

CM 17-94

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

**ORDER CONCERNING COMPLAINTS FOR AND FINAL DECREES OF DIVORCE**

Venue in suits for divorce is "preferred" and governed by *Code of Virginia* § 8.01-261(19), which provides that venue is proper where the defendant resides or where the parties last cohabited, or, if the defendant is not a resident of Virginia, where the plaintiff resides. Venue in divorce cases is no longer jurisdictional, nor is it mandatory, and if the defendant does not object, the suit can be filed and litigated in any jurisdiction within the Commonwealth. However, *Code of Virginia* § 8.01-264(D) authorizes the Court, within sixty days of service of process on all parties, *sua sponte*, to transfer a divorce cause filed in an improper venue to a proper venue. The Judges of this Court, to date, have exercised this authority infrequently.

In calendar year 2016, 3,963 complaints for divorce were filed in this Court. Based upon data supplied by the Supreme Court of Virginia, this constituted approximately 12% of all complaints for divorce filed in 2016 throughout all Circuit Courts in Virginia. For several years, residents of other cities in Hampton Roads have filed many contested divorce suits in Norfolk and residents of other areas of the Commonwealth have filed thousands of uncontested divorce cases in this Court. A conservative estimate is that venue is improper in 75% of all divorce suits filed in this Court. During 2016, the following numbers of complaints for divorce were filed in the Circuit Courts of our neighboring cities: Chesapeake – 1,009; Virginia Beach – 1,147; Portsmouth - 363; Suffolk – 273; Hampton – 548; Newport News – 680.

The Court and the Clerk appreciate the confidence the Bar and the public have shown in our practice of concluding suits for divorce promptly, but the disproportionate number of divorce filings in this Court is not consistent with the intent of *Code of Virginia* § 8.01-261(19).

Many divorce complaints filed in this Court do not state the residences of the parties or the place they last cohabited, rendering it difficult for this Court to exercise its discretionary statutory authority to transfer the cause to a proper forum.

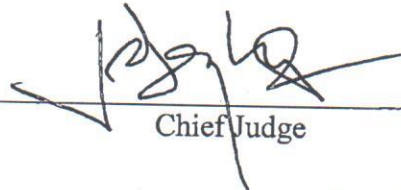
Therefore, with unanimous consent of the Judges of this Court, it is ORDERED that effective June 1, 2017, all complaints for divorce filed in this Court, whether by counsel or the plaintiff *pro se*, shall state within the style or body thereof or include a separate paper stating the city and/or county and state of residence of the plaintiff and the defendant, or, if the residence of the defendant is unknown, the city and/or county and state where the defendant was last known to reside, and the city and/or county and state where the parties last cohabited.

Office of  
GEORGE E. SCHAEFER  
Clerk of the  
Circuit Court  
Norfolk, Virginia

FURTHERMORE, as it would be a burden to the docket should this Court become the forum for post-divorce litigation when neither party lives in the City of Norfolk, and as we wish to exercise in full our authority under *Code of Virginia* § 20-107.3(L), it is therefore ORDERED that every final decree of divorce tendered to this Court on or after June 1, 2017, which awards equitable distribution or incorporates a separation agreement, and which does not include a transfer provision pursuant to *Code of Virginia* § 20-107.3(L), shall state the city and/or county and state where each party then resides.

THE Clerk shall post a copy of this order on his web site, and mail copies to the Director of the Norfolk-Portsmouth Bar Association, the Portsmouth Bar Association, the Virginia Beach Bar Association, and the Chesapeake Bar Association.

ENTER: March 7, 2017



Chief Judge

**John R. Doyle, III, Judge**

COPY TESTE:  
GEORGE E. SCHAEFER, CLERK  
NORFOLK CIRCUIT COURT  
BY Bernadette Monsanto  
Bernadette Monsanto, Deputy Clerk  
Authorized to sign on behalf  
of George E. Schaefer  
Date: 3/7/17

Office of  
GEORGE E. SCHAEFER  
Clerk of the  
Circuit Court  
Norfolk, Virginia