

Plaintiff: _____ Defendant: _____

AFFIDAVIT OF MOVING PARTY IN DIVORCE PROCEEDING

1. My full legal name and full current address is:
Name: _____
Address: _____
2. I am currently married to: _____
3. My spouse and I were married on (date) _____ in (location of marriage) _____
4. I affirm that both parties are over the age of 18. Yes ☐ No ☐
5. I affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months preceding the filing of the suit, a bona fide resident and domiciliary of Virginia. Yes ☐ No ☐
6. Has either party been incarcerated in a mental or penal institution at any time since the filing of the suit? Yes ☐ No ☐
7. I affirm that neither party is suffering from any condition that renders that party mentally incompetent. Yes ☐ No ☐
8. Have either you or your spouse been a member of the armed forces of the United States on active duty at any time since the filing of this divorce? Yes ☐ No ☐ If Yes:
 - a. Was the military member stationed in or residing in Virginia and has lived for a period of least six months or more in Virginia immediately preceding the filing of this divorce? Yes ☐ No ☐
 - b. Has the military member filed an answer or a waiver of Service Members Civil Relief Act rights? Yes ☐ No ☐ or ☐ N/A because the only military member is Plaintiff
9. Have you and your spouse separated? Yes ☐ No ☐ If yes, date of separation: _____
10. On the date you and your spouse physically separated did one of you intend for the separation to be permanent? Yes ☐ No ☐ If No, when did one of you form that intent? (State date) _____.
11. Since the date of the separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption? Yes ☐ No ☐
12. Are there any children born or adopted of the marriage? Yes ☐ No ☐. If yes, state names and dates of birth: _____.
13. Do you affirm that the wife is not known to be pregnant from the marriage? Yes ☐ No ☐
14. Have you and your spouse entered into a written and signed property settlement agreement? Yes ☐ No ☐
If yes, do you want the court to affirm, ratify and incorporate the property settlement agreement into the final divorce decree? Yes ☐ No ☐
- 14(a). Have you and your spouse entered into an addendum(s) to the signed property settlement agreement? Yes ☐ No ☐
If yes, do you want the court to affirm, ratify and incorporate the addendum(s) to the property settlement agreement into the final divorce decree? Yes ☐ No ☐
15. Is there a request to have a former name restored? Yes ☐ No ☐
If yes, state full name to be restored to: _____
16. What grounds do you request the court grant you a divorce based upon: Having lived separate and apart without cohabitation and without interruption for ☐ a period in excess of one year; OR ☐ six months.
17. If applicable, matters pertaining to spousal support and child support, custody and visitation to be transferred to the juvenile and domestic relations district court for modification? ☐ YES ☐ NO

Date: _____

Signature of Affiant

NOTARY CERTIFICATE

City/County of _____ State of _____

Subscribed and sworn to (or affirmed) before on _____ by above named affiant.

Seal:

Notary Public Signature: _____

Registration number: _____

My commission expires: _____

Plaintiff: _____

Defendant: _____

AFFIDAVIT OF CORROBORATING WITNESS IN DIVORCE CASE

1. State your full name and full current address.

Name: _____

Address: _____

2. I know the CHECK ONE: ☐ plaintiff ☐ defendant ☐ plaintiff and the defendant.

3. How do you know the Plaintiff and/or Defendant? _____

4. How long have you known the Plaintiff and/or Defendant? _____

5. I verify that I am are over the age of 18 and not suffering from any condition that renders me legally incompetent. ☐ Yes ☐ No.

6. To your knowledge is either the Plaintiff and/or Defendant incarcerated? ☐ Yes ☐ No

7. I verify that at least one of the parties to the divorce suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of Virginia? ☐ Yes ☐ No

8. Were there any children born or adopted of the marriage? ☐ Yes ☐ No

9. I verify that the wife is not known to be pregnant from the marriage. ☐ Yes ☐ No

10. I verify to my personal knowledge that the parties have not cohabitated since _____ which is the date of separation alleged in the complaint or counterclaim, and that it has been the intention of at least one of the parties since that date to remain separate and apart permanently? ☐ Yes ☐ No

Date: _____

Signature of Affiant

NOTARY CERTIFICATE

City/County of _____

State of _____

Subscribed and sworn to (or affirmed) before on _____ by above named affiant.

Seal:

Notary Public Signature: _____

Registration number: _____

My commission expires: _____

Alternative Sentencing Program Guidelines:

For a defendant serving his/her sentence in jail, all assignments to the Electronic Home Incarceration Program or the Offender Support Unit Program shall be exclusively made by the Sheriff. The Court will no longer make an assignment or recommendation at sentencing except for weekends pursuant to Code § 53.1-131.1. The attorney must submit a request to the Sheriff, who shall determine eligibility and make a final determination to assign a defendant to one of the following particular programs within the jail:

Offender Support Unit (OSU): The Offender Support Unit allows candidates to serve their sentence on a detail either inside or outside of the jail. Inmates assigned to work in the jail will be taken in by the Intake Deputies. Some offenders may be utilized to work at sites outside of the facility, such as Animal Control or the City Garage. The candidates selected to participate in the Offender Support Unit will be released daily until their sentence is served. This program will be limited by the number of available job sites and amount of participants each can allow. If all available positions are full then participants will be placed in another aspect of the program until an opening occurs. These offenders report to the jail daily where they receive work assignments. They are released daily and report to the jail each day until their sentence is complete. Participants will be responsible for providing their own transportation to the Correctional Center. They will further be responsible for transportation to their assigned worksite and back to the Correctional Center to be released at the conclusion of their detail. There is a required processing fee.

Electronic Home Incarceration (EHIP): Offenders qualifying for this program will serve their time at their homes. A tracking device will be attached to their lower limb in the ankle proximity. This device will allow tracking of the offenders as they move to authorized destinations and areas. If the offender moves outside authorized destinations and areas, he/she will be subject to violation and returned to the jail facility to complete their jail sentence in consecutive days. Fees for EHIP are \$50.00 processing fee and \$18.00 per day for the remainder of the sentence.

Defendant must meet all program criteria established by the Sheriff. Contact Sheriff for program criteria.

If the offender violates any provision of the terms of the program, the sheriff may remove the offender from the program and the offender shall serve the entirety of the remainder of his/her sentence in consecutive days.

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 BEACH CIRCUIT COURT ANNULMENT PROCEDURES

Notice to Pro Se party

If you are proceeding without an attorney, you are responsible for preparing all appropriate legal documents to be submitted to the court. The clerk's office does not have forms to fill out for your complaint and final decree.

Applicability. These procedures apply to a suit for annulment under Virginia Code § 20-89.1.

Filing & Service of Suit

1. File the complaint or suit for annulment, along with a completed VS-4 form, and Privacy Addendum Va. Code § 20-121.03, in the clerk's office.
2. Pursuant to § 20-99.2 serve the complaint on the defendant by any of the methods specified in Va. Code § 8.01-296, or the defendant may accept service pursuant to § 20-99.1:1, or by an order of publication pursuant to § 20-104.

Scheduling for Hearing before Court in a Contested Annulment

1. After the time to answer has passed or the defendant has answered and/or filed a waiver, counsel may:
 - File and serve the *Praecipe in a Civil Action*. Docket call is held on the first Monday of each month unless a holiday then on Tuesday. For docket call dates see the Circuit Court Calendar on the Circuit Court Web site.
 - All counsel may agree to a trial date and secure approval of the court by a telephone call to the judges' office at 757-385-4502. Once the court has approved the trial date by telephone, counsel must complete the Certificate of Setting Agreed Trial Date Outside of Docket Call. This Form is provided in a fillable format on the Court's website. Counsel must immediately submit such Certificate by facsimile to the court. Do not send by mail.
2. The *Virginia Beach Annulment Pretrial Order* is required.

