to cover the duty day. The attorney is to send a letter to the court notifying of the change of duty attorney on a specific day. An Order of Substitution of Counsel **MUST** be filed with the court on each individual case when requesting a change of attorney. **Substitution as a GAL requires court approval.**

Any questions, please contact Peggy Davy, Chief Administrative Officer, at (757) 385-8366.

Virginia Beach Juvenile & Domestic Relations District Court

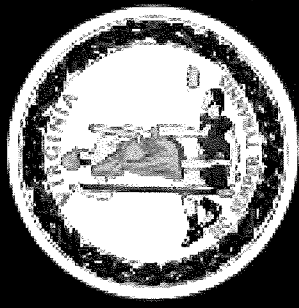
2425 Nimmo Pkwy, Bldg 10A
Virginia Beach, VA 23456

Main Line: 757-385-4391

Fax: 757-385-5683

Hours: Monday - Friday 8 am to 4 pm

Printed October, 2014



Introduction to the Virginia Beach Juvenile & Domestic Relations District Court

Virginia Beach Juvenile and Domestic Relations District Court

Local procedures for the Virginia Beach Juvenile and Domestic Relations District Court Clerk's office:

Please make sure all filings for **support** (DC-610), **custody and visitation** (DC-511) are filed on the state's forms with the proper affidavits (DC-418). These forms are located at the Clerk's Office and on the court's website at www.vbgov.com/courts. The forms for a **Motion to Show Cause** (DC-635) and **Motion to Amend/Review** (DC-630) are located on the court's website as well.

Remember, if custody/visitation petitions are filed on the same day, a payment of \$25 is required per family per filing date.

If a custody, visitation and support case meets specific criteria they are referred to orientation with a mediator before the first court hearing.

At the first hearing, depending on the circumstances, a judge may appoint a GAL on a custody or visitation case. This is not the practice on every custody and visitation case. The appointment of a GAL is determined on a case by case basis.

No court dates will be given at the time of filing, so make sure your available dates, 30 to 90 days out, are submitted with these pleadings. If not, the paperwork will be returned by the clerk's office.

Also, when submitting paperwork to the clerk's office, make sure three extra copies are submitted for service of process on each party that needs to be served. If not, the clerk's office will return your paperwork.

Numerous questions have been raised regarding which petitions or motions will be accepted by the Court regarding custody, visitation, and child support matters. To clarify:

When a visitation order based on a previously filed visitation petition has been entered in this court or in a Final Decree of Divorce, then a Motion to Amend/Review (DC -630) may be filed to modify visitation. If a divorce decree states reasonable visitation, a new petition needs to be filed at the Court Service Unit.

If prior visitation was awarded as a result of a visitation petition filed in another Virginia J&DR Court, from

which the case was transferred to this court, visitation can be modified upon filing a Motion to Amend/Review on the Court's form (DC-630).

If there has been no visitation order entered by any court, a new visitation petition must be filed (DC-511). For all custody matters (original or modifications) a new petition must be filed on the Court's form DC-511.

If there is an existing support order from any court, and DCSE is not involved, and a party wishes to change the order, the party must file a Motion to Amend/Review on the J&DR Court's form (DC-630).

If there is an existing support order from any court, and DCSE is involved:

Custodial parents need to file at DCSE and noncustodial parents can file at the Clerk's office.

If a DCSE administrative support order (but not a court order) has been entered and:

The respondent/payor wants that order changed, a new support petition must be filed in JDR Intake (because the court has no case number for that support matter.)

If the petitioner/payee wants the order changed, the petitioner must file a new petition for support with JDR Intake, and advise the intake officer that a DCSE case exists.

If there is no existing support order from any court or from DCSE ordering child support for the petitioner who is now asking for support, an initial support petition (DC -610) must be filed by the petitioner at Intake.

Miscellaneous Motions: A Motion to Expedite, to Appoint a GAL, to Withdraw as Counsel, to Continue a Matter, to Advance on the Docket, to Quash, to Compel, to Vacate an Order, to Rehear, for Attorney's Fees, or to Enter an Order (if the case has already been heard and the Court is expecting an order as a result), or any other similar motion (other than a motion to modify visitation or custody) **may be filed on the attorney's or pro se party's own pleading form** (original and two copies).

In other words, these do not have to be filed on the court's Motion to Amend/Review form. However, the court has a form that can be utilized for these filings.

These should be noticed for 11:30 a.m. on the appropriate judge's Civil Motions docket.

No court dates will be given at the time of filing, so make sure your available dates, 30 to 90 days out, are submitted with these pleadings. If not, the paperwork will be returned by the clerk's office.

Please note that notices (original and two copies) must accompany these pleadings on attorney forms. Please contact the court to obtain a court date.

Motions to Show Cause must be filed on the Court's Motion to Show Cause form DC-635 (an original and two copies)

When that motion is submitted, the Court will issue an order to appear. Therefore, only the motion, and not a notice or an order is required to be filed.

Make sure the date of the order the defendant is allegedly not complying with is noted on the show cause, or a copy of that order accompanies the pleading.

Where to file:

Motions may be filed at the front counter at the J&DR Clerk's office Monday through Friday 8 a.m. to 4 p.m.

Effective October 1, 2014 the Court Services Unit will be processing civil petitions by appointment only.

Any parties wanting to file a civil petition should contact the CSU at (757) 385-4361 or come down in person to complete the paperwork needed before an appointment can be scheduled. The paperwork can be requested by emailing

VirginiaBeachCSUIntakeUnit@dji.virginia.gov, by phone at 385-4361, or in person. The paperwork can be submitted via email at the address above, by fax at 385-5628, or the parties can drop it off in person. An intake officer will contact them to set up an appointment date and time.

If an attorney prepares the motion or petition on the Court's form for filing, it may be filed at the Clerk's office (any filing in the wrong place will be returned to the attorney or filing party.)

(Continued on back page)

The Juvenile and Domestic Relations District Court

The juvenile and domestic relations district court handles cases involving:

- Juveniles accused of delinquent acts, traffic infractions or status offenses
- Children in need of services or supervision
- Children who have been subjected to abuse or neglect, or abandoned
- Family or household members who have been subjected to or accused of abuse
- Adults accused of child abuse or neglect, or of offenses against a family or household member

In Virginia, the terms listed below are defined as follows:

Juvenile: Any child under the age of eighteen.

Delinquent: A juvenile who has committed an act that would be a crime if committed by an adult.

Child in Need of Services: A juvenile whose behavior, conduct or condition presents or results in a serious threat to the juvenile's well-being and physical safety of another person.

Child in Need of Supervision meets one of these criteria:

1. A juvenile subject to mandatory school attendance, is habitually absent without valid excuse.
2. A juvenile who remains away from his family or guardian.
3. A juvenile who escapes or remains away from a residential care facility ordered by the Court.

Child Abuse and Neglect:

1. A caregiver who creates or inflicts a physical or mental injury upon a child.
2. A caregiver who creates the child to be at risk of physical or mental injury.
3. A caregiver who refuses to provide for juvenile's health and well-being.

Lawyers

The right to be represented by a lawyer in this court extends to:

Juveniles involved in delinquency cases

Juveniles alleged to be in need of services or supervision.

Adults before the court on criminal charges

All other persons whom the court decides require a lawyer's services

Adults and juveniles may waive attorney representation. Juveniles and their parents must knowingly waive representation in writing. The judge conducts a hearing and must agree that this waiver is consistent with the interests of the child. If the juvenile is charged with an offense that is a felony, then the juvenile must consult with an attorney and both must sign a waiver to be filed with court records of the case. The court must find that this waiver is made free and voluntary.

Adults and juveniles who have retained an attorney prior to their scheduled arraignment are excused from appearing at arraignment, as long as the court has a letter of representation in the court's file prior to the arraignment.

Juveniles and their parent(s) are required to sign the Notification of Trial Rights on all felonies and Class 1 or 2 misdemeanors. If the juvenile has hired an attorney and does not appear at the arraignment, the attorney must ensure this form is signed prior to or on the trial date.

There are certain time limitations within which the adjudicatory hearing in a delinquency proceeding must be held.

- For juveniles not in secure detention or who have been released, an adjudicatory or transfer hearing must be held within 120 days from filing of the petition.

The time limitations above are tolled during any period in which:

- the whereabouts of the child are unknown
- the child has escaped from custody
- the child has failed to appear pursuant to a court order

In addition, the time limits may be extended for a reasonable period for good cause shown if the basis for extension is recorded in writing in the case papers.

A juvenile may be taken into custody if one of the following applies:

1. A judge, clerk at judge's direction or intake officer issues a detention order requiring the juvenile to be taken into custody.
2. A juvenile is alleged to be a CHINS and there is clear and substantial danger to the child's life or health and this is necessary for the child's appearance before the court.
3. A juvenile commits a crime that is witnessed by a police officer or would be a felony if committed by an adult (a crime punishable by more than 12 months in jail).
4. A juvenile commits a misdemeanor offense involving shoplifting, assault and battery, or carrying a weapon on school property.
5. A juvenile has absconded from lawful incarceration or a court ordered residential home, facility, or placement by a child welfare agency.
6. A juvenile is believed to be in need of inpatient mental health treatment.

If not immediately released by an intake officer or magistrate, the juvenile is held in custody (detention) until being brought before the judge for a detention hearing. The juvenile's detention hearing should be held the next day the court sits within the city or county but no longer than 72 hours after being taken into custody. Prior notice of the detention hearing must be given to the juvenile's parent or guardian, and to the juvenile if over 12 years of age. A detention hearing is not a trial, but merely a hearing to determine whether the detention of the juvenile should be continued.

The juvenile has the right to be represented by a lawyer at the detention hearing, the right to remain silent regarding the charge in the petition and the right to be informed of the contents of the petition. An attorney will be appointed to the juvenile before the detention hearing if the juvenile's parent or guardian has not hired one.

The judge decides whether to hold the juvenile in secure detention or release the juvenile to a parent, guardian or persons having custody of the juvenile, or to shelter care. Shelter care is defined as the temporary care of children in a physically unrestricted environment.

The judge may set bail and/or certain rules to be followed while the juvenile released awaiting trial. The judge may order the juvenile be held in detention if the judge believes that there is probable cause the juvenile committed the act and:

1. The juvenile is charged with violation of probation or parole.
 2. The juvenile is charged with a felony or class 1 misdemeanor and: (a) is a threat to self or others or the property of others or (b) has threatened not to come to court or has failed to appear to court within the past 12 months.
- Juveniles in secure detention must have their transfer or adjudicatory hearing held within twenty-one days from the date when he or she is first detained. If no transfer or adjudicatory hearing is held, a detention hearing will be held

Certification or Transfer to Circuit Court for Trial as an Adult

A case involving a juvenile 14 years or older accused of a felony may be certified or transferred to circuit court where the juvenile would be tried as an adult. A hearing to determine whether to transfer the case cannot occur unless the juvenile's parents or their attorney are notified of the transfer hearing.

Certification to Circuit Court

A juvenile 14 years or older at the time of the alleged felony offense(s) may be transferred to the circuit court and tried as an adult. Some felony charges require that a judge make the decision whether to hear the case in juvenile or circuit court. The Commonwealth must provide notice requesting transfer of the juvenile's felony cases to circuit court. This written notice must be sent to the attorney for the juvenile or to the juvenile and one parent or legal guardian. A judge will hold a hearing to consider whether probable cause exists regarding the offense(s) charged and whether transfer of the case to circuit court is appropriate. Some factors the judge may consider when determining whether the case should be heard in circuit court or in juvenile court are: the juvenile's previous court contacts, competency, school record information and the child's age and emotional maturity.

Transfer to Circuit Court

If a juvenile was 14 years or older and charged with a violent felony, then the Commonwealth may certify the charge to circuit court for trial. Written notice to the juvenile's attorney or to the juvenile and one parent or legal guardian, must be provided. In these cases, the judge solely determines probable cause as to whether or not the charged juvenile committed the crime. These charges are: felonious injury by mob, abduction, malicious wounding, malicious wounding of a law enforcement officer, felonious poisoning, adulteration of products, robbery, carjacking, rape, forcible sodomy, or object sexual penetration. ***OR A list of these violent juvenile felony charges is listed in Virginia Code section 16.1-269.1C.*** If the judge finds that probable cause exists that the juvenile committed the crime(s) charged then the juvenile's case will be tried in circuit court.