Scheduling for Hearing before Court in an Uncontested Annulment

Definition: A suit for annulment is "uncontested" when (i) the defendant has filed an answer admitting all allegations of the complaint, (ii) the defendant is in default under Rule 3:19, or (iii) the parties have entered into an agreement that resolves all issues, and (iv) the hearing before the court will take less than 1 hour.

1. The hearing on an annulment that is uncontested can be set on the Duty Judge Docket after the final decree of annulment has been submitted and approved by a law clerk. When

submitting the final decree attach a cover letter stating that you are seeking an uncontested annulment hearing and are submitting the final decree for review by a law clerk. After approval, you will be sent notice by the law clerk that the matter may be set on the duty judge docket.

2. If required by law, the non-moving party must be served with notice of the hearing and a copy of the proposed final decree. Notice must be served 7 days prior to the hearing date; and a copy or the original of the proof of service must be filed at least 5 days prior to the hearing date. The original proof of service must be brought to the hearing if it is not filed earlier (Virginia Code § 20-99).
3. A pretrial order is not required.

Hearing before the Court

If all issues are uncontested, the moving party must be prepared to present evidence to support the allegations in the Compliant through the testimony of the moving party and a corroborating witness (Pursuant to § 20-99 (1) no annulment of a marriage shall be granted on the uncorroborated testimony of the parties or either of them).

If service was made by order of publication, a court reporter is required at the annulment hearing. The plaintiff is responsible for making arrangements for a court reporter to be present.

The final decree must be submitted in advance for review.

Developed August 14, 2006.

Revised Dates: January 19, 2007; September 12, 2008 and November 4, 2008.

**IN RE: APPLICATION TO DISCHARGE FINE AND COSTS BY COMMUNITY SERVICE
COMMUNITY SERVICE VERIFICATION FORM - VIRGINIA BEACH CIRCUIT COURT**

Community service work is unpaid work done for a public or non-profit agency.

TO BE COMPLETED BY AGENCY

Name of applicant: _____

Name of Agency: _____

Address/Location of such agency: _____

Specific type of service performed: _____

Number of hours performed: _____

Date range of performing such hours: _____

This agency is a CHECK ONE: ☐ non-profit agency ☐ a public agency.

CHECK ONE: The applicant ☐ has not received OR ☐ has received compensation or remuneration for the above work.

To be the best of your knowledge was this work performed as a requirement or condition of a court order?

☐ Yes performed a requirement or condition of a court order.

☐ No.

☐ Unknown.

Printed name of supervisor at such agency: _____

Contact phone number of such supervisor/agency: _____

Signature of agency supervisor: _____

SEE PAGE 2 OF THIS APPLICATION TO BE COMPLETED BY APPLICANT.

TO BE COMPLETED BY APPLICANT

I am asking the Court to allow me to discharge unpaid fine and costs by performing community service.

Community Service Search
Volunteer Hampton Roads
www.volunteermatch.org

Phone
757-624-2400

Original of agency verification (PAGE 1) is attached.

Apply to Case No. : _____. If not specified, the court will apply to oldest unpaid account. I understand that if I have more than one delinquent account, The Court may only apply to discharge the fine and costs in one delinquent case at a time.

Did you perform this work as a requirement or condition of a court order?

CHECK ONE: ☐ Yes. Copy of order attached. ☐ No.

Address of applicant: _____

Contact number for applicant: _____

Signature of applicant: _____

FOR COURT/CLERK USE

This application is:

[] Not approved for following reason:

[] Agency or work not approved by Court.

[] Incomplete application. Original of this Court Community Service Verification Form not attached.

[] Other: _____

[] APPROVED. Amount credited: \$ _____

Account credited to: _____

Credits earned at the rate of \$10 for each hour of community service performed.

Date: _____, Deputy Clerk

VIRGINIA: IN THE VIRGINIA BEACH CIRCUIT COURT - APPLICATION FOR ADULT NAME CHANGE-VA. CODE § 8.01-217

NAME OF APPLICANT: _____

CASE No. (Supplied by Clerk): CL _____

The above-named applicant 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: _____
2. My current name is: _____
3. I am applying to change my name to: _____
4. My Residence Address is: _____
5. My Date of Birth is: _____
6. My Place of Birth is: _____
7. My Father's Full Name: _____
8. My Mother's Current Full Name: _____
9. Mother's Maiden Name: _____
10. Have you ever been convicted of felony? _____.
11. Are you required to register with the Sex Offender and Crimes Against Minors Registry? _____.

If **yes, (i) attached** is a statement under oath stating the reasons for the name change and **(ii)** the name(s) of the jurisdiction(s) where the conviction(s) occurred that resulted in my registration is/are:

- _____
12. Are you currently incarcerated? _____.

If **yes, (i) attached** is a statement under oath stating the reasons for the name change, **(ii)** the name(s) of the jurisdiction(s) where the conviction(s) occurred that resulted in my current incarceration is/are:

and **(iii)** the facility's name where I am incarcerated is: _____

13. Are you presently a probationer with any court? _____.

If **yes, (i) attached** is a statement under oath stating the reasons for the name change and **(ii)** the name of the jurisdiction(s) where the conviction(s) occurred that resulted in my probation is/are:

- _____
14. Have you previously changed your name? _____.

If **yes**, attach court order or documentation of the previous name change(s) and list all former name(s) in a "from and to" format: _____

15. This name change is not sought for any fraudulent purposes and will not infringe upon the rights of others.
16. A copy of one of the following **“unexpired”** documents establishing the identity of the applicant is attached to this 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 a foreign passport. Code § 47.1-2.

Signature of Applicant (Current Legal Name)

AFFIDAVIT

Subscribed and sworn to/affirmed before me.

DATE: _____

DEPUTY CLERK

OR

Commonwealth/State of: _____; City/County of: _____
Subscribed and sworn to/affirmed before me in accordance with the provisions of Virginia Code § 47.1-14.

DATE: _____

Signature of Notary

My commission expires: _____

Printed Name of Notary: _____

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

In re: _____

Circuit Court Case No. : _____

Assessment/Payment Order¹ -- Costs of services of GAL for a child

After review of the DC-40, the total amount allowed to the appointed guardian *ad litem* is \$ _____.

Payment determinations of the parents for guardian *ad litem* services are as follows [GAL TO COMPLETE]:

☐ The **father** is to pay \$0.00. Father determined to be indigent based on the Federal Poverty Guidelines; OR

☐ The **father** is to pay \$ _____. The payment due date is: _____

Name of father: _____

Address of father: _____

☐ The **mother** is to pay \$0.00. Mother determined to be indigent based on the Federal Poverty Guidelines; OR

☐ The **mother** is to pay \$ _____. The payment due date is: _____

Name of mother: _____

Address of mother: _____

[AND/OR]

☐ The party with a legitimate interest is to pay \$ _____. The payment due date is: _____

Name of party: _____

Address of party: _____

The payment to the guardian ad item shall be as follows [GAL TO CHECK ONE]:

☐ **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 agent utilized by the Commonwealth. An additional collection remedy is authorized by the Setoff Dent Collection Act.

☐ **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) or other party at the above address *if payment required*.

ENTER: _____, JUDGE

ENDORSEMENT: _____, Guardian Ad Litem

Revised May 22, 2018-GAL for Child Reimburse Order

¹ This order must be SUBMITTED by the GAL TO THE COURT WHEN 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 for determination. See Chapter 7-OES Manual *Guidelines for Payment of Guardians Ad Litem for Children*.

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. 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: _____

APPLICATION FOR CHANGE OF NAME (MINOR)

Case No.

Commonwealth of Virginia Va. Code § 8.01-217

In the Circuit Court of the [] City [] County of

In re:
(MINOR'S PRESENT NAME) FIRST MIDDLE LAST SUFFIX

COMES NOW, the applicant, and after being duly sworn states under oath as follows:

1. Minor's name is stated accurately above and [] has [] has not been previously changed. If so, court order is attached.

2. Applicant's Name:
FIRST MIDDLE LAST SUFFIX2a. Residence Address:
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

2b. Mailing Address:
IF DIFFERENT FROM RESIDENCE ADDRESS

3. Relationship to minor: [] Mother [] Father [] Guardian [] Next Friend []

Provide the following information about the minor.4. Date and Place of Birth:
DATE OF BIRTH PLACE OF BIRTH

5. City or county of residence:

6. Address if different from applicant's:
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

7. Father's Full Name:
FIRST MIDDLE LAST SUFFIX7a. Residence Address:
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

7b. Mailing Address:
IF DIFFERENT FROM RESIDENCE ADDRESS8. Mother's Full Name:
FIRST MIDDLE MAIDEN CURRENT LAST8a. Residence Address:
STREET ADDRESS

CITY STATE ZIP CODE COUNTRY

8b. Mailing Address:
IF DIFFERENT FROM RESIDENCE ADDRESS**Answer the following questions by checking appropriate "Yes" or "No" box and providing information as requested.**

9. Has the minor ever been convicted of a felony? [] Yes [] No

10. Is the minor currently incarcerated? ** [] Yes [] No

If yes, indicate facility name:

Facility Location:

11. Is the minor a probationer with any court? ** [] Yes [] No

If yes, indicate court name:

12. Is the minor a person for whom registration with the Sex Offender and
Crimes Against Minors Registry is required? ** [] Yes [] No

If yes, indicate court where conviction occurred that resulted in the requirement to register:

** No application of a probationer, incarcerated person, or person for whom registration with the Sex Offender and Crimes Against Minors Registry is required shall be accepted unless the Court finds good cause exists for consideration of such application under the reasons alleged in the application for the requested change of name.. Attach explanatory documentation to the application.

WHEREFORE, pursuant to § 8.01-217 of the Code of Virginia, 1950, as amended, the applicant requests that the Court find that a change of name is in the best interest of the minor and order a change of the minor's name from:

.....
FIRST MIDDLE LAST SUFFIX

to

.....
FIRST MIDDLE LAST SUFFIX

SIGNATURE OF APPLICANT

Commonwealth/State of

[] City [] County of

The forgoing instrument was subscribed and sworn to/affirmed before me this

..... day of, 20

by
NAME OF APPLICANT

[] CLERK [] DEPUTY CLERK
[] NOTARY PUBLIC My commission expires:
Registration No.

[] JOINT APPLICATION: I join in this Application for Change of Name (Minor)

Name:
FIRST MIDDLE LAST SUFFIX

Residence Address:
STREET ADDRESS

.....
CITY STATE ZIP CODE COUNTRY

Mailing Address:
IF DIFFERENT FROM RESIDENCE ADDRESS

Relationship to minor: [] Mother [] Father

SIGNATURE OF PERSON JOINING APPLICATION

Commonwealth/State of

[] City [] County of

The forgoing instrument was subscribed and sworn to/affirmed before me this

..... day of, 20

by
NAME OF PERSON JOINING APPLICATION

[] CLERK [] DEPUTY CLERK
[] NOTARY PUBLIC My commission expires:
Registration No.

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

Plaintiff

v.

Case No. CL_____

Defendant

ALL COUNSEL OF RECORD:

_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____
_____	EMAIL: _____

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 AM.
Note: If case is trial with a jury, the trial date must be a Monday, Tuesday or Wednesday.

Date Submitted: _____

Name of Counsel preparing this certificate: _____

Signature of Counsel: _____

SUBMIT THIS FORM TO THE COURT via email to Dutyjudg@vbgov.com. STATE IN SUBJECT FIELD OF EMAIL: CERTIFICATE OF AGREED TRIAL DATE.

TO BE COMPLETED BY JUDGES' OFFICE

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

**VIRGINIA
BEACH**

CIRCUIT COURT



PROCEDURES FOR CIVIL ACTIONS

Revised April 26, 2018

CIRCUIT COURT FORMS

Commencement of Civil Action by Filing in a complaint in the Virginia Beach Circuit Court or a Civil Case Appealed from the General District Court

Applicability. These procedures apply to civil cases appealed from the general district court and to civil actions commenced in the circuit court. These procedures do not apply to:

- (i) Divorce suits (custody, visitation, support, equitable distribution issues and annulments). There is a separate procedure manual for divorce cases.
 - (ii) Appeals from the juvenile and domestic relations district court (an initial trial date is set by the Court and a notice of trial date issued by the circuit court clerk's office).
1. When filing the civil action in the circuit court, counsel shall attach a completed [Civil Cover Sheet](#) to the initial pleading filed.
 2. Service is not required at the time the civil action is filed. However, if the defendant is not served within one year from the date the case is initially filed, the Clerk may issue a Notice of Dismissal pursuant to Virginia Code § 8.01-335 (D).
 3. In certain civil cases, the judge trying the case may require the recording verbatim of the evidence and incidents of trial by a court reporter or by a digital court recording device. In a civil case filed directly in the circuit court, the services of a court reporter to appear and record the trial proceedings shall be arranged for by the plaintiff unless otherwise arranged by agreement of all counsel or directed by the court. In civil cases from the general district court or the juvenile and domestic relations district court, the trial judge may provide for the recording verbatim of the evidence and incidents of trial by a digital court recording device. In cases in which the trial is recorded by a digital court recording device the cost to prepare a transcript of the record shall be paid for by the party ordering the transcript.
 4. Cases are rarely assigned to a judge because of our docketing system. To seek assignment of the case, the following requirements apply: (i) the case must be complex and require pretrial rulings, (ii) all counsel must agree and join in the request and (iii) the request must be directed to the chief judge. Cases will not be assigned simply because counsel will be briefing a particular issue and want their briefs reviewed prior to the hearing. Exception: The Court shall automatically assign a judge in condemnation and medical malpractice cases.
 5. **Orders.** On any order submitted by counsel in which the court ruled on such matter the name of the trial/hearing judge shall be typed below the signature line. This will ensure the Judge who hear or tried the case gets the order for entry.

Scheduling Case for Trial

Civil Action Commenced by Filing a Complaint in the Circuit Court:

Pursuant to Supreme Court Rule 1:20, the Court has adopted the following procedures for scheduling a civil case for trial:

1. Submit the **PRAECIPE IN A CIVIL ACTION** for the setting of a trial date at docket call. Docket call is held on the first Monday of each month unless a Holiday then on Tuesday.
2. All counsel may agree to a trial date and secure approval of the court by a telephone call to the judges' office at 757-385-4502. Once the court has approved the trial date by telephone, counsel must complete and file the **CERTIFICATE OF SETTING AGREED TRIAL DATE OUTSIDE OF DOCKET CALL**.

Civil Case Appealed from the General District Court:

The clerk's office shall issue a *Notice of Docket Call* to all attorneys of record and to pro se parties upon the filing of the case papers from the general district court.