The crimes of murder or aggravated malicious wounding are automatically certified to the circuit court if the juvenile is 14 years or older at the time of the offense and the court has found probable cause that the juvenile has committed the offense(s) charged. No Commonwealth request is needed. Statements made by the juvenile during the transfer hearing may not be used as evidence of the offense at a later court hearing but may be used if the juvenile testifies during trial.

Both the Commonwealth and juvenile may appeal a transfer decision within 10 days of the transfer hearing. Any juvenile convicted in circuit court will be treated as an adult in all future criminal cases.

Traffic Cases

Cases involving juveniles accused of traffic violations are heard by the juvenile and domestic relations district court. Certain violations called prepayable traffic infractions may be prepaid at the clerk's or magistrate's office *if* prepayment is permitted by the chief judge of that court *and* if the juvenile wishes to plead guilty and not contest the charge. The traffic summons should be examined to see if the arresting officer has marked that trial may be waived (given up) to permit prepayment. If prepayment is permitted, the clerk's or magistrate's office should be

Preliminary Hearing for Adults

Adults charged with committing felonies against children or family or household members are brought into juvenile and domestic relations district court, after arrest, for a preliminary hearing. This hearing is held to determine if there is probable (reasonable) cause to believe that the accused adult committed the felony. If probable cause is found, the case is transferred to circuit court; otherwise the case is dismissed.

Adjudicatory Hearing (Trial)

The actual trial in juvenile delinquency cases is called the adjudicatory hearing. It is at the adjudicatory hearing that the judge determines whether the facts as stated in the petition or warrant are true. The judge may temporarily postpone a case to allow all parties time to obtain a lawyer or for any other reason needed to have a fair trial. A juvenile accused of a crime has the following rights at the adjudicatory hearing:

- The right to be represented by a lawyer to the extent provided by law

- The right to have witnesses to appear on their behalf

- The right to subpoena (to require to come to court) witnesses to appear

- The right to confront and cross-examine (question) witnesses testifying against them

(accusers)

- The right against self-incrimination (to answer questions or make statements tending to show guilt and have them used against him or her).

During the adjudicatory hearing in delinquency cases, all charges must be proven beyond a reasonable doubt before guilt is established. If the judge finds the juvenile to be guilty, the case is usually continued to another day for the judge to make a disposition decision (sentencing). The disposition decision is not always made immediately because the judge may require information about all aspects of the juvenile's background, including prior offenses and personal history, before determining what corrective measures to take with the juvenile. Dispositions in traffic cases, however, are usually made immediately at the end of the adjudicatory hearing.

Adult criminal cases in the juvenile and domestic relations district court are tried with the same standards and procedures as are applied in misdemeanor (all criminal offenses except felonies) cases in general district court, where most other adult misdemeanors are tried. Adult criminal cases generally involve offenses committed against juveniles or family or household members.

There is no jury trial in this court. A case must be transferred or appealed to circuit court to obtain a jury trial.

Determination of Hearing Dates (DH)

A juvenile charged with a felony will be arraigned, and if not detained, will have a DH date scheduled in order for the Commonwealth Attorney's office to assign an investigator and a prosecutor to the case. On the DH date, the trial date will be scheduled by the court with the Commonwealth Attorney's office. The lawyer shall send their available dates to the Commonwealth and the court by the DH date. The DH date is two weeks from the arraignment.

An adult charged with a felony will be arraigned and will have a DH date scheduled in order for the Commonwealth Attorney's office to assign an investigator and a prosecutor to the case. On the DH date, the preliminary hearing date will be scheduled by the court with the Commonwealth Attorney's office. The lawyer shall send their available dates to the Commonwealth and the court by the DH date. The DH date is two weeks from the arraignment or bond hearing.

If an adult is not immediately released by the magistrate upon arrest on a felony or misdemeanor warrant, he or she will have an arraignment on the next business day. The adult will make their request for a bond hearing at the arraignment. Bond hearings are conducted on the next business day, unless the Court schedules otherwise. If the adult waives their bond hearing, their attorney may schedule a bond hearing at a later date. Notice of a bond hearing shall be given to the Commonwealth Attorney, if they are involved and the court by noon the day before in order to be placed on the next business day's docket. The Sheriff's Department requires twenty four hours to transport the defendant to court.

Disposition

The court may order many dispositions for delinquency convictions. If the court orders the Court Service Unit to prepare a social history, the attorney shall review the social history with their client and parents prior to the disposition hearing. The attorneys who receive a copy of any social history report or amended report shall return said report to the clerk upon the conclusion of the hearing and shall not make copies of such report or amended report. If the juvenile is placed on probation under the supervision of the probation officer, the juvenile and the juvenile's parents or legal guardian must cooperate with the probation officer and rules of probation. The family and guardians of the juvenile may be ordered by the court to participate in various programs or services. Parents or guardians violating this court order may be subject to fines and/or jail. Juveniles violating the terms of probation may also be subject to a new charge and new punishments.

How to get on the Virginia Beach Juvenile & Domestic Relations District Court Court Appointed Counsel/Guardian Ad Litem List?

The attorney can submit a letter requesting to be placed on the Virginia Beach Juvenile and Domestic Relations District Court's [VB J&DR Court] Court Appointed Counsel/Guardian Ad Litem List [CAC/GAL] The letter is address to the Chief Judge of the VB J&DR Court with their certifications letters attached. The Judges will review the letter and the certifications for approval to be added to the VB J&DR Court CAC/GAL duty list. The attorney will receive notification if approved.

Qualifications required and maintained:

- A. Guardian Ad Litem for Children
 - a. Certification received through Supreme Court of Virginia
 - b. www.courts.state.va.us
- B. Virginia Indigent Defense Commission
 - a. Certified to handle Felony, Misdemeanor, and Juvenile criminal cases.
 - b. All three certifications.
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CAC/GAL duty calendars time period:

January through June [emailed out in the month of October]

July through December [emailed out in the month of April]

The duty attorney is assigned a specific docket(s) to cover:

Division of Child Support Enforcement docket [DCSE]

Department of Human Services docket [DHS]

General Duty [all remaining dockets]

If attorney is unable to cover their duty days, the attorney is required to find another attorney on the VB J&DR Court CAC/GAL list to cover the duty day. The attorney is to send a letter to the court notifying of the change of duty attorney on a specific day. An Orders of Substitute of Counsel MUST is filed with the court on each individual cases when requesting a change of attorney.

Any questions, please contact Peggy Davy, Chief Administrative Officer, at 757-385-8366.

Forms that are most commonly used in the Juvenile and Domestic Relations District Court
These forms can be found, along with others, on www.vbgov.com/courts under the Juvenile Court tab then under Forms Used in JDR.

DC-511 Petition (Custody and/or Visitation)

DC-620 Affidavit (Uniform Child Custody Jurisdiction and Enforcement Act)

DC-630 Motion to Amend or Review Order

DC-610 Petition for Support (Civil)

DC-635 Motion For Show Cause or Summons Or Capias

DC-630 Miscellaneous Motion (To be filed at front counter for emergency hearings only)

PETITION

Commonwealth of Virginia VA. CODE §§ 16.1-262; 16.1-263

Case No. _____

DATE OF HEARING

Juvenile and Domestic Relations District Court

In re a Child under eighteen years of age

CHILD'S NAME	SSN:	DATE OF BIRTH	AGE	SEX	RACE
1. _____	_____	2. _____	3. _____	M.F.	_____
CHILD'S ADDRESS			TELEPHONE NO.		
4. _____			_____		
FATHER'S NAME	SSN	DATE OF BIRTH	TELEPHONE NO.		
5. _____	_____	_____	_____		
FATHER'S ADDRESS					
6. _____					
MOTHER'S NAME	SSN	DATE OF BIRTH	TELEPHONE NO.		
7. _____	_____	_____	_____		
MOTHER'S ADDRESS					
8. _____					
GUARDIAN/LEGAL CUSTODIAN OR PERSON IN <i>LOCO PARENTIS</i> NAME AND ADDRESS				TELEPHONE NO.	
9. _____				_____	
GUARDIAN'S /LEGAL CUSTODIAN OR PERSON IN <i>LOCO PARENTIS</i> RELATIONSHIP TO CHILD					
10. _____					
OTHER(S) NAME AND ADDRESS				TELEPHONE NO.	
11. _____				_____	
12. Child held in CUSTODY <input type="checkbox"/> Yes <input type="checkbox"/> No					
13. Place of Detention or Shelter Care _____					
14. Date and Time Taken into Custody			13. Date and Time Placed in Detention or Shelter Care		
____/____/____ ____:____ m.			____/____/____ ____:____ m.		
15. The above information is not known to the petitioner: No(s). _____					

I, the undersigned petitioner, state under oath to the best of my knowledge, that the above-named child is within the purview of the Juvenile and Domestic Relations District Court Law in that, within this city/county, the child:

(FOR ADMINISTRATIVE USE ONLY IN DELINQUENCY CASES) Virginia Crime Code: _____
WHEREFORE, the Petitioner requests that the child and the persons having his or her custody and control be summoned to appear before this Court, and that this Court enter such orders and judgments as the Court deems fit and proper in accordance with the law and which will serve the purpose and intent of the Juvenile and Domestic Relations District Court Law.

DATE	PETITIONER'S NAME (PRINT OR TYPE)	PETITIONER'S SIGNATURE
_____	_____	_____
PETITIONER'S ADDRESS AND TELEPHONE NUMBER (COURT COPY ONLY)		

Sworn/affirmed and signed before me on _____

Title: Signature: _____

Filed by: _____	DATE
<input type="checkbox"/> INTAKE OFFICER <input type="checkbox"/> ATTORNEY	_____

FOR NOTARY PUBLIC'S USE ONLY:

State of ☐ City ☐ County of

Acknowledged, subscribed and sworn to before me this day of, 20

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:)

AFFIDAVIT (Uniform Child Custody Jurisdiction and Enforcement Act)
COMMONWEALTH OF VIRGINIA Va. Code § 20-146.20

Case No.

☐ Circuit Court

☐ Juvenile and Domestic Relations District Court

In re:

JUVENILE

v.

I, the undersigned affiant, state the following information under oath:

☐ Certain information has been omitted from this form and submitted under seal because I allege that the health, safety or liberty of a party or child would be jeopardized by disclosure. Another party may request that a hearing be held to determine whether this information should be disclosed.

1. The child presently resides at:
ADDRESS

The child commenced residing there on and has resided there continuously to this date.
DATE

2. The other places where and persons with whom this child has lived during the last five (5) years : (please complete reverse side).

3. I ☐ have ☐ have not participated, either as a party, witness, or in any other capacity in any other litigation (court proceeding) concerning custody of or visitation with this child, in any State or foreign country. If yes, complete below:

a. Name of Court and State or foreign country in which litigation occurred:

b. When did the litigation occur:

c. What was the outcome of the litigation:

d. Attach a copy of all pleadings and Orders filed in this litigation.

4. I ☐ do ☐ do not have knowledge or information of any proceeding that could affect this proceeding, including but not limited to custody, visitation, paternity, support, enforcement proceedings, proceedings related to domestic violence, protective orders, abuse and neglect, termination of parental rights and adoptions, which is pending in a court of this or any other State or foreign country. If yes, complete below:

a. Name of Court and State or foreign country in which proceeding is pending:
.....

b. Attach a copy of all pleadings filed in the litigation.

5. I ☐ do ☐ do not know of any person who is not already named as a party in this proceeding who has physical custody of this child or who claims to have custody or visitation rights with respect to child. If yes:

a. Name and address of person:

b. Does this person have physical custody of the child? ☐ Yes ☐ No

c. State why you believe this person claims to have custody/visitation rights to the child:
.....

6. I understand that I have an obligation to promptly inform this court if I later become aware of any other proceedings, including but not limited to custody, visitation, paternity, support, enforcement proceedings, proceedings related to domestic violence, protective orders, abuse and neglect, termination of parental rights and adoptions, either in this or any other State or foreign country that could affect the current proceeding.

Subscribed and sworn to before me on
DATE

SIGNATURE OF AFFIANT

Title:

SIGNATURE

FOR NOTARY PUBLIC'S USE ONLY:

State of ☐ City ☐ County of

Acknowledged, subscribed and sworn to before me this day of, 20

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:)

MOTION TO AMEND OR REVIEW ORDER

Commonwealth of Virginia

Case No.

☐ General District Court

☐ Juvenile and Domestic Relations District Court

.....
COURT ADDRESS

This motion is filed in connection with Case No.

☐ *In re*
NAME OF CHILD

☐ **v.**
PETITIONER RESPONDENT

.....
ADDRESS/LOCATION

.....
ADDRESS/LOCATION

.....
TELEPHONE NUMBER

.....
TELEPHONE NUMBER

The undersigned respectfully represents to the Court that an order dated was entered
by the ☐ above-named Court ☐ Court
DATE

.....
REQUIREMENTS OF ORDER

☐ The undersigned moves that the attached order be changed, amended, and/or modified as follows:

.....
CHANGES, AMENDMENTS AND/OR MODIFICATIONS TO ORDER

..... for the following reason(s):

☐ The undersigned moves for a hearing on the modifications of the above order proposed by the Department of Social Services and that the Court take whatever other action it deems necessary.

.....
DATE

.....
☐ PETITIONER ☐ RESPONDENT

Case No.

NOTICE

.....
(PARTY TO BE SERVED)

You are hereby notified that on, a hearing will be held by this
DATE AND TIME
Court to consider a motion to change, amend, and/or modify the terms of an order as described in the Request on
the reverse side.

.....
DATE

.....
CLERK

SERVICE OF PROCESS ON PARTY TO BE SERVED

☐ Personal service

Being unable to make personal service, a copy was delivered in the following manner:

☐ Delivered to family member (not temporary sojourner or guest) age 16 or older at usual place of
abode of party named above after giving information of its purport (List name, ages, of the recipient
and relation to party named above.)

.....
☐ Posted on front door or such other door as appears to be the main entrance of usual place of abode,
address listed above. (Other authorized recipient not found.)

☐ Not found

CASES TO ENFORCE CHILD SUPPORT ONLY:

☐ Delivered to the

☐ residential ☐ business address of record.

.....
DATE

.....
SERVING OFFICER

for

MOTION TO AMEND OR REVIEW ORDER

Case No.: _____ DOCKET NUMBER _____

Commonwealth of Virginia

A _____
VIRGINIA BEACH

☐ General District Court
☒ Juvenile and Domestic Relations District Court

B _____
2425 NIMMO PARKWAY, BUILDING 10A, VIRGINIA BEACH, VA 23456

COURT ADDRESS

This motion is filed in connection with Case No. **C** _____

☐ *In re:* **D** _____
NAME OF JUVENILE(S) IN THE VISITATION CASE ONLY
NAME OF CHILD

☒ **E** _____
YOUR NAME
PETITIONER

v. **H** _____
OTHER PARTY'S NAME
RESPONDENT

F _____
YOUR ADDRESS
ADDRESS/LOCATION

I _____
OTHER PARTY'S ADDRESS
ADDRESS/LOCATION

G _____
R CITY, STATE, ZIP CODE and TELEPHONE #

J _____
CITY, STATE, ZIP CODE and TELEPHONE #

The undersigned respectfully represents to the Court that an order dated

K _____
DATE COURT ORDER WAS ENTERED THAT YOU
WANT TO MODIFY _____ was entered by the
DATE

L ☐ above-named Court ☐ _____ Court

Requirements of Order:

M _____
WRITE OUT WHAT IS CURRENTLY ORDERED AT THE PRESENT TIME.

(DO NOT WRITE ON EXAMPLE FORM)

☐ The undersigned moves that the attached order be changed, amended, and/or modified as follows:

N _____
WRITE OUT WHAT IT IS YOU ARE ASKING THE COURT TO DO.
HOW DO YOU WANT THE ORDER CHANGED?

(DO NOT WRITE ON EXAMPLE FORM)

for the following reason(s):

O _____
WRITE THE REASON WHY YOU ARE ASKING FOR THIS CHANGE.

(DO NOT WRITE ON EXAMPLE FORM)

P ☐ The undersigned moves for a hearing on the modifications of the above order proposed by the Department of Social Services and that the Court take whatever other action it deems necessary.

Q _____
TODAY'S DATE

R _____
SIGN YOUR NAME

PETITION FOR SUPPORT (CIVIL)

Commonwealth of Virginia VA. CODE §§ 16.1-241(A) (3), 16.1-278.15, 20-88

CASE NO.

DCSE ID NO.

(to be added if DCSE is involved in case)

Virginia Beach

Juvenile and Domestic Relations District Court

PETITIONER

RESPONDENT

RESIDENTIAL ADDRESS

RESIDENTIAL ADDRESS

MAILING ADDRESS IF DIFFERENT

MAILING ADDRESS IF DIFFERENT

Social Security No.

Social Security No.

Driver's License No. and State

Driver's License No. and State

Telephone No. (H) (W)

Telephone No. (H) (W)

Date of Birth

Date of Birth

EMPLOYER

EMPLOYER

EMPLOYER'S ADDRESS

EMPLOYER'S ADDRESS

The petitioner's information in the above box is provided on a separate sheet because ☐ a protective order has been issued or ☐ the petitioner alleges that the petitioner is at risk of physical or emotional harm from the other party.

The undersigned Petitioner respectfully represents to the Court:

- ☐ That the parties have never been married;
☐ That there is a court order adjudicating the paternity of one or more of the subjects of this petition. If so, attach a copy of the order.
☐ That the respondent and petitioner were lawfully married on in
DATE CITY/COUNTY AND STATE
☐ That the respondent and petitioner were divorced on in (attach divorce decree).
DATE CITY/COUNTY AND STATE
☐ Divorce pending in
CITY/COUNTY AND STATE
☐ That the respondent is at least 18 years of age and is a child of the parent named below.
- ☐ That child custody has been adjudicated. If so, attach a copy of the order.
☐ That an order concerning the support of the person(s) for whom support is sought in this petition has been entered. (Attach most recent court order.)
☐ That no other case for support for the below-named person(s) has been filed in any other court.
- That the respondent has a legal duty to provide support and maintenance for the following persons:

Name	Social Security Number	Date of Birth	Relationship to Respondent
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

who resides at ☐ petitioner's address ☐
- Division of Child Support Enforcement ☐ is ☐ is not involved in this case.
- That support of the named persons who are the subject(s) of this petition is a subject of controversy or requires determination because:
.....
.....
.....
.....

and respondent



PERSON TO BE SUMMONED

6. A license, certificate, registration or other authorization to engage in a profession, business, trade, occupation, or recreational activity issued by the Commonwealth of Virginia is held by

TYPE OF LICENSE	AGENCY GRANTING LICENSE	LICENSE NO.
<input type="checkbox"/> Respondent	_____	_____
<input type="checkbox"/> Petitioner	_____	_____

7. A Protective Order is currently in effect against the Respondent. ☐ Yes ☐ No. If yes, give name of court issuing the order, state and expiration date.

COURT ISSUING ORDER	STATE	EXPIRATION DATE
PERSON(S) PROTECTED BY THE ORDER		

The petitioner therefore prays that proper process be issued directing the respondent to appear and answer this petition in Court, and that the Court

A. ☐ Make a finding in its Order that the Respondent is the parent of the children named in this petition (paternity has not been previously established).

MOTHER'S NAME	SSN	MAIDEN NAME
RESPONDENT'S NAME	SSN	RACE
RESPONDENT'S DATE OF BIRTH	PLACE OF BIRTH (STATE OR FOREIGN COUNTRY)	

- B. ☐ Order the Respondent to furnish support as follows:
- ☐ Child support per guidelines
- ☐ Child support in the amount of \$ _____ per _____ TIME PERIOD
- ☐ Spousal support in the amount of \$ _____ per _____ TIME PERIOD
- ☐ Combined child and spousal support in the amount of \$ _____ per _____ TIME PERIOD
- ☐ Continuing support for a child who is (i) severely and permanently mentally or physically disabled; (ii) unable to live independently and support himself and (iii) resides in the home of the parent seeking support.
- ☐ Support for a parent in necessitous circumstances ☐ in the amount of \$ _____ per _____ ☐ as determined by the court. TIME PERIOD
- C. Enter an order or require the Respondent to enter into an agreement creating a wage assignment or income deduction to enforce any orders entered in the case as the responding court deems appropriate.
- D. Order that all payments be made ☐ directly to the payee. ☐ to or through the Virginia Department of Social Services or its contractors.
- E. ☐ Provide in the order that Respondent furnish health insurance coverage, including dental and ophthalmologic (eye-related) services, if available, for the dependents and for delivery of the documents necessary for the use of such coverage to the dependents.
- F. ☐ Provide in the order that the parents share the cost of any reasonable and necessary unreimbursed medical or dental expenses for each child who is the subject of the obligation in proportion to their gross incomes.
- G. ☐ Require the Respondent to post a performance bond.

Petitioner further requests the granting of such other and further relief as the law provides.

DATE	PETITIONER
The Petitioner appeared this date before the undersigned and, upon being duly sworn, made oath that the facts stated in the foregoing petition are true based on the Petitioner's knowledge.	
DATE	<input type="checkbox"/> CLERK <input type="checkbox"/> INTAKE OFFICER

FOR NOTARY PUBLIC'S USE ONLY:

State of _____ ☐ City ☐ County of _____

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20 _____

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC (My commission expires: _____)

MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

Commonwealth of Virginia

Case No.

HEARING DATE AND TIME

Virginia Beach

Juvenile and Domestic Relations District Court

This motion is filed in connection with Case No.

v. / In re

Party Making this Request:

Party to be Served:

NAME

NAME

ADDRESS/LOCATION

ADDRESS/LOCATION

TELEPHONE NUMBER

TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

The undersigned respectfully represents to the Court that the respondent should,

[] pursuant to Va. Code § 19.2-306, serve the sentence previously suspended on

because

[] have his or her recognizance revoked or modified because of the following violation of conditions of release:

[] be imprisoned, fined or otherwise punished or dealt with according to law

[] pursuant to Va. Code [] §§ 18.2-456/16.1-69.24 for failure to obey an order of [] this court [] ordering

such act of the respondent being described as on

DATE

[] pursuant to Va. Code [] §§ 18.2-456/16.1-69.24 [] § 19.2-358 [] § 19.2-305.2 (restitution only), for failure to pay fines, costs, forfeitures, restitution and/or penalties or an installment thereof; payment due: \$ on

DATE

[] pursuant to Va. Code § 16.1-278.16 for failure to provide support as ordered on

..... \$ per

DATE

with \$ arrearage as of

DATE

[] pursuant to § 19.2-303.3, have his or her local community-based probation revoked or modified because

[] pursuant to § 19.2-304, have his or her probation period or conditions modified as follows:

because

[] Other-Explain) Fail to comply with pursuant to Code Section , :
Date of Order

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

DATE

TITLE

SIGNATURE

MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

Commonwealth of _____

Case No. _____

**** EXAMPLE ****

DO NOT WRITE ON EXAMPLE FORM

HEARING DATE AND TIME _____

A

Virginia Beach

B

Juvenile and Domestic Relations District Court

This motion is filed in connection with Case No. _____

C

YOUR NAME

v. / In re

H

OTHER PARTY'S NAME

D

Making this Request:

YOUR NAME

I

be Served:

OTHER PARTY'S NAME

E

NAME

YOUR STREET ADDRESS

J

NAME

OTHER PARTY'S STREET ADDRESS

F

ADDRESS/LOCATION

YOUR CITY, STATE, & ZIP CODE

K

ADDRESS/LOCATION

OTHER PARTY'S CITY, STATE, & ZIP CODE

G

YOUR TELEPHONE NUMBER

L

OTHER PARTY'S TELEPHONE NUMBER

TELEPHONE NUMBER

TELEPHONE NUMBER

COMPLETE DATA BELOW IF KNOWN

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			

SSN

The undersigned respectfully represents to the Court that the respondent should,

☐ pursuant to Va. Code § 19.2-306, serve the sentence previously suspended on _____

because _____

☐ have his or her recognizance revoked or modified because of the following violation of conditions of release:

M

FAIL TO COMPLY WITH PROTECTIVE ORDER (Code Section 18.2-456)

☐ be imprisoned, fined or otherwise punished or dealt with according to law

☐ pursuant to Va. Code [] §§ 18.2-456/16.1-69.24 for failure to obey an order of [] this court [] ordering _____

such act of the respondent being described as **FOR CHILD OR SPOUSAL SUPPORT, COMPLETE THIS SECTION.**

DATE

☐ pursuant to Va. Code [] §§ 18.2-456/16.1-69.24 [] § 19.2-358 [] § 19.2-305.2 (restitution only), for failure to pay fines, costs,

forfeitures, restitution and/or penalties or an installment thereof; payment due: \$ _____ on _____ DATE

N

☒ pursuant to Va. Code § 16.1-278.16 for failure to provide support as ordered on

O

DATE OF ORDER

\$

P

AMOUNT ORDERED

per

Q

MTH. WEEK, ETC.

with \$ _____ DATE AMOUNT OF ARREARAGE

R

arrearage as of

S

DATE ARREARAGE CALCULATED THROUGH

DATE

☒ pursuant to § 19.2-303.3, have his or her local community-

For Custody / Visitation, Fail to Comply with CHINS or Criminal Order (pursuant to Code Section 18.2-456)

COMPLETE THIS SECTION.