Docket Call

1. If the case is an appeal from the general district court, the clerk of court will issue a (i) Notice of Docket Call 30-60 days from the date the case papers are filed in circuit court and (ii) Notice of Trial Date after docket call to all parties or counsel. If a pro se party is unable to appear at docket call, such pro se party may submit, prior to docket call, in writing to the court, any void or agreed dates. The Court's praecipe cannot be passed and a trial date shall be set unless a final order has been entered or is submitted at docket call.
2. If counsel has filed the praecipe and a counsel or pro se party objects to the scheduling of a trial date, such party must notice the court and all counsel of record and any pro se party for a hearing prior to docket call.
3. When a party has submitted a praecipe in a civil action commenced in this Court, the party, their counsel, or authorized representative must appear at docket call otherwise the praecipe may be passed without setting a trial date.
4. After docket call, counsel who filed the praecipe shall provide notice of the trial date to all other counsel of record and any pro se party. If the party filing the praecipe is pro se, the clerk of court shall issue a Notice of Trial Date after docket call to all parties or counsel.

Filing the Uniform Pretrial Scheduling Order

Counsel may submit for entry by the court the **CIVIL PRETRIAL SCHEDULING ORDER**. EXCEPTION: A scheduling order is not required in a civil appeal case. The provisions of Supreme Court Rule 1:18 shall apply.

Pretrial Conference

A pretrial conference is only scheduled upon request of counsel of record, or the court on its own discretion. If ordered, the pretrial conference must be held 7 to 14 days prior to the trial date and all counsel must attend in person or via teleconference. To schedule a final pretrial conference, counsel must contact the duty judge's docket clerk at 385-4502.

Continuance of Trial Date

1. A continuance of the trial date will only be for good cause shown and must be approved by the court.
2. To request an agreed continuance:

Counsel must secure approval of a new trial date by completing the **REQUEST FOR CONTINUANCE OF TRIAL DATE ORDER** and submit such order by electronic transmission to the court for approval.

- Prior to submitting such order to the court, counsel must contact by telephone a judicial assistant at 385-4502 to determine available court dates.
- Once the judicial assistant has approved an agreed trial date, counsel must immediately submit such order by electronic transmission to the court.
- The duty judge will review the request. After the duty judge has granted or refused the continuance, the duty judge's judicial assistant will promptly send a copy of such order to all counsel.

3. To request a continuance that is not by agreement:

Counsel may call the duty judge's judicial assistant at 385-4501 option 2 to schedule a hearing on the duty judge docket or provide notice to all parties for a hearing on the Friday Motion Docket.

- If hearing before the duty judge, counsel shall submit to the court, by electronic transmission, the **REQUEST FOR CONTINUANCE OF TRIAL DATE ORDER** on the day of the scheduled hearing.
- If hearing is set on the Friday Motion Docket, counsel shall submit to the court, in person, the **REQUEST FOR CONTINUANCE OF TRIAL DATE ORDER** on the day of the scheduled hearing.

Judicial Settlement Conference

1. The court may, upon request of counsel, or on its own discretion, refer the case to a retired judge from a list provided by the Supreme Court for a settlement conference at no cost to the parties.
2. Counsel shall be responsible for:
 - Selecting a settlement judge from the List of Judicial Settlement Conference Judges under "Directories" on the Supreme Court's Internet site at: <http://www.courts.state.va.us>. After selecting a judge, contact the Duty Judge's Judicial Assistant at 385-4501 option 2 for the judge's contact information.

- Confirming with the settlement judge that he or she is available to take the conference and making arrangements for the hearing date, time and location with the settlement judge.
- Preparing and submitting to the court the **VIRGINIA BEACH CIRCUIT COURT ORDER OF DESIGNATION AND REFERRAL TO JUDICIAL SETTLEMENT CONFERENCE**.
- Providing any court documents and other correspondence required by the settlement judge.

Jury Trial

1. See Supreme Court Rules 3:21 and 3:22 and applicable statutes.
2. If jurors are summoned on the trial date and the case is not heard because of a reason the court finds should have been addressed with the court prior to the trial date, the court may assess the costs of such jury. Virginia Code § 17.1-626 in its concluding sentence grants the Court the discretion to assess such costs the Court deems reasonable.
3. If a pro se party files a written request for a jury, the Court may set a pre-trial conference as provided in Rule 1:19.

Settlement or Non-Suit of case before Trial Date

1. If a non-suit is taken, counsel shall deliver the appropriate final order to the Clerk on or before the trial date.
2. If the case is settled and counsel is not able to submit a final order by the scheduled trial date, counsel shall provide a letter confirming the case has settled to the clerk of this court (facsimile number is 385-1304) for docket purposes and shall deliver a final order within 30 days. Upon receiving such letter confirming the case has settled, the clerk shall set a 30 day review to determine if a final order has been submitted. If no order has been submitted and there are no pending motions, the court may enter an order removing the case from the pending docket for case management purposes. This order is not intended as a substitute or precludes the entry of a final order subsequently submitted by counsel. If such an order is subsequently entered, the Clerk shall update the case management system accordingly.

Trial

1. Counsel to have complied with all requirements of the pretrial scheduling order if applicable.
2. Counsel shall deliver an order reflecting the court's ruling within 30 days of the trial date, or promptly schedule any motion to rehear or reconsideration.
3. NOTICE TO CORPORATIONS, LLC'S, PARTNERSHIPS, AND SIMILAR ENTITIES: SUCH ENTITIES may not be represented in the circuit court by its officers, employees or agents who are not duly authorized or licensed to practice law in Virginia. Such entities can be represented only by a lawyer in this court, with respect to matters involving legal conclusions, examination of witnesses or preparation of briefs or pleadings.

Motion for Reconsideration

1. Motions for reconsideration must be filed with the Court along with a cover letter asking the Court to review the motion and stating whether a hearing and oral argument is requested. Pursuant to Supreme Court Rule 4:15(d), a hearing on a motion for reconsideration may not be scheduled on the Court's Motion or Duty Judge docket unless the Court requests the parties to schedule the hearing.
2. Upon reviewing such motion, the Court shall (i) enter an order denying or granting such motion, or (ii) advise counsel to schedule hearing and oral argument.

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)

VIRGINIA BEACH CIRCUIT COURT



Contested Divorce Procedures Manual

Revised: July 1, 2018

Guidelines:

1. If you are representing yourself you must research the requirements for the content of the complaint, divorce decree, and any other orders or pleadings that may be required, and draft and prepare them yourself. The court does not provide any form pleadings or orders, and court staff cannot give you advice on these issues. This manual only sets forth the procedural steps for having a contested divorce heard by the court. It does not set forth the legal requirements for a divorce under Virginia law, nor is it intended to. You must determine these requirements for yourself. Each party involved in a divorce matter is strongly encouraged to consult with an attorney so that the legal effects of the proceedings may be fully explained. While it is your right to proceed without an attorney, if you do so, you may forever, unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage. The law clerks and the clerk's office and judicial staff are not permitted to give legal advice. Should you need further assistance, the following resources are available: Wahab Law Library located in the Judicial Center Building (Phone No. 757-385-4419); Virginia Legal Aid, <http://www.valegalaid.org>; Virginia Judicial System Court Self-Help at <https://selfhelp.vacourts.gov>; and Virginia Lawyer Referral (Phone No. 800-552-7977).
2. The grounds are separation for the statutory period (no-fault), or a motion for a no-fault divorce will be made pursuant to Virginia Code § 20-121.02. There are two "no-fault" grounds recognized in Virginia: (1) separation for one year after intending that it be permanent; and (2) separation for six months after intending that it be permanent where the parties have no minor children and both have signed a written settlement agreement. For parties seeking a divorce based on only six (6) months of separation, a written settlement agreement signed by both parties is required before you file for divorce, even if the parties are not seeking support payments and have no property together. Therefore, if you are approaching a separation period of one year, you may find it easier to wait until you qualify based on a one year ground, rather than attempting to file immediately for a divorce based on six-months of separation. All of the elements for the grounds of divorce must be in place before the case is filed. If not, the case will be dismissed and you will have to pay another filing fee, and start over if you want to continue with no-fault grounds.
3. Contested divorces can be heard by a judge or by a divorce commissioner.
4. To have a contested divorce heard by a judge, the parties must comply with the requirements of this manual.
5. To have a contested divorce heard by a divorce commissioner, the following shall apply:

In the discretion of the court pursuant to Code § 8.01-607, the case may be heard by a commissioner. The party must file a motion requesting that the case be heard by a commissioner, and schedule a properly noticed hearing before the court on the Friday Motions Docket to show good cause for the referral. If the court grants the motion, the court will enter a Decree of Reference naming the commissioner who will hear the case. The parties are responsible for contacting the commissioner to schedule the divorce hearing. The commissioner's fees shall be paid pursuant to § 8.01-609.1.