☐ pursuant to § 19.2-304, have his or her probation period or

For Fail to Pay Medical Bills, Fail to Comply with Change of Address (pursuant to Code Section 16.1-278.16)

COMPLETE THIS SECTION.

T because _____

☒ Other-Explain) Fail to comply with _____ pursuant to Code Section _____, _____

Date of Order

In this section, explain how order is being violated _____

Therefore, the undersigned requests the issuance of process to the respondent to answer the above motion.

U

TODAY'S DATE

DATE

V

MOTHER, FATHER, etc.

TITLE

W

YOUR SIGNATURE

SIGNATURE

MOTION (Emergency Hearing)

Commonwealth of Virginia

Case No.

Virginia Beach

[] General District Court

[x] Juvenile and Domestic Relations District Court

2425 Nimmo Parkway, Building 10A, Virginia Beach, VA 23456 Tel: 757-385-4391

COURT ADDRESS

This motion is filed in connection with Case No.

[] *In re*
NAME OF CHILD

[] v.
PETITIONER RESPONDENT

.....
ADDRESS/LOCATION ADDRESS/LOCATION

.....

.....
TELEPHONE NUMBER TELEPHONE NUMBER

The undersigned respectfully represents to the Court that an order dated was entered
by the [] above-named Court [] Court.

Request made by: [REDACTED]

Motion for Emergency Hearing

Please specify emergency:

.....
DATE [] PETITIONER [] RESPONDENT

ORDER

[] The motion is granted.

[] The motion is denied.

Additional disposition:

.....
DATE JUDGE

C. Introduction to the Circuit Court

a. Civil Practice:

- i. Most Common Forms:** (Hon. Tina E. Sinnen, Clerk of Court and Nancy White, Civil Division Manager)
- ii. New Policies and Recommended Procedures:** (Hon. Tina E. Sinnen, Clerk of Court and Nancy White, Civil Division Manager)

b. Criminal Practice:

- i. Most Common Forms:** (Hon. Tina E. Sinnen, Clerk of Court and Gigi Smith, Criminal Division Manager)
- ii. New Policies and Recommended Procedures:** (Hon. Tina E. Sinnen, Clerk of Court and Gigi Smith, Criminal Division Manager)

c. Ethical and Best Practices: Perspectives from the Bench: (Hon. H. Thomas Padrick Jr., Presiding Judge)

CIRCUIT COURT CRIMINAL DIVISION 385-4187 AND 385-3167

GIGI SMITH: CHIEF DEPUTY CRIMINAL DIVISION 385-4043

NILLA HARRIS: SUPERVISOR/COURTROOM CLERK (ABS) 385-4489

VALERIE MANIGO: SUPERVISOR/COURTROOM CLERK (HTP) 385-8076

CATHY N: COURTROOM CLERK (LLL) 385-8823

LISA: COURTROOM CLERK (WRO) 385-4854

KATHERINE: COURTROOM CLERK (GRC) 385-1194

DAWN: COURTROOM CLERK (SCM) 385-8832

JAYME: COURTROOM CLERK (SCF) 385-4977

SHANNON: COURTROOM CLERK () 385-4042

STEPHANIE: CLERICAL (COURT OF APPEALS/COPY REQUEST) 385-4916

CATHY G.: 385-8503 (INCOMING MAIL, SUBPOENAS/DAILY DOCKET)

CHRISTINE: 385-1198 (PROCESSING COURT ORDERS)

DIANE: 385-1843 (MISD DATA ENTRY/PROCESSING COURT ORDERS/ DC40'S)

JESSICA: 385-3078 (VIOLATION DATA ENTRY/INMATE MAIL)

DEBBIE: 385-1193 (MISD DATA ENTRY/ MAIL/DAILY DOCKET)

CHLOE: 385-4187 (FILING/SCANNING)

CHELSEA: 385-1722 (SCANNING)

THE CRIMINAL AND CIVIL DIVISION DOES NOT ACCEPT FAXES UNLESS APPROVED BY A SUPERVISOR.
FAXES ARE NOT FILED IN THE COURT FILE SINCE THEY ARE NOT ACCEPTED.

THE CRIMINAL AND CIVIL DIVISION ALSO DOES NOT RESPOND TO OR BY E-MAIL.

THE COSTS OF COPIES ARE \$.50 PER PAGE AND \$2.00 FOR CERTIFICATION.

CIVIL RESOURCES

Civil:

Main

757-385-4186 (Law)

757-385-4188 (Equity)

757-385-3168 (Overflow)

Nancy White, Sup. Law

757-385-8532

Patti Bennett, Sup. Equity

757-385-8810

Welcome to VB CIRCUIT COURT

****NOTICE****

If you are doing research for Virginia Beach Circuit Court Civil or Criminal records, you will need to utilize two websites

"www.vbcircuitcourtrecords.com" AND "www.courts.state.va.us".

The following forms are available at:

www.courts.state.va.us

Circuit Court Civil Forms and Instructions
<u>Information about Petitioning a Circuit Court for Approval of the Right to Register to Vote</u> [Form CC-1402]
<u>Petition for Approval of the Right to be Eligible to Register to Vote</u> [Form CC-1403]
<u>Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice</u> [Form CC-1406] Instructions
<u>Service Other Than by Virginia Sheriff</u> [Form CC-1407] Instructions
<u>Application for Change of Name (Adult)</u> [Form CC-1411] Instructions
<u>Petition for Proceeding in Civil Case Without Payment of Fees or Costs</u> [Form CC-1414] Instructions
<u>Cover Sheet for Filing Civil Actions</u> [Form CC-1416] Instructions
<u>Affidavit for Service of Process on the Secretary of the Commonwealth</u> [Form CC-1418] Instructions
<u>Confession of Judgment/Certificate of Clerk</u> [Form CC-1420] Instructions
<u>Addendum for Protected Identifying Information - Confidential</u> [Form CC-1426] Instructions
<u>Application for Change of Name (Minor)</u> [Form CC-1427] Instructions
<u>Application And Order For Appointment Of Special Conservator Of The Peace</u> [Form CC-1430] Instructions
<u>Notice of Commencement of Action and Request for Waiver of Service of Process</u> [Form CC-1433] Instructions

Affidavit for Order of Publication

[Form CC-1435]

Instructions**Motion and Notice of Proposed Payroll Deduction Order for Support**

[Form CC-1450]

Instructions**Judgment Lien Docket - Subsequent Entries**

[Form CC-1462]

Instructions**Authorization for Partial or Full Release of Judgment Lien**

[Form CC-1453]

Instructions**Petition for Restoration of Driving Privilege - Habitual Offender**

[Form CC-1465(B)]

Petition for Restoration of Driving Privilege - Third Offense

[Form CC-1470]

Instructions**Petition for Expungement Filed in a Circuit Court – Absolute Pardon**

[Form CC-1472]

Instructions**Petition for Expungement Filed in a Circuit Court Pursuant To § 19.2-392.2 A**

[Form CC-1473]

Instructions**Writs of Possession and Fieri Facias in Detinue**

[Form CC-1478]

Instructions**Summons To Answer Interrogatories**

[Form CC-1481]

Suggestion for Summons in Garnishment

[Form CC-1485]

Instructions**Garnishment Summons**

[Form CC-1486]

Instructions**Petition for Emergency Custody Order Violation of Conditional Release Sexual Predator**

[Form CC-1494]

SUGGESTION FOR SUMMONS IN GARNISHMENT

VA. CODE § 8.01-511

In the Circuit Court of the [] City [] County of
JUDGMENT CREDITOR: JUDGMENT DEBTOR:

V.

Telephone No.

JUDGMENT CREDITOR'S ATTORNEY

Telephone No.

Suggested Garnishee:

Social Security No.

If garnishee is defendant's employer, please furnish employer's name, and state whether it is a corporation, or one or more persons trading under a fictitious or trade name.

ORIGINAL JUDGMENT	
DATE OF JUDGMENT	DATE EXECUTION DELIVERED
Instrument No.	

JUDGMENT DOCKETED IN THIS COURT
Date Docketed
Book/Page/Instrument No.

STATEMENT

\$ Judgment Principal
..... Credits
..... Interest
..... Judgment Costs
..... Attorney's fee
..... Garnishment Costs

\$ 0.00 Total Balance Due
The garnishee shall rely on this amount.

MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT

[] Support (if not specified, then 50%)
[] 50% [] 55% [] 60% [] 65% [] State Taxes, 100%

If none of the above are checked, then § 34-29(a) applies.

I request the Clerk to summon the Suggested Garnishee to answer this suggestion.

This is a garnishment against [] the judgment debtor's wages, salary or other compensation. [] some other debt due or property, of the judgment debtor, specifically,

I have reason to believe that there is a liability on the suggested garnishee because of the execution of the "ORIGINAL JUDGMENT" described above. I certify that:

- [] (1) The summons is based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
[] (2) No summons has been issued upon this judgment creditor's suggestion against the same judgment debtor within a period of eighteen months, other than a summons which was based upon a judgment upon which a prior summons has been issued but not fully satisfied; or
[] (3) The summons is based upon a judgment granted against a debtor upon a debt due or made for necessary food, rent, or shelter, public utilities including telephone service, drugs, or medical care supplied the debtor by the judgment creditor or to one of his lawful dependents, and that it was not for luxuries or nonessentials; or
[] (4) The summons is based upon a judgment for a debt due the judgment creditor to refinance a lawful loan made by an authorized lending institution; or
[] (5) The summons is based upon a judgment on an obligation incurred as an endorser or comaker upon a lawful note; or
[] (6) The summons is based upon a judgment for a debt or debts reaffirmed after bankruptcy.
[] I have made a diligent good faith effort to secure the social security number of the judgment debtor and have been unable to do so.

I hereby certify that the last known address of the defendant is as shown above.

DATE SUBMITTED

[] JUDGMENT CREDITOR [] AGENT [] ATTORNEY

WARNING: Any judgment creditor who knowingly gives false information in a suggestion for Summons in Garnishment shall be guilty of a Class 1 misdemeanor.

GARNISHMENT SUMMONS

Commonwealth of Virginia

Case No. _____

Circuit Court

COURT ADDRESS

JUDGMENT CREDITOR:

v.

JUDGMENT DEBTOR:

Telephone No. _____

JUDGMENT CREDITOR'S ATTORNEY:

Soc. Sec. No. _____

Garnishee: _____

Telephone No. _____

HEARING DATE AND TIME

This is a garnishment against (check only one)

- ☐ the judgment debtor's wages, salary or other compensation.
☐ some other debt due or property of the judgment debtor, specifically,

**MAXIMUM PORTION OF DISPOSABLE EARNINGS
SUBJECT TO GARNISHMENT**

- ☐ Support
☐ 50% ☐ 55% ☐ 60% ☐ 65%
 (if not specified, then 50%)
☐ state taxes, 100%

STATEMENT:

Judgment Principal: \$ _____

Credits _____

Interest _____

Judgment Costs _____

Attorney's Fee _____

Garnishment Costs _____

TOTAL BALANCE DUE \$ _____
 The garnishee shall rely on this amount.

DATE OF JUDGMENT

If none of the above are checked, then § 34-29(a) (on reverse) applies.

TO ANY AUTHORIZED OFFICER: You are hereby commanded to serve this summons on the judgment debtor and the garnishee.

TO THE GARNISHEE: You are hereby commanded to (1) file a written answer with this court, or (2) deliver payment to this court, or (3) appear before this court on the return date and time shown on this summons to answer the Suggestion for Summons in Garnishment of the judgment creditor that, by reason of the lien of writ of fieri facias, there is a liability as shown in the statement upon the garnishee.

As garnishee, you shall withhold from the judgment debtor any sums of money to which the judgment debtor is or may be entitled from you during the period between the date of service of this summons on you and the date for your appearance in court, subject to the following limitations: (1) The maximum amount which may be garnished is the "TOTAL BALANCE DUE" as shown on this summons. (2) You shall not be liable to the judgment creditor for any property not specified in this garnishment summons. (3) If the sums of money being garnished are earnings of the judgment debtor, then the provision of "MAXIMUM PORTION OF DISPOSABLE EARNINGS SUBJECT TO GARNISHMENT" shall apply.

If a garnishment summons is served on an employer having one thousand or more employees, then money to which the judgment debtor is or may be entitled from his or her employer shall be considered those wages, salaries, commission or other earnings which, following service on the garnishee-employer, are determined and are payable to the judgment debtor under the garnishee-employer's normal payroll procedure with a reasonable time allowance for making a timely return by mail to this court.

DATE OF ISSUANCE OF SUMMONS

_____, Clerk

DATE OF DELIVERY OF WRIT OF FIERI FACIAS TO SHERIFF
IF DIFFERENT FROM DATE OF ISSUANCE OF THIS SUMMONS

by _____

DEPUTY CLERK

WRIT OF FIERI FACIAS TO ANY AUTHORIZED OFFICER: You are commanded to execute this writ and to make from the intangible personal estate of the judgment debtor(s) the principal, interest, costs and attorney's fees, less credits, as shown in the Garnishment Summons. You are further commanded to make your return to the clerk's office according to law.
 Homestead Exemption Waived? ☐ Yes ☐ No ☐ Cannot be demanded

_____, Clerk

by _____

DEPUTY CLERK

DATE

VIRGINIA BEACH CIRCUIT COURT GARNISHMENTS

CLERKS FEES:

\$44.00 TO ISSUE SUMMONS ONLY

\$1.50 TO SIGN THE WRIT AT THE BOTTOM OF THE SUMMONS

\$45.50 TOTAL

SHERIFF SERVICE FEES:

\$12.00 PER DOCUMENT PER PARTY (THE SHERIFFS OFFICE CONSIDERS THE WRIT AND THE SUMMONS SEPARATE DOCUMENTS EVEN THOUGH IT IS ONE PIECE OF PAPER FOR A TOTAL OF \$24.00 PER PERSON IF THE WRIT AND THE SUMMONS ARE SIGNED)

NEEDED BY CLERKS OFFICE TO ISSUE:

COMPLETED SUGGESTION FOR SUMMONS IN GARNISHMENT (CC-1485)

COMPLETED GARNISHMENT SUMMONS (CC-1486)

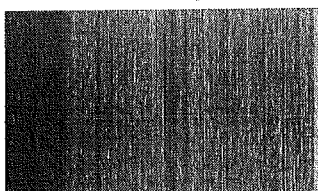
STAMPED ENVELOPE ADDRESSED TO JUDGMENT DEBTOR

COPY OF JUDGMENT ORDER

RETURN DATE (COURT DATE) NEEDS TO BE SET ON A FRIDAY AT 9:30 AM, NO SOONER THAN 30 DAYS FROM DATE OF FILING. COURT DATES CAN BE SET OUT AS FAR AS 90 DAYS ON A BANK GARNISHMENT, AND 180 DAYS ON WAGE GARNISHMENTS.



[Home](#)
[Virginia's Court System](#)
[Court of Appeals of Virginia](#)
[Circuit Court](#)
[General District Court](#)
[Juvenile and Domestic Relations District Court](#)
[Magistrate System](#)
[Special Justices](#)
[Employment Opportunities](#)
[General Contact Information for All Courts](#)
[Office of the Executive Secretary \(OES\)](#)
[Americans with Disabilities Act \(ADA\)](#)
[Online Services](#)
[Case Status and Information](#)
[Court Administration](#)
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Circuit Court

About

There is a circuit court in each city and county in Virginia. The circuit court is the trial court with the broadest powers in Virginia. The circuit court handles all civil cases with claims of more than \$25,000. It shares authority with the general district court to hear matters involving claims between \$4,500 and \$25,000. The circuit court has the authority to hear serious criminal cases called felonies.

The circuit court also handles family matters, including divorce. In addition, the circuit court hears cases appealed from the general district court and from the juvenile and domestic relations district court.

- [Circuit Courts Informational Pamphlet](#)

Contact Information

- [All Circuit Courts](#)
- [Individual Circuit Court Homepages](#)
- [Map of Virginia's Judicial Circuits and Districts](#)

Case Status and Information

- [Circuit Court Case Information](#)
Online access to the case management system for selected Circuit Courts. Cases may be searched using name, case number, or hearing date.
- Fees
 - [Circuit Court Civil Filing Fee Calculation](#)
 - [Deed Calculation](#)
- [Circuit Court Records Information](#)
Online access to court records such as deeds, marriage licenses, judgments, and wills for selected courts.

Forms

Manuals

- [Court-Appointed Counsel Procedures & Guidelines Manual](#)
- [Court-Appointed Counsel Eligibility](#)
- [Circuit Court Clerks' Duties List](#)
- [Circuit Court Clerk's Manual - Civil](#)
- [Circuit Court Clerk's Manual - Criminal](#)

Programs

- [Drug Treatment Courts](#)
- [Foreign Language Services](#)
- [Guardians Ad Litem](#)
- [Judicial Settlement Conference](#)
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 - [Circuit Court Mediation](#)
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Resources and Reference Materials

- [Circuit Courts Informational Pamphlet](#)
- [Commissioners of Accounts](#)
- [Guardians and Conservators of Incapacitated Adults](#)
 - [Instructions to Conservators of Incapacitated Adults](#)
 - [Guardianship and Conservatorship Proceedings Regarding Incapacitated Adults](#)
- [Jury Service](#)
 - [The Answer Book for Jury Service](#)
 - [Handbook For Virginia Grand Jurors](#)
- [Probate and Estate Administration](#)
 - [A Guide to the Administration of Decedent's Estates in Virginia](#)
 - [Probate in Virginia](#)
- [Records Management and Retention, Library of Virginia](#)
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The following forms are available at:

www.vbgov.com

Miscellaneous Filing Fees

Miscellaneous Filing Fees

Effective July 1, 2004

Service of Process

TYPE	FEE	REFERENCE
Secretary of Commonwealth	\$28.00 per party served	<u>§2.1-71.2</u>
State Corporation Commission	\$30.00 per party served	<u>§12.1-19.1</u>
Division of Motor Vehicles	\$28.00 per party served	<u>§8.01-310</u>
Sheriff	\$12.00 per party served	<u>§17.1-272</u>
Appeal to Court of Appeals and Supreme Court		
A clerk's fee of twenty (\$20) dollars plus postage.		<u>§17.1-275(32)</u>
Exemplified or Act of Congress Copy		
A clerk's fee of \$2.50 for annexing seal and certificate plus fifty cents for each page copied.		<u>§17.1-275(8) & (9)</u>
Judgments: (1) Docketing and Indexing; (2) Docketing a Foreign Judgment; and (3) Issuing an Abstract -		
<u>§8.01-465.2</u> <u>§17.1-275(17)</u> and <u>§17.1-279</u>		

	Clerk	TTF	Total
Docketing a judgment from any other court of this Commonwealth	\$5	\$5	\$10
Docketing a judgment from a foreign court	\$20	\$5	\$25
Issuing an abstract of judgment	\$5	\$0	\$5

Subpoena Duces Tecum or Summons for interrogation by an execution creditor

A clerk's fee of \$ 5.00, plus service of process

§17.1-275(23)

Writ of Execution or Levy

Sheriff's fee for service of writ or levy - \$25 with one debtor

§17.1-272

87-88AG72 and 96AG20

\$12 for each additional debtor on the writ / levy

Plus a Clerk's fee for issuance of the writ - \$1.50

§17.1-275(44)

Contact Information:

Circuit Court - Clerk

2425 Nimmo Pkwy.

Judicial Center, Bldg. 10B 3rd Fl.

Virginia Beach, VA 23456

Main: (757) 385-4181 - Clerks Office

COVER SHEET FOR CIVIL ACTIONS FILED IN VIRGINIA BEACH CIRCUIT COURT Case No.
(CLERK'S OFFICE USE ONLY)*

..... v./In re:
PLAINTIFF(S) DEFENDANT(S)

I am filing the below civil action. (Indicate by checking ONE box that most closely identifies the claim or relief sought)

FOR CASES IN THIS COLUMN SEE THE RULES AND PROCEDURES MANUAL FOR CIVIL ACTIONS ADOPTED BY THIS COURT AVAILABLE ON THE INTERNET AT www.vbgov.com/courts.

- ☐ Accounting (ACCT)
- ☐ Aid and Guidance (AID)
- ☐ Asbestos Litigation (AL)
- ☐ Construe Will (CNST)
- ☐ Contract Action (CNTR)
- ☐ Contract Specific Performance (PERF)
- ☐ Declaratory Judgment (DECL)
- ☐ Detinue (DET)
- ☐ Ejectment (EJCT)
- ☐ Enforce Vendor's Lien (VEND)
- ☐ Establish Boundaries (ESTB)
- ☐ General Tort Liability (other than motor vehicle) (GTOR)
- ☐ Impress/Declare a Trust (TRST)
- ☐ Injunction (INJ)
- ☐ Intentional Tort (ITOR)
- ☐ Interpleader (INTP)
- ☐ Judgment Lien-Bill to Enforce (LIEN)
- ☐ Landlord/Tenant (LT)
- ☐ Mechanics Lien (MECH)
- ☐ Medical Malpractice (MED)
- ☐ Motor Vehicle Tort (MV)
- ☐ Partition (PART)
- ☐ Product Liability (PROD)
- ☐ Quiet Title (QT)
- ☐ Reformation of Trust (REFT)
- ☐ Unlawful Detainer (UD)
- ☐ Will Contested (WILL)
- ☐ Wrongful Death (WD)

OTHER CASES:

- ☐ Annulment (ANUL)
- ☐ Appeal Decision of Board of Zoning (ZONE)
- ☐ Appeal from Administrative Agency (AAPL)
- ☐ Appeal Decision of Voter Registration (AVOT)
- ☐ Appointment Church Trustee, Substitute Fiduciaries (AOCT)
- ☐ Approval of Right to be Eligible to Vote (VOTE)
- ☐ Attachment (ATT)
- ☐ Child Abuse and Neglect-Unfounded complaint (CAN)
- ☐ Compromise Settlement (COMP)
- ☐ Condemnation (COND)
- ☐ Confessed Judgment (CJ)
- ☐ Correct/Erroneous State/Local Taxes (CTAX)
- ☐ Conservator of Peace (COP)
- ☐ Court Appointment of Guardian/Conservator (APPT)
- ☐ Declare Death (DDTH)
- ☐ Delinquent Taxes (DTAX)
- ☐ Divorce (Custody, Visitation, Support, Equitable Distribution Issues) (DIV) [See Contested and Uncontested Divorce Manuals]
- ☐ Encumber/Sell Real Estate (RE)
- ☐ Expunge (XPUN)
- ☐ Garnishment (GARN)
- ☐ Grievance Appeal (GRV)
- ☐ Name Change (NC)
- ☐ Separate Maintenance (SEP)
- ☐ Standby Guardian/Conservator Appointment (STND)
- ☐ Reinstatement of Driving Privileges (DRIV)
- ☐ Restore Driving Privileges (REST)
- ☐ Referendum Elections (ELEC)
- ☐ Writ of Habeas Corpus (WHC)
- ☐ Writ of Mandamus (WM)
- ☐ Writ of Prohibition (WP)

AMOUNT OF DAMAGES CLAIMED, IF ANY: \$ Filing fees enclosed \$

Service requested? ☐ YES ☐ NO. If YES: Serve by: ☐ Sheriff ☐ DMV ☐ Secretary ☐ SCC ☐ Accepted
☐ Special Process Server. Name: ☐ Other
Serve following documents:

Name: Phone Number:
☐ ATTORNEY FOR PLAINTIFF ☐ PLAINTIFF PRO SE
☐ ATTORNEY FOR DEFENDANT ☐ DEFENDANT PRO SE

.....
ADDRESS
DATE: JAN 2007

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff

v.