Once a matter is referred to a commissioner for hearing it must stay there. The court will not vacate the referral and require the commissioner to return the file once the decree of reference is entered. This rule applies regardless of whether the case becomes uncontested, or the case stays contested but counsel now wants a judge to hear it.

6. The parties can bifurcate the issues and the forum (whether commissioner or the court) in which the issues are heard. The order in which the issues are heard must conform to the requirements of the Code and case law. If bifurcated, counsel must submit a separate praecipe and pretrial order to set subsequent hearing before a judge. Order submitted by counsel should state whether all issues have been disposed of or the case is continued on the docket.
7. If the parties have been separated for the statutory period of time, or if the divorce is to be granted on the grounds provided for by § 20-91 (1) or (3), counsel may schedule a trial on all the issues.
8. If the parties have not been separated for the statutory period of time, counsel may schedule a trial on the issues of child support, custody, and visitation. The issue of child custody will be a final order. After the parties have been separated for the statutory period of time, a trial on the issues of final spousal support and equitable distribution may be scheduled. A trial on the issue of fault may be scheduled at such time as provided by statute.
9. Cases are rarely pre-assigned to a judge because of our docketing system. To seek assignment of the case, the following requirements must apply: (i) the case must be complex and require many pretrial rulings, (ii) all counsel must agree and join in the request and (iii) the request must be directed to the chief judge. Cases will not be assigned simply because counsel will be briefing a particular issue and want their briefs reviewed prior to the hearing. Those types of matters should be placed on the Duty Judge docket.
10. In contested divorces, the Court requires testimony to be given orally in court pursuant to § 20-106(A). A party may proceed to take evidence in support of divorce by deposition or affidavit only with leave of court.
11. Effective for cases filed on and after March 1, 2013, divorces that proceed by affidavit must satisfy the venue requirements of § 8.01-261. If they do not, the court will proceed under § 8.01-264(D) to *sua sponte* transfer the matter to the proper jurisdiction.
12. **Orders.** On any order submitted by counsel in which the court ruled on such matter the name of the trial/hearing judge shall be typed below the signature line. This will ensure the Judge who hear or tried the case gets the order for entry.

SCHEDULING DIVORCE CASE FOR TRIAL

After (i) the time to answer has passed or the defendant has answered and/or filed a waiver and (ii) the Virginia Beach Divorce Pretrial Order has been entered, counsel may:

- (i) Submit the **Praecipe in a Contested Divorce** (provided in a fillable format on this Court's web site at www.vbgov.com/courts) to the court. Either party may file the praecipe. Docket call is held on the first Monday of each month unless a Holiday then on Tuesday.
- (ii) All counsel may agree to a trial date and secure approval of the court by a telephone call to the judges' office at 757-385-4502. Once the court has approved the trial date by telephone, counsel must complete the Certificate of Setting Agreed Trial Date Outside of Docket Call. This Form is provided in a fillable format on the Court's website. Counsel must immediately submit such Certificate by facsimile to the court. Do not send by mail.

SETTING THE TRIAL DATE AT DOCKET CALL

Counsel, or counsel's authorized representative, is required to appear at docket call to set the trial date. If no one appears at docket call, a trial date will not be set. After docket call, counsel who filed the praecipe shall provide notice of the trial date to all other counsel of record and any *pro se* party.

The Clerk enters the trial date in Case Management System and if the party filing the praecipe is *pro se*, the clerk of court shall issue a Notice of Trial Date after docket call.

FILING PRETRIAL ORDER

The Virginia Beach Pretrial Order (provided in a fillable format on this Court's web site at www.vbgov.com/courts) must be entered in every contested divorce. Failure to file the Order and comply with its terms may result in the case being removed from the trial docket and any other appropriate sanction. The Virginia Beach Divorce Pretrial Order must be entered prior to setting a trial date. Counsel may notice entry of such order if other party will not endorse order.

PARENT EDUCATION SEMINAR (§ 20-103)

The parents in a divorce case where a child's custody, visitation, or support is contested shall attend a parent education seminar on the effects of separation or divorce on children; parenting responsibilities; options for conflict resolution; and, financial responsibilities, unless the court grants an exemption from attendance of such program for good cause shown. Requirements set forth in Pretrial Order. A list of "Parent Education Providers" is provided on the Virginia Judicial System's website under the "Directories" section on the main page at www.courts.state.va.us.

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 1 hour. Note: The judges' services are free to the parties.

Counsel shall be responsible for:

- (1) Selecting a settlement judge from the List of Judicial Settlement Conference Judges under "Directories" on the Supreme Court's Internet site at: <http://www.courts.state.va.us>. After selecting a judge, contact the Duty Judge's Judicial Assistant at 385-4501 option 2 for the judge's contact information.
- (2) Confirming with the settlement judge that he or she is available to take the conference and making arrangements for the hearing date, time and location with the settlement judge.
- (3) Prepare and submit to the Court the Virginia Beach Order of Designation and Referral to Settlement Judicial Settlement Conference (provided in a fillable format on this Court's web site at www.vbgov.com/courts).
- (4) Provide any court documents and other correspondence required by the settlement judge.

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 if requested by counsel or by a judge. The

purpose of the pretrial conference is to discuss the issues, to reach stipulations, to discuss settlement and any other matters, which may aid in the disposition of the case. The parties and counsel must attend the pretrial conference in person.

The pretrial conference shall be set on the Duty Judge Motion Docket as follows: Electronically by going to the “Online Motion Docket” page on the circuit court’s website at www.vbgov.com/courts (Click on “Circuit Court” on the left of the main page; then “Motion Docket”). On the right side of the Motion Docket page you will see the “Online Motion Docket” and the Duty Judge Hearing Request Form under Related Information. This online motion docket calendar will show all the appointments that are currently scheduled. You will use this calendar to determine and coordinate available dates and times with the parties prior to scheduling. After determining available date and time, complete the Duty Judge Hearing Request Form and submit such completed Duty Judge Hearing Request Form via email to (Dutyjudg@vbgov.com).

Counsel shall arrange an agreed date and time to schedule the conference. The conference may be set within 30 days of the trial date or as agreed by counsel to be meaningful. Five (5) days prior to the pretrial conference, exchanges with counsel and files with the court the Pretrial Conference Brief (provided in a fillable format on this Court’s web site at www.vbgov.com/courts) and all forms and worksheets that are applicable to the issues in the case.

At the conclusion of the hearing, the judge completes and files the Pretrial Conference Memorandum.

FILING THE 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.

FILING THE 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 (Monthly Income and Expense Statement of each party, Child Support Guideline worksheets and Equitable Distribution forms) applicable to the issues in the case. The court does not provide these forms. Child Support Guideline forms can be completed online and printed for submission to the court from the Supreme Court website at www.courts.state.va.us. Equitable distribution forms are available, at a cost, from Virginia Attorneys’ Divorce Electronic Reference.

CONFERENCE BY PARTIES AND COUNSEL PRIOR TO TRIAL

If a judicial settlement conference or a pretrial conference is not required, counsel and their parties shall personally meet and participate in a conference to attempt to resolve all issues in dispute and also exchange all forms that are applicable to the issues in the case. No later than 7 days prior to trial, counsel jointly files a certification with the court that the attorneys and their clients personally met and participated in a good faith effort to resolve all issues in dispute, and what issues, if any, were resolved and those that remain for resolution at trial.

REQUEST FOR CONTINUANCE OF TRIAL DATE

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

To request an agreed continuance: Counsel must secure approval of a new trial date, complete the Request for Continuance of Trial Date Order (provided in a fillable format on this Court's web site at www.vbgov.com/courts) and submit such order by electronic transmission to the court for approval.

Prior to submitting such order to the court counsel must contact by telephone the judge's office at 757-385-4502. Once the judicial assistant has approved an agreed trial date, counsel must immediately submit such order by electronic transmission to the court. The duty judge will review the request. After the duty judge has granted or refused the continuance, the duty judge's judicial assistant will promptly send a copy of such order to all counsel.

To request a continuance that is not by agreement: Counsel may call the duty judge's judicial assistant at 385-4501 option 2 to schedule a hearing on the duty judge docket or provide notice to all parties for a hearing on the Friday motion docket. Counsel shall submit to the court, in person or by electronic transmission, the Request for Continuance of Trial Date Order (provided in a fillable format on this Court's web site at www.vbgov.com/courts) on the day of the scheduled hearing and if approved a new trial date will be set.

ISSUES SETTLED PRIOR TO TRIAL

If all issues in a contested case settle so that it will go forward as an uncontested divorce and on no-fault grounds, there are 2 options for having it heard by a judge: (1) Counsel may notify the Clerk's Office that the matter has settled but that it should be kept on the docket on the trial date for an uncontested final divorce hearing, or (2) notify the Clerk's Office that the matter may be removed from the trial docket and reschedule for hearing on the Court's uncontested docket. See Uncontested Divorce Procedure manual.

If the parties agree to have the divorce granted on fault grounds, the matter must either be heard on the original trial date or referred to a commissioner.

TRIAL

Failure to appear on the trial date ready for trial and/or failure to complete and file all required forms may result in limitation or exclusion of evidence and/or claims, and/or the case being removed from the trial docket and/or other appropriate sanction including dismissal of the suit for failure to prosecute.

A court reporter is required and counsel must arrange to have one present.

Testimony must be presented in person; cannot hand up affidavits at the trial.

A party wanting to restore his or her former name or maiden name must motion the court at the trial and submit a separate order contemporaneously with the final divorce decree in accordance with § 20-121.4, along with required clerk's recording fee of such order.

Date: _____, JUDGE

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

PLAINTIFF v. DEFENDANT _____

CASE NO.: _____

LIST ALL COUNSEL OF RECORD AND ANY PRO SE PARTY:

COUNSEL: _____ EMAIL: _____

COUNSEL: _____ EMAIL: _____

COUNSEL: _____ EMAIL: _____

PRO SE PARTY: _____ MAILING ADDRESS: _____

PRO SE PARTY: _____ MAILING ADDRESS: _____

CONTINUANCE REQUEST OF TRIAL DATE IN A CIVIL CASE

CURRENT TRIAL DATE: _____ FORM SUBMITTED BY: _____

- ☐ Check this box if case scheduled for trial by **JURY**. Note: Must be set on a Monday, Tuesday or Wednesday only.
☐ Check this box if case is a **Protective Order appeal**.
☐ Check this box for all other cases on appeal from the **juvenile and domestic relations district court**.
☐ Check this box if case is a **Contested Divorce**.

REQUESTED BY: ☐ JOINT ☐ PLAINTIFF ☐ DEFENDANT ☐ GAL

CHECK ONE:

☐ All Counsel/Parties AGREE to this continuance and a new trial date of: _____ at 9:30 AM. This date has been pre-approved by the Court.

OR

☐ Continuance request is not by agreement (objected to). Therefore, a hearing is required. Submit this completed form order via email to Dutyjudg@vbgov.com prior to your hearing date and time.

REASON FOR CONTINUANCE: _____

**SUBMIT THIS CONTINUANCE ORDER TO THE COURT via email to Dutyjudg@vbgov.com.
STATE IN SUBJECT FIELD OF EMAIL: CONTINUANCE REQUEST.**

FOR COURT USE ONLY: The Court ORDERS that the motion to continue in this case is:

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

☐ **DENIED.**

DATE ENTERED: _____ JUDGE: _____

- **COMPLETED BY JUDICIAL ASSISTANT:** Copy transmitted by electronic transmission to above counsel and trial date put on Trial Docket Calendar. _____.
- **TO THE CLERK'S OFFICE:** The clerk's office shall mail a copy to any pro se party noted above.

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

IN RE: General Order Regarding the Recording of Trial Proceedings by a Court Reporter in Civil Cases

It is ordered, pursuant to Virginia Code § 17.1-128, as follows: In certain civil cases, the judge trying the case may require the recording verbatim of the evidence and incidents of trial by a court reporter or by a digital court recording device. If such recording is required, then

- a. In a civil case filed directly in the circuit court, the services of a court reporter to appear and record the trial proceedings shall be arranged for by the plaintiff unless otherwise arranged by agreement of all counsel or directed by the court.
- b. In civil cases from the general district court or the juvenile and domestic relations district court, the trial judge may provide for the recording verbatim of the evidence and incidents of trial by a digital court recording device.
- c. In cases in which the trial is recorded by a digital court recording device the cost to prepare a transcript of the record shall be paid for by the party ordering the transcript.

ENTER: March 31, 2014

/s/ CHIEF JUDGE

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

Complainant
v. _____
Defendant
Case No.: _____

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 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).

NOTE: The moving party and a witness must appear in person for the hearing; cannot proceed by or "hand up" affidavits at a Friday Contested Divorce Docket hearing.

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 BEACH CIRCUIT COURT

Procedures for Setting a Contested/Selected Case on Friday Docket for Final Hearing

Applicability and Requirements

- 1.0 Applies to the setting of a final hearing for divorce suits in which (1) the hearing will take no more than one-hour on all the issues [emphasis added] and (2) the moving party is represented by counsel. It also applies to suits which the Court directs to be placed on this docket due to special circumstances.
- 2.0 The one-hour time restriction will be strictly enforced and if not adhered to may result in the case being removed to the trial docket. For issues other than separation in the same house, a judge must approve the request to ensure compliance with time limits.
- 3.0 These matters may be set through the Judges' Office for a final hearing on Fridays to be heard by the Duty Judge (subject to approval and availability).
- 4.0 If both parties are represented by counsel, then all counsel must agree or counsel may seek approval of the court upon notice to opposing counsel.
- 5.0 If the opposing party is pro se, then the non-moving party must be served with 30-days advance notice of the date, time and location of the final divorce hearing unless the party signed a waiver of all future notice and/or notice of entry of the final decree of divorce. Notice may not be mailed except as provided in Va. Code § 20-99. Notice is not required if the party was served by publication or its equivalent and has not entered an appearance, or if an order has been entered pursuant to § 8.01-319 dispensing with further notice, or pursuant to the provisions of § 20-99(5).
- 6.0 Prior to the hearing, the parents in a divorce case where a child's support is contested shall attend a parent education seminar pursuant to Virginia Code § 20-103 unless the Court grants an exemption from attendance for good cause shown.