Case No.: CL _____

Defendant

PRAECIPE IN A CIVIL ACTION

I request this action be placed on the _____ docket call at 9:30 A.M. for the setting of a trial date ☐ (with a jury) ☐ (without a jury). Counsel or counsel's representative shall be present at docket call.

DATE: _____

Signature

Print Name

- ☐ Counsel for _____
☐ Complainant proceeding without counsel
☐ Defendant proceeding without counsel

CERTIFICATE OF SERVICE

I certify that on _____, a copy of this praecipe was served as required by Rule 1:12 of the Rules of the Supreme Court of Virginia on the following counsel of record:

_____ and upon parties not represented by counsel, if any.

Signature

Pretrial Scheduling Order. Within 30 days of docket call and the setting of a trial date, counsel shall submit for entry by the court the *Pretrial Scheduling Order* pursuant to the Rules and Procedures of this Court.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff(s)

v.

AT LAW NO.: CL _____

Defendant(s)

Uniform Pretrial Scheduling Order (Supreme Court Rule 1:18)

I. Trial

The trial date is _____ ☐ (with a jury) ☐ (without a jury).

The estimated length of trial is _____.

II. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts

If requested in discovery, plaintiff's, counter-claimant's, third party plaintiff's, and cross-claimant's experts shall be identified on or before 90 days before trial. If requested in discovery, defendant's and all other opposing experts shall be identified on or before 60 days before trial. If requested in discovery, experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 45 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than 60 days after being filed.

V. Exhibit and Witness List

Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

VI. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

VII. Motions in Limine

Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard before the day of trial.

VIII. Witness Subpoenas

Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

IX. Continuances

Continuances will only be granted by the court for good cause shown.

X. Jury Instructions

Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be Used at Trial

Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing before the day of trial.

XII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTER: _____

JUDGE

Counsel for the plaintiff(s)

Counsel for the defendant(s)

**ADDENDUM FOR PROTECTED
IDENTIFYING INFORMATION—
CONFIDENTIAL**

Commonwealth of Virginia

Case No. _____

In the Circuit Court of the ☐ City ☐ County of _____

v. _____

This addendum is filed with and incorporated by reference in the document(s) indicated below, from which the protected identifying information contained herein has been removed by the attorney or party whose signature appears below. This addendum shall be used to distribute such information only as required by law, and may be made available only to the parties, to their attorneys, and to other person(s) as the court may allow.

☐ Petition ☐ Motion ☐ Order ☐ Decree ☐ Other Pleading: _____

☐ Agreement(s) of the Parties ☐ Transcripts ☐ Other: _____

PARTY NAME (LAST, FIRST, MIDDLE)

PARTY NAME (LAST, FIRST, MIDDLE)

SOCIAL SECURITY NUMBER

SOCIAL SECURITY NUMBER

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

CHILD NAME (LAST, FIRST, MIDDLE)

SOCIAL SECURITY NUMBER

CHILD NAME (LAST, FIRST, MIDDLE)

SOCIAL SECURITY NUMBER

Attach additional sheet(s) for other information, as needed.

DATE

☐ PARTY

☐ ATTORNEY

PRINT NAME

ADDRESS / TELEPHONE NUMBER OF SUBSCRIBER

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff _____
v. _____ Case No. _____
Defendant
LIST ALL COUNSEL OF RECORD AND ANY PRO SE PARTY:
COUNSEL: _____ FAX NO.: _____
COUNSEL: _____ FAX NO.: _____
COUNSEL: _____ FAX NO.: _____
GAL: _____ FAX NO.: _____
Pro se Party [Name(s) and Address(es)]: _____

REQUEST FOR CONTINUANCE OF TRIAL DATE IN A CIVIL CASE

Current Trial Date: _____
Name of person/counsel preparing this request: _____
Continuance requested by [specify name(s) of party, or state "joint motion" if all counsel agree to this request]: _____
Number of Prior Continuances: _____
Reason: _____

Check all applicable boxes below:

- ☐ Check this box if case is a Protective Order Appeal.
☐ Check this box if this case is an appeal from the Juvenile and Domestic Relations District Court.
☐ Check this box if this request is not by agreement [submit this order on day motion to continue is scheduled to be heard by judge].
☐ Check this box if all counsel AGREE to a new trial date of _____, which date has been *pre-approved with the judge's office as available*. [See "Trial Date Notes" below as to setting trial date].

TRIAL DATE NOTES: No jury trials on Thursday. Thursdays are reserved for domestic cases and protective order appeals only. A Contested Divorce is set on a Thursday unless counsel agreed otherwise. Juvenile Court Appeals may be set on a Tuesday-Thursday. Other Civil Actions and civil appeals from general district court are set on a Monday, Tuesday or Wednesday. A DCSE appeal is set on the 2nd Friday of month unless all counsel agreed otherwise.

TO BE COMPLETED BY THE COURT:

The Court ORDERS that the motion for continuance is:

- ☐ **DENIED.**
☐ **GRANTED.** The NEW TRIAL DATE is _____ at 9:30 A.M.

Requirements for Pretrial Scheduling Order in Civil (except an appeal) and Divorce Cases: The parties and counsel shall comply with the terms of a previously entered pretrial order, or if the appropriate pretrial order has not been entered, counsel shall submit.

DATE ENTERED: _____ **JUDGE:** _____

TO BE COMPLETED BY JUDICIAL ASSISTANT: Copy transmitted by facsimile to above counsel and case marked on Civil Trial Calendar or if JDRC appeal case marked on JDRC calendar. _____.

TO THE CLERK'S OFFICE: The clerk's office shall mail a copy to any pro se party noted above.

NOTICE TO GUARDIAN AD LITEM: In order to comply with Item 34(G) of the 2002 Appropriation Act, this order must be COMPLETED and submitted to the court when your DC-40 is submitted. DC-40 will not be processed until there has been a determination of payment by the parents. The recommended practice is to provide this order at the conclusion of the court hearing. If not provided at court hearing have parents, or their counsel, endorse the order.

VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF VIRGINIA BEACH

IN RE: _____

Circuit Court Case No. : _____

ORDER -- GUARDIAN AD LITEM COSTS FOR A CHILD

After review of the DC-40 submitted by the guardian ad litem, the total amount allowed to _____, appointed guardian ad litem for a child in this case, is \$ _____.

PAYMENT DETERMINATIONS FOR GUARDIAN AD LITEM'S SERVICES

THIS SECTION TO BE COMPLETED BY GAL OR COUNSEL:

The father, _____, is to pay \$ _____
[CHECK ONE] ☐ Payment due date: _____ ☐ Payment enclosed.

ADDRESS: _____
[OR]

☐ After review of the Federal Poverty Guidelines, the father is indigent and does not have to pay.

THIS SECTION TO BE COMPLETED BY GAL OR COUNSEL:

The mother, _____, is to pay: \$ _____
[CHECK ONE] ☐ Payment due date: _____ ☐ Payment enclosed.

ADDRESS: _____
[OR]

☐ After review of the Federal Poverty Guidelines, the mother is indigent and does not have to pay.

IF PAYMENT REQUIRED, GAL OR COUNSEL TO CHECK ONE BOX BELOW AS TO HOW PAYMENT TO BE MADE:

☐ The guardian ad litem shall be paid from Commonwealth funds. The parent or parents shall reimburse the Commonwealth in the amount stated above. Payment shall be made to the Circuit Court Clerk, 2425 Nimmo Parkway, Virginia Beach, Virginia 23456-9017. Personal checks are not accepted. PRINT name and case number on the money order, certified or cashier check. **If payment is not enclosed:** (i) the assessed costs shall be docketed immediately as a judgment in the judgment lien docket book of the clerk's office of this city and the judgment will be released as soon as payment is made and (ii) *if no due date for payment is stated above, then payment is due within 60 days from the date of entry of this order.* Failure to pay shall result in the unpaid amount being forwarded to a collection attorney for the Commonwealth and be offset against any tax refund, lottery winnings or other funds due you from the Commonwealth.

☐ By agreement, the parent or parents shall make payment directly to the guardian ad litem in the amount and by the payment date stated above. In the event payment is not made, the guardian ad litem may notice the parent(s) and this court for an order directing the payment from the Commonwealth, in which case a judgment may be docketed against the parent(s).

The Clerk of this Court shall mail a copy of this order to the parent(s) at the above address if payment required.

ENTER: _____, JUDGE

ENDORSEMENTS:

Guardian Ad Litem

Father/Counsel

Mother/Counsel

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Complainant

v.

Case No.: _____

Defendant

PRAECIPE IN A CONTESTED DIVORCE

I request this action be placed on the _____ docket call at 9:30 A.M. for the setting of a trial date. Counsel or counsel's representative shall be present at docket call. In addition, I certify that the Virginia Beach Divorce Pretrial Order has been entered.¹

DATE: _____

Signature

Print Name

- ☐ Counsel for _____
☐ Complainant proceeding without counsel
☐ Defendant proceeding without counsel

CERTIFICATE OF SERVICE

I certify that on _____, a copy of this praecipe was served as required by Rule 1:12 of the Rules of the Supreme Court of Virginia on the following named counsel of record or upon the following named parties not represented by counsel:

Signature

FOOTNOTE:

¹ It is required that the Virginia Beach Divorce Pretrial Order be entered before the case can be set for trial.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Complainant

v.

Case No.: _____

Defendant

Hearing Request

The undersigned party/counsel hereby requests that this matter be set for an uncontested divorce hearing before a judge. I certify that all issues are totally uncontested as required by the Court's procedures for these hearings. I am including or have previously filed the following documents:

- ☐ Final Decree of Divorce (at least 2 copies)
- ☐ Original Separation Agreement
- ☐ Proof of Service of Bill of Complaint, and/or waiver
- ☐ Original Completed VS-4 Form
- ☐ Self-addressed, stamped envelope (only required if proceeding without an attorney)
- ☐ Order for restoration of former name
- ☐ Other: _____

I am the Complainant, Defendant, Counsel for Complainant, or Counsel for Defendant.

VS# # if an attorney _____
Print Name _____

STREET ADDRESS, City/State/Zip

Daytime Phone Number

Certificate of Mailing

I certify that I mailed a true copy of this request to _____

on _____.

SIGNATURE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Complainant

v.

Case No.: _____

Defendant

VIRGINIA BEACH DIVORCE PRETRIAL ORDER

I. Trial Issues [check all that apply]

- ☐ Child Support
- ☐ Child Visitation
- ☐ Child Custody
- ☐ Spousal Support
- ☐ Equitable Distribution
- ☐ Grounds of Divorce

II. Pretrial Conference

A pretrial conference is required when either or both of the following apply: (1) equitable distribution is contested; or (2) counsel has determined in good faith that the trial of all issues will require more than two hours. In all other cases a pretrial conference will only be held when requested by counsel or by a judge. When a pretrial conference is required, it shall be scheduled with the duty judge no later than one week prior to the trial date. The purpose of the pretrial conference is to discuss settlement, a determination of the issues remaining for trial, to reach stipulations, and discuss any other matters which may aid in the disposition of the case. The parties and counsel shall attend the pretrial conference in person. The attendance of the parties is required. Five (5) days prior to the pretrial conference the Pretrial Conference Brief and all worksheets and forms that are applicable to the case must be completed and exchanged by counsel and filed with the court. A Pretrial Conference Memorandum will be filed by the judge at the conclusion of the conference.

III. Judicial Settlement Conference

A settlement conference with a qualified Judicial Settlement Conference Judge is required when the trial of all issues will require more than one (1) hour. If a judicial settlement conference is required because the trial of all issues will take more than one hour, counsel shall submit this Court's required Order of Designation and Referral to Judicial Settlement Conference. The judicial settlement conference shall be scheduled no later than 14 days prior to trial. The judicial settlement conference is a dispute resolution process to assist the parties in assessing their case by discussing the issues and any possible mutually beneficial settlement agreement. Failure to attend may result in the case being removed from the trial docket.

IV. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. Discovery and depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown. The parties have a duty, as soon as practical, to supplement and amend discovery responses pursuant to Rule 4:1 (e) of the Rules of the Supreme Court of Virginia.

V. Designation of Experts

If requested in discovery, experts shall be identified on or before 90 days before trial. If requested, all information discoverable under Rule 4:1(b)(4) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any nondisclosed opinions at trial. The foregoing deadline shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

VI. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial as practical.

VII. Parent Education Seminar

If a child's custody, visitation or support, is contested, the parents shall, prior to the trial date, show proof that they have attended an educational seminar on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities pursuant to Virginia Code § 20-103. The education seminar shall be conducted by a Parent Education Provider listed on the Virginia Judicial System's website at www.courts.state.va.us. Whenever possible, before participating in the judicial settlement conference, each party shall have attended the educational seminar. Failure to attend may result in the case being removed from the trial docket. The court may grant an exemption from attendance of such program for good cause shown.

VIII. Exhibit and Witness List

Counsel shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits or witness was through inadvertence.

IX. Required Worksheets and Forms

Counsel shall file with the Court and opposing counsel not later than 15 days prior to trial all worksheets and forms required by the Court applicable to the issues in this case: The Monthly Income and Expense Statement of each party, Child Support Guideline Worksheets and Equitable Distribution Forms.

X. Settlement Conference by Parties and Counsel

If a judicial settlement conference or pretrial conference is not required, counsel shall jointly file, not later than 7 days prior to trial, a certification with the Court that counsel and their clients personally met and participated in a good faith effort to resolve all issues in dispute. The certification shall list any issues resolved and those that remain for resolution at trial.

XI. Continuances

Continuances of the trial date will only be granted by the court for good cause shown.

XII. Court Reporter

A court reporter is required for the trial and must be secured by the parties.

XIII. Waiver of Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

XIV. Failure To comply

Failure to comply with any provision of this Order by any party may result in limitation or exclusion of evidence, and/or claims, and/or the case being removed from the trial docket and/or any other appropriate sanction.

ENTER: _____

JUDGE: _____

ENDORSEMENT:

Counsel for Complainant

Counsel for Defendant

GAL, if any

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

v. _____

Case No.: _____

ORDER OF DESIGNATION AND REFERRAL TO JUDICIAL SETTLEMENT CONFERENCE

Upon request of all counsel of record, or in its own discretion, the court ORDERS that the above case is referred for a Settlement Conference to a Settlement Judge, for which there will be no cost to the parties. The settlement judge will submit a settlement conference per diem and travel expense reimbursement voucher to the Supreme Court to be paid for his or her services.

Pursuant to Virginia Code Section 17.1-105, the Honorable _____, a Retired Judge and a qualified Judicial Settlement Conference Judge by the Virginia Supreme Court is designated to conduct a Settlement Conference only, to assist the judges of this Court in the performance of their duties, on:

(MUST BE COMPLETED BY COUNSEL): IMPORTANT NOTE: If location is the Virginia Beach Circuit Court, you must first check *Judicial Settlement Conference Calendar* to determine if the date is available. If date is noted as FULL do not set any further cases on that day. This calendar is on the Court's website at www.vbgov.com/courts under Related Links.

DATE: _____

TIME: _____

LOCATION [SPECIFY NAME OF COURT OR OFFICE, along with street address]:

Counsel shall provide any case documents or other correspondence required by the settlement judge.

In the event the case does not settle during the settlement conference, all parties shall appear on any current scheduled trial date ready to proceed with trial. Should the case settle during the settlement conference, counsel shall submit a final order to this court to remove the case from the pending docket.

List of counsel [endorsements dispensed with]:

_____	FAX NO.: _____
_____	FAX NO.: _____
_____	FAX NO.: _____
_____	FAX NO.: _____

The Clerk's Office of this Court shall provide a copy of this order to:

- Court Administrator
- Counsel by facsimile
- Settlement Judge

ENTER: _____

JUDGE

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

IN RE: MOTION FOR RESTORATION OF FORMER NAME OR MAIDEN NAME
CHANGED BY REASON OF A MARRIAGE PURSUANT TO § 20-121.4

DIVORCE CASE NO.: INSERT COURT CASE NUMBER

ORDER RESTORING FORMER NAME

This matter came before the court on the motion of insert requesting party's full current name to resume a former name changed by reason of a marriage.

The applicant's birth name was insert full birth name and has been changed as follows: insert former name changes in a "from" "to" format, including all name changes as a result of marriage.

The applicant's current address is: insert full street address.

The applicant requests the restoration of her former name of: insert full former name requesting name change to.

Accordingly, the Court ORDERS that the name of insert requesting party's current full name be changed to her former name of insert full former name.

The clerk of court shall spread this order upon the current deed book and index it in both the old and new names pursuant to § 8.01-217 and the party shall pay the clerk's recording fee required by statute.

ENTER: _____

JUDGE

I ASK FOR THIS:

Signature of Applicant/Counsel

Printed Name of Applicant/Counsel

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Complainant

v.

Case No.: _____

Defendant

VIRGINIA BEACH ANNULMENT PRETRIAL ORDER

I. Trial Issues [check all that apply]

- ☐ Grounds of Annulment
- ☐ Child Visitation
- ☐ Child Custody
- ☐ Child Support

The trial date is _____.

II. Pretrial Conference

A pretrial conference is required when either or both of the following apply: (1) child support, visitation or custody are contested as part of the annulment suit; or (2) counsel has determined in good faith that the trial will require more than two hours.

Will this matter require a pretrial conference?

- ☐ NO.
- ☐ YES. The pretrial conference is scheduled for:

DATE _____ TIME _____.

The purpose of the pretrial conference is to discuss the issues, to reach stipulations, and to discuss any other matters, which may aid in the disposition of the case. When a pretrial conference is required, it shall be scheduled with the duty judge no later than one week prior to the trial date.

III. Judicial Settlement Conference

A settlement conference with a qualified Judicial Settlement Conference Judge is required when the trial of all issues will require more than one (1) hour. The judicial settlement conference is a dispute resolution process to assist the parties in assessing their case by discussing the issues and any possible mutually beneficial settlement agreement.

Will this matter require a judicial settlement conference because the trial of all issues will take more than one hour?

- ☐ NO.
- ☐ YES. Counsel shall submit this Court's required Order of Designation and Referral to Judicial Settlement Conference. The judicial settlement conference shall be scheduled no later than 14 days prior to trial.

IV. Discovery

The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. Discovery and depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

V. Designation of Experts

If requested in discovery, experts shall be identified on or before 90 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(i) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadline shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1(e).

VI. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial as practical.

VII. Parent Education Seminar

If a child's custody, visitation or support, is contested, the parents shall attend an educational seminar conducted by a qualified person or organization on the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities pursuant to Virginia Code § 20-103, unless the Court grants an exemption from attendance of such program for good cause shown. This Court's Parent Education Seminar Order must be submitted with this pretrial order. The court must receive proof of compliance before the trial date.

VIII. Exhibit and Witness List

Counsel shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. Any exhibit or witness not so identified will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibits or witness was through inadvertence.

IX. Required Worksheets and Forms

If custody, visitation or support of a minor child is contested counsel shall file with the Court and opposing counsel not later than 15 days prior to trial:

- Monthly Income and Expense Statement of each party
- Child Support Guideline Worksheets

X. Settlement Conference by Parties and Counsel

If a judicial settlement conference or pretrial conference is not required, counsel shall jointly file, not later than 7 days prior to trial, a certification with the Court that counsel and their clients personally met and participated in a good faith effort to resolve all issues in dispute. The certification shall list any issues resolved and those that remain for resolution at trial.

XI. Continuances

Continuances of the trial date will only be granted by the court for good cause shown.

XII. Court Reporter

A court reporter is required for the trial and must be secured by the parties.

XIII. Waiver of Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown, or by agreement of all counsel.

XIV. Failure To comply

Failure to comply with any provision of this Order by any party may result in limitation or exclusion of evidence, and/or claims, and/or the case being removed from the trial docket and/or any other appropriate sanction.

ENTER: _____

Judge

Counsel for Complainant

Counsel for Defendant

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

v.

Case No.: _____

PRETRIAL CONFERENCE BRIEF

Counsel for Complainant: _____

Counsel for Defendant: _____

Pretrial Conference set for: _____

Trial set for: _____

Submitted by: _____

1. The contested issues in the case are:

2. The documentary evidence is:

3. The specific relief requested is:

4. All forms & worksheets that are applicable to the issues in the case shall be filed with this brief.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Complainant

v.

Case No.: _____

Defendant

DECREE OF REFERENCE -- DIVORCE CASES

This case is before the Court for referral to a commissioner, and:

- ☐ By agreement of all parties;
- ☐ On motion of the complainant and for good cause shown (the defendant has executed a waiver or failed to enter an appearance after proper service);
- ☐ On motion of complainant and the Court having made a finding of good cause shown at a hearing;
- ☐ On motion of defendant and the Court having made a finding of good cause shown at a hearing;
- ☐ On motion of the Court, sua sponte for good cause shown;

The Court ORDERS that this case is referred to _____, a
Commissioner of this Court, for hearing and a report pursuant to the General Chancery Order
for such causes.

ENTER: _____

JUDGE

Endorsements:

Counsel for Complainant

Counsel for Defendant

- ☐ (Check box if applicable):
Submitted without defendant's endorsement.
The defendant has executed a waiver or failed
to enter an appearance after proper service.

INSTRUCTION FOR APPLICATION FOR ADULT NAME CHANGE

A. CODE § 8.01-217

NAME OF APPLICANT: Insert full current name of applicant
CASE NO: leave blank. To be inserted by clerk's office

NOW COMES the above-named applicant, who states under oath that the information contained in this application and in any attachments to this document are both correct and accurate.

1. My Birth Name is: insert full birth name [first, middle, last name and suffix].
2. My current name is: insert full current legal name.
3. I am applying to change my name to: insert new name that applicant is requesting the court to approve.
4. My Residence Address is: insert street address including city, state and zip. Not a post office box.
5. My Date of Birth is: insert date of birth.
6. My Place of Birth is: insert the city and state example: Virginia Beach, Virginia.
7. My Father's Full Name: insert full name of father.
8. My Mother's Current Full Name: insert current full name mother.
9. Mother's Maiden Name: insert full maiden name of mother.
10. Have you ever been convicted of felony? State "Yes" or "No". If yes, attach a copy of your conviction record.
11. Are you currently incarcerated? State "Yes" or "No". If yes, attach a written explanation why good cause exists for this application.
If yes, state the facility's name and location: State name and location of facility.
12. Are you a probationer with any court? State "Yes" or "No".
If yes, indicate the name of the court which placed you probation:
If yes, attached is an explanatory documentation why good cause exists for this application.
13. Have you previously changed your name? State "Yes" or "No". If yes, attach court order or documentation of the previous name change(s).
If yes, list all former name(s) in a "from" and "to" format: list all prior name changes in from name to name.
14. This name change is not sought for any fraudulent purposes and will not infringe upon the rights of others. Attach a copy of one of the following documents to the application: a state-issued driver's license or state-issued identification card, a United States military card, a United States Passport, a certificate of United States citizenship, a certificate of naturalization, an alien registration card with photograph, or an unexpired foreign passport.

VIRGINIA BEACH CIRCUIT COURT-REQUEST FOR A FINAL DIVORCE HEARING ON THE FRIDAY DOCKET

SUBMIT TO CLERK'S OFFICE

Complainant: _____

Defendant: _____

Case No.: _____

I CERTIFY THAT: The hearing will take no longer than one hour and the moving party is represented by counsel.

CHECK ONE:

☐ Both parties are represented by counsel and all counsel agree to the hearing.

☐ Judge (Name) _____ approved the setting of this case on the Friday Docket.

☐ Only the moving party for the divorce is represented by counsel. Moving counsel shall provide the required notice of the date, time and location of the hearing to the non-moving pro se party.

☐ Notice requirement waived because the pro se party has signed a waiver of notices or was served by publication or its equivalent and has not entered an appearance or an order has been entered dispensing with notice under § 8.01-319, or notice is not required pursuant to the provisions of § 20-99(5).

CHECK ALL APPLICABLE ISSUE(S):

The issue(s) to address: ☐ child support ☐ child visitation ☐ child custody ☐ spousal support ☐ arrearages ☐ grounds of divorce

☐ equitable distribution ☐ other: _____

CHECK IF APPLICABLE:

☐ the opposing party was served by publication or its equivalent and has not entered an appearance (in which case only custody may be adjudicated) or

☐ the opposing party has been served but has not filed a responsive pleading (in which case all issues may be addressed subject to the one-hour time restriction and any jurisdictional restrictions).

Counsel acknowledges that if child support is contested the parents shall attend a parent education seminar pursuant to Virginia Code § 20-103 prior to the hearing unless the Court grants an exemption from attendance for good cause shown.

COUNSEL OF RECORD

Counsel for Complainant: _____ Fax: _____

Counsel for Defendant: _____ Fax: _____

DATE: _____

Signature of Counsel

COURT USE

NOTICE TO COUNSEL:

[] Approved for setting. *Within 21 days check calendar via "Login to On-Line Docket" located on the Court's web page at www.vbgov.com/courts to determine available date and time and then submit request via email to dutyjudg@vbgov.com to schedule.*

[] Rejected. See Correction form attached.

DATE: _____ by _____, Law Clerk

To Judicial Assistant: If approved, fax to counsel and retain original for setting of hearing date. If rejected, fax to counsel and file in case.

DATE FAXED: _____ by: _____, Judicial Assistant

Hearing Date set as follows: HEARING DATE: _____ TIME: _____

[] Did not schedule a hearing date within 21 days of Date of Approval. Returned to case file.

DATE: _____ by _____, Judicial Assistant

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

STYLE OF CASE: _____

CIRCUIT COURT CASE NO. _____

Request for Issuance of a Subpoena Duces Tecum for the production of documents and tangible things in the above pending action or suit in possession of a person not a party to the case pursuant to Supreme Court Rule 4:9 (c).

CUSTODIAN (ONLY ONE) : _____

ADDRESS/LOCATION : _____

DOCUMENTS and

TANGIBLE THINGS : _____

PLACE of Production (NOT the Office of the Clerk of the Court): _____

DATE and TIME for Delivery: _____

(Check One): ☐ This is not a request for Medical Records.

☐ This is a request for Medical Records and the Notice required by § 32.1-127.1:03 is attached or included in this request.

(Check One): This subpoena duces tecum is on the application of the: Plaintiff ☐ Defendant ☐

CERTIFY THAT ON THE _____ DAY OF _____, 19____
MAILED OR DELIVERED A COPY OF THIS REQUEST TO COUNSEL OF RECORD AND TO PARTIES HAVING NO COUNSEL.

Signature: _____ Date: _____

Print Name: _____ Phone No.: _____

IMPORTANT NOTE: In the event the custodian is needed to identify the documents and tangible things produced by this request, a separate subpoena for the appearance of the custodian on the trial date must be requested.

SEND ORIGINAL AND TWO COPIES

ONLY FOR USE IN LAW ACTIONS AND CHANCERY SUITS

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff(s)

v.

CL _____

Defendant(s)

Uniform Condemnation Scheduling Order

It is hereby ORDERED that:

- I. The trial date is: _____.
Body determining compensation: _____ Commissioners _____ Jury or _____ Court.
Estimated trial time is: _____.

II. Discovery: The parties shall complete discovery, including depositions, by 30 days before trial; however, depositions taken in lieu of live testimony at trial will be permitted until 15 days before trial. "Complete" means that all interrogatories, requests for production, requests for admissions and other discovery must be served sufficiently in advance of trial to allow a timely response at least 30 days before trial. Depositions may be taken after the specified time period by agreement of counsel of record or for good cause shown, provided however, that the taking of a deposition after the deadline established herein shall not provide a basis for continuance of the trial date or the scheduling of motions inconsistent with the normal procedures of the court. The parties have a duty to seasonably supplement and amend discovery responses pursuant to Rule 4:1(e) of the Rules of the Supreme Court of Virginia. Seasonably means as soon as practical. No provision of this Order supersedes the Rules of Supreme Court of Virginia governing discovery. Any discovery motion filed shall contain a certification that counsel has made a good faith effort to resolve the matters set forth in the motion with opposing counsel.

III. Designation of Experts: Plaintiff's, counter-claimant's, third-party plaintiff's, and cross-claimant's experts shall be identified on or before 150 days before trial. Defendant's and all other opposing experts shall be identified on or before 105 days before trial. Experts or opinions responsive to new matters raised in the opposing parties' identification of experts shall be designated no later than 60 days before trial. If requested, all information discoverable under Rule 4:1(b)(4)(A)(1) of the Rules of Supreme Court of Virginia shall be provided or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior response pursuant to Rule 4:1(e).

IV. Dispositive Motions: All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions no more than 60 days after being filed.

V. Exhibit and Witness List: Counsel of record shall exchange 15 days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall not then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in

rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel at least five days before trial or the objections will be deemed waived absent leave of court for good cause shown.

VI. Pretrial Conferences: Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions in limine, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard. If requested by any party not later than 90 days before trial, a judicial settlement conference shall occur between 30 and 60 days before trial, unless otherwise agreed by the parties and the Court.

VII. Motions in Limine: Absent leave of court, any motion in limine which requires argument exceeding five minutes shall be duly noticed and heard **before** the day of trial.

VIII. Witness Subpoenas: Early filing of a request for witness subpoenas is encouraged so that such subpoenas may be served at least 10 days before trial.

IX. Continuances: Continuances will only be granted by the Court for good cause shown.

X. Jury Instructions: Counsel of record, unless compliance is waived by the court, shall, two business days before a civil jury trial date, exchange proposed jury instructions. At the commencement of trial, counsel of record shall tender the court the originals of all agreed upon instructions and copies of all contested instructions with appropriate citations. This requirement shall not preclude the offering of additional instructions at the trial.

XI. Deposition Transcripts to be used at Trial: Counsel of record shall confer and attempt to identify and resolve all issues regarding the use of depositions at trial. It is the obligation of the proponent of any deposition of any non-party witness who will not appear at trial to advise opposing counsel of record of counsel's intent to use all or a portion of the deposition at trial at the earliest reasonable opportunity. It becomes the obligation of the opponent of any such deposition to bring any objection or other unresolved issues to the court for hearing **before** the day of trial.

XII. Waiver or Modification of Terms of Order: Upon motion, the time limits and prohibitions contained in this Order may be waived or modified by leave of court for good cause shown.

ENTER: _____

JUDGE

Seen and Agreed:

_____ p.q.

_____ p.d.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

Plaintiff

v.

Case No. CL _____

Defendant

ALL COUNSEL OF RECORD:

FAX NO.: _____

FAX NO.: _____

FAX NO.: _____

FAX NO.: _____

FAX NO.: _____

Certificate of Setting Agreed Trial Date Outside of Docket Call

Is this case a Contested Divorce? [] NO [] YES. If YES, the Court requires that the Virginia Beach Divorce Pretrial Order be entered before the case can be set for trial. The Virginia Beach Divorce Pretrial Order was entered on: _____.

This is to certify that a trial date has not been set, that all counsel of record have agreed to the below trial date and that counsel has secured the approval of the Circuit Court Judges' Office for the setting of such trial date.

Trial Date is _____ ☐ (with a jury) ☐ (without a jury) at 9:30 A.M.

TRIAL DATE NOTES: No jury trials on Thursday. Thursdays are reserved for domestic cases.
A Contested Divorce is set on a Thursday unless counsel agreed otherwise. Other Civil Actions are set on a Monday, Tuesday or Wednesday.

Date Submitted: _____

Name of Counsel preparing this certificate: _____

Signature of Counsel: _____

FAX TO CIRCUIT COURT: (757) 385-5860

TO BE COMPLETED BY JUDGES' OFFICE

Forward to Clerk's Office for filing and updating in Case Management System. In addition, transmit by facsimile a copy of this certificate to above counsel and mark trial calendar. APPROVED by _____, Judicial Assistant

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH

IN RE: RESTORATION OF FORMER NAME OR MAIDEN NAME CHANGED BY
REASON OF A MARRIAGE PURSUANT TO § 20-121.4

DIVORCE CASE NO: INSERT COURT CASE NUMBER

ORDER RESTORING FORMER NAME

This matter came before the court on the motion of insert requesting party's full current name to resume a former name changed by reason of a marriage.

The applicant's birth name was insert full birth name and has been changed as follows: insert former name changes in a "from" "to" format, including all name changes as a result of marriage.

The applicant's current address is: insert full street address.

The applicant requests the restoration of her former name of: insert full former name requesting name change to.

Accordingly, the Court ORDERS that the name of insert requesting party's current full name be changed to her former name of insert full former name.

The clerk of court shall spread this order upon the current deed book and index it in both the old and new names pursuant to § 8.01-217 and the party shall pay the clerk's recording fee required by statute.

ENTER: _____

JUDGE

I ASK FOR THIS:

Signature of Applicant/Counsel

Printed Name of Applicant/Counsel

Date: _____ JUDGE _____

**REQUEST FOR TELEVISION MEDIA COVERAGE OF JUDICIAL PROCEEDINGS
IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH**

Pursuant to Virginia Code §19.2-266, the undersigned hereby requests cameras in the courtroom on (Date) _____, for coverage of the proceedings in the following case:

_____ v. _____
Case No.: _____

Media Organization Making Request: _____
Name of Representative: _____
Phone #: _____ Email: _____

I understand that if there are multiple requests for media coverage in this case, the court will refer all second and subsequent requests to the Regional Coordinator, listed below, as designated by the Virginia Association of Broadcasters and/or the Virginia Press Association, who will facilitate all pooled coverage.

Regional Coordinator: Typhanny I. Wiggins
Organization: WAVY TV 10/FOX 43 TV
Phone: 757-396-6180
Email: Typhanny.Wiggins@wavy.com

I agree to abide by all of the requirements of Virginia Code §19.2-266 concerning media coverage of judicial proceedings.

Date

Name of Person making request

EMAIL REQUEST TO: nlcatoe@vb.gov

_____ **FOR COURT USE ONLY** _____

- ☐ APPROVED. First (or only one) request made.
- ☐ POOLED COVERAGE APPROVED. A prior (or multiple) request(s) made for the same judicial proceeding. Your request is referred to the above-named Regional Coordinator who will facilitate the pooled coverage and who will be the sole contact with the court.
- ☐ DENIED.

Date

Name of Judge

PLEASE COMPLETE THIS FORM AND SUBMIT TO:

dutyjudg@vbgov.com

Duty Judge Motion Docket Hearing Request

Date this request submitted: _____ Name of Person sending in request: _____

Type of Specific Motion(s) to be heard: _____

Case No.: CL _____

Style of Case: _____ v. _____

OR

In Re: _____

(Check box by party submitting this request)

Plaintiff Counsel: _____ ☐

Defendant's Counsel: _____ ☐

GAL: _____ ☐

Pro Se Party: _____ ☐

REQUESTED HEARING DATE: _____ (Must be agreed to by all counsel and any *pro se* litigants)

TIME REQUESTED: _____

☐ a.m.

☐ p.m.

LENGTH OF HEARING: ☐ 15 min. ☐ 30 min. ☐ 1 hour

(Not to Exceed One Hour)

E-Mail Address for Confirmation from Court: _____

FOR COURT USE ONLY

Date: _____

Hearing set/approved by : _____

Judicial Assistant