Procedure for Getting Approval to Schedule Final Divorce Hearing

- 7.0 File in the Circuit Court Clerk's Office a REQUEST FOR A FINAL DIVORCE HEARING ON THE FRIDAY DOCKET ("REQUEST"). This form is available in a fillable format on the circuit court web page at www.vbgov.com/courts under Court Forms. Upon receiving a REQUEST, the clerk's office will pull the case file and deliver such to the judge's office. The REQUEST shall be reviewed by a law clerk and a judge.
- 8.0 After review, the REQUEST will be approved if all requirements have been met. The judicial assistant will fax notification to counsel. If approved, the judicial assistant shall retain the original REQUEST for the setting of the hearing date and return case file to the clerk's office. If requirements are not met, a rejection notice will be sent along with a Correction Form stating the reasons for the rejection. The judicial assistant will fax such notification to counsel. If rejected, the case file and notices and REQUEST will be returned to the clerk's office. Counsel must resubmit another REQUEST for review.

Procedure for Setting Hearing Date after Request has been approved

- 9.0 After the REQUEST has been approved: 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. Failure to contact the court within 21 days shall result in having to resubmit another REQUEST form for review before a hearing date can be set.

10.0 Counsel must provide at least 30-days advance notice of the date, time and location of the final divorce hearing to a non-moving pro se party in accordance with Rule 5.0 above. On the scheduled hearing date, if the pro se party appears and objects the court may require the matter be set on the trial docket.

Procedure if Case Settles Prior to Hearing Date

11.0 If the case is settled prior to the scheduled hearing date, counsel for the moving party must submit a letter by facsimile to the judges' office at 385-5860 to remove the case from the Friday docket. The case should not be left on the docket for the sole purpose of presenting a final decree for entry on the hearing date.

Procedure for Continuance of Scheduled Hearing Date

12.0 Both parties may agree to reschedule a hearing, if needed, by having counsel for the moving party contact the circuit court judges' office at 385-4502 for a new hearing date approved by the judicial assistant and such counsel then submitting a confirmation letter by facsimile to the judges' office at 385-5860 of the new hearing date along with a copy to the other party.

13.0 If the non-moving pro se party requests a continuance, then the non-moving party must first contact opposing counsel to determine if such counsel is agreeable to another hearing date. If not, a conference call must be set up with the duty judge, in which case a continuance order form will be prepared by the judicial assistant for entry by the judge.

Hearing

14.0 Counsel shall present completed worksheets and forms (Monthly Income and Expense Statement of each party, Support Guideline worksheets and Equitable Distribution forms) applicable to the case. Child Support Guideline forms can be completed online and printed for submission to the court from the Supreme Court (JDR court forms) website at www.courts.state.va.us. Equitable distribution forms are available, at a cost, from Virginia Attorneys' Divorce Electronic Reference.

15.0 Counsel must present the evidence and have witnesses to prove the grounds for the divorce and any other relief sought.

15.01 The moving party and a witness must appear in person for the hearing; cannot proceed by or "hand up" affidavits at a Friday Contested Divorce Docket hearing.

16.0 Counsel shall arrange to have a court reporter present.

17.0 Counsel shall submit a final decree for review by the court after the hearing.

Friday Divorce Docket Manual
Effective Date: February 1, 2008.

Revisions

7/9/09: Revised Section 14.0
2/4/10: Revised Section 9.0
10/20/11: Revised Section 3.0
7/01/12: Revised Section 1.0 and 5.0 and Heading
4/29/14: Revised Section 14.0 as to forms available online
7/17/14: Revised Section 2.0
9/3/15: Added Section 15.01

Virginia Beach Circuit Court Guidelines for Fines and Costs in Criminal and Traffic Cases

Date of Adoption: July 1, 2017

Date of Revision: October 31, 2018

1.0 Initial payment plan if the defendant is unable to pay in full at sentencing.

- a. The court shall order the defendant to pay in deferred payments. Code § 19.2-354(A). No down payment shall be required. The payment of costs shall not be a condition of probation or suspension of sentence.
- b. The initial deferred due date for payment shall be as follows:
 - a. In cases in which no active time is imposed – 1 year from the sentencing date.
 - b. In cases in which active time is imposed – 1 year from the length of the active time imposed. A defendant sentenced to a community corrections alternative program shall be considered a 1 year active sentence.
- c. Unpaid fines and costs shall be forwarded to tax setoff; to the Attorney for the Commonwealth for collection enforcement under § 19.2-349; and to DMV for suspension of the defendant's license or privilege to drive pursuant to § 46.2-395.

2.0 Subsequent extensions if not paid in full by deferred due date set at sentencing:

- a. If the deferred due date for payment has not expired, or the due date has expired but the delinquent account has not yet been sent to Collections, clerk may approve a new payment agreement upon the defendant making a minimum down payment of \$50 to demonstrate commitment to paying the fine and costs. Code § 19.2-354.1(E). The petition form for an extension of time to pay is available in the clerk's office.
- b. A defendant may request a waiver or reduction of the down payment. The defendant shall be required to file a petition upon a Court provided form to determine the financial condition of the defendant. The form for a waiver or reduction of the down payment is posted on this Court's criminal page website.

3.0 If the unpaid fines and costs are delinquent and have been sent to a collection agency, the following shall apply:

- a. The attorney for the Commonwealth has entered into a contract for the collection of unpaid fines and costs with the City Treasurer pursuant to § 19.2-349. Such contract provides that each account shall be transferred to the City Treasurer until the account is collected in full.
- b. The defendant may enter into an installment payment agreement with the City Treasurer in which the defendant agrees to make monthly or other periodic payments until the fines and costs are paid in full. The City Treasurer may require a down payment pursuant to § 19.2-354.1 (E). Any required down payment shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. The City Treasurer is authorized to approve a lesser down payment based on the financial condition of the defendant. In assessing the defendant's ability to

pay, the City Treasurer may require the defendant to provide a written financial statement setting forth the defendant's financial resources and obligations or conduct an oral examination of the defendant to determine the defendant's financial resources and obligations pursuant to § 19.2-354.1 (D).

- c. Subsection (b) shall not apply to a defendant restoring the defendant's driver's license. See Section 4.0 for requirements for restoring the defendant's driver's license.

4.0 Payment plans to restore driver's license under Code § 46.2-395 (B):

- a. If a defendant, after having his/her license suspended for nonpayment of fines and costs, pays the reinstatement fee to the Department of Motor Vehicles and enters into an agreement under Code § 19.2-354 that is acceptable to the Court to make deferred or installment payments of such unpaid fines and costs, the defendant's driver's license may be restored. The court establishes the following criteria:
 - 1. Both the clerk and the City Treasurer (Collection entity) are authorized to enter into a subsequent payment agreement with the defendant pursuant to Code § 19.2-354.1(I).
 - 2. If the unpaid fines and costs account is delinquent but the account has not been sent to collection entity and remains with the clerk, the defendant may enter into a deferred payment agreement acceptable to the clerk. A minimal down payment shall be required. The required down payment to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. The clerk is authorized to approve a lesser down payment based on the financial condition of the defendant. A defendant requesting a waiver or reduction of the down payment shall be required to file a petition upon a court provided form to determine the financial condition of the defendant.
 - 3. If the unpaid fines and costs account is delinquent and has been referred to collection entity, the defendant must enter into a deferred payment agreement acceptable with the City Treasurer. A minimal down payment shall be required. The required down payment to enter into a subsequent payment agreement shall not exceed (i) if the fines and costs owed are \$500 or less, 10 percent of such amount or (ii) if the fines and costs owed are more than \$500, five percent of such amount or \$50, whichever is greater. The City Treasurer is authorized to approve a lesser down payment based on the financial condition of the defendant. A defendant must provide such financial information required by the City Treasurer to determine the defendant's ability to pay.
 - 4. Upon the defendant entering into an acceptable payment agreement with the clerk or City Treasurer, the clerk shall update the financial management system accordingly and fax a reinstatement form to DMV.
 - 5. Interest will not accrue on any account following the approval of the new time to pay unless the account becomes delinquent as a result of failure to comply with such agreement.

5.0 Community service option to discharge all or part of the fine and costs pursuant to § 19.2-354 subsection C:

- a. A defendant, upon whom a fine and costs have been imposed, whether the account is delinquent or not, may apply, by submitting a court provided application form, asking the court for the option of discharging all or part of the fine and costs by performing community service.
- b. If the defendant has more than one delinquent account, the defendant may only apply to discharge the fine and costs in one delinquent case at a time. After such fine and costs have been discharged the defendant may then apply for another delinquent account.
- c. The clerk is authorized to administer this program and approve a community service request.
- d. A defendant ordered to perform a specific number of community service hours as a condition of a court-ordered sentence or required by a statewide program shall not be able to apply those hours to fines and costs.
- e. In the event a defendant, in court, on his sentencing day, inquires about performing community service in lieu of making payment, the clerk should provide a copy of the court's application form. In the interim the defendant should complete an Extension Order for the payment of the fine and costs unless otherwise approved by the judge.
- f. The option of performing community service applies only to the discharge of fine and costs; not to the reinstatement of a suspended license for failure to pay fine and costs since 46.2-395 (B) requires the defendant to enter into a deferred or installment payment agreement that is acceptable to the court.

6.0 Interest on Fines and Costs

- a. Interest shall accrue on past due/delinquent fines and costs pursuant to §§ 19.2-340 and 19.2-353.5. The court does not have the statutory authority to waive accrued post judgment interest except (i) during a period of incarceration or (ii) if it appears to the Court that the default is excusable under the standards set forth in subsection B of 19.2-358. Code § 19.2-358(C).
- b. To apply for waiver of interest owed during a period of incarceration, the defendant must submit to the clerk FORM DC-366A (Request for Waiver of Interest on Fines and Costs) and FORM DC-366 (Certification of Incarceration Period) certified by the superintendent, warden, or other official in charge of a correctional facility. In addition, the clerk is authorized to accept written confirmation from a probation officer of this Court. The DC-366A and DC-366 are posted on this Court's criminal page website.
- c. To apply for a waiver under § 19.2-358(C), the person must file a written request for waiver of interest setting forth reason, a current financial statement and any proposed payment plan. Pursuant to subsection B of § 19.2-358 the person must show that his/her default was not attributable to an intentional refusal to pay the fine and costs, or not attributable to a failure on his/her part to make a good faith effort to obtain the necessary fund for payment.

GUIDELINES FOR STRUCTURED SETTLEMENT ANNUITY TRANSFERS
UNDER THE STRUCTURED SETTLEMENT PROTECTION ACT (Code § 59.1-
475 through 477.1)

File application pursuant to § 59.1-477.

The Court requires a hearing for approval of the transfer. This hearing may be scheduled on the Court's Friday Motion Docket.

The Court requires that both counsel for the transferee and the payee personally appear at this hearing.

At the scheduled hearing, the Court shall consider the following criteria set forth in § 59.1-476 before approving a transfer:

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;
2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived such advice in writing; and
3. The transfer does not contravene any applicable statute or the order of any court or other government authority.

The final court order authorizing the transfer shall be endorsed by counsel for the transferee and the payee.

In those cases in which the payee is not an adult and *compos mentis*; but is a person under a disability either by infancy or mental incompetence; the Court requires a hearing with the payee's personal representative and the appointment of a guardian *ad litem* for the payee for a report to this court and a recommendation on the findings required by § 59.1-476. The expense shall be borne by the proposed annuity purchaser. Such report and recommendation shall be filed with the court and mailed to all interested parties.

Generally, these cases will be heard by the Honorable James C. Lewis unless otherwise not available.

Dated: April 19, 2016

Guilty/Alford/Nolo Contendere Plea Questions to be asked Defendant by Court

1. (a) What is your full name? _____
(b) What is your date of birth? _____
(c) What is your social security number? _____
(d) What is your last residence address? _____
(e) What was the last grade in school you completed? _____
(f) What other education have you received? _____

[For defendants who don't have at least a high school education or a GED]:

- Are you able to read, write and understand the English language? _____
2. Are you under the influence of any drugs or alcohol? _____
 3. Are you the person charged with the offense(s) of: _____

 4. Do you fully understand the charge(s) against you? _____

Have you discussed the charge(s) and (its) (their) elements with your lawyer and do you understand what the Commonwealth must prove beyond a reasonable doubt before you may be found guilty of the charge(s)? _____
 5. Have you had enough time to discuss with your lawyer any possible defenses to the charge(s)? _____
 6. Have you discussed with your lawyer whether you should plead not guilty, guilty or nolo contendere? _____
 7. After the discussion, did you decide for yourself that you should plead guilty (*nolo contendere*)? _____
 8. Are you entering your plea(s) of [☐] guilty [☐] nolo contendere freely and voluntarily? _____

[If the plea is nolo contendere]: Do you understand that a plea of nolo contendere still subjects you to a finding of guilt, to the same punishment and other consequences as if you had pleaded guilty, and to the loss of the same constitutional rights as if you had pleaded guilty? _____

9. Are you entering your plea(s) of guilty because you are, in fact, guilty of the crime(s) charged? _____

[If the answer is "no"/Alford Plea]: Are you pleading guilty based upon: your written/oral stipulation of the Commonwealth's evidence; because you do not wish to take the risk associated with trial; and because you believe it is in your best interests to enter the Alford plea of guilty? _____

10. Do you understand that, by pleading guilty, you are NOT entitled to a trial by jury? _____
11. Do you understand that, by pleading guilty, you waive your right not to incriminate yourself? _____

12. Do you understand that, by pleading guilty, you waive your right to confront and to cross-examine your accusers and you waive your right to defend yourself? _____
13. Do you understand that if you are on parole, on probation, or under a suspended sentence that a conviction may affect your parole, probation, or suspended sentence? _____
14. (a) Do you understand that if you are not a United States citizen, and if you plead guilty plea or are found to be guilty, there may be consequences of deportation, exclusion from admission into the United States, or denial of naturalization pursuant to the laws of the United States? _____
- (b) Do you understand that the conviction(s) resulting from your guilty plea(s) may carry a variety of consequences including the loss of the right to vote and the right to possess firearms? _____
15. Do you understand that, by pleading guilty, you may waive any right to appeal the decision of this Court? _____
16. Do you understand that there is no parole in Virginia? _____
17. **[If the crime involves possession/distribution of drugs]:** Have you discussed with your lawyer whether the defense of accommodation may apply in this case? _____
18. **[If the accused may be sentenced under the habitual offender statute]:** Have you discussed with your lawyer the possibility that there may be mitigating circumstances that would permit this court not to impose the mandatory sentence? _____
19. Do you understand that the maximum punishment for this crime is _____ years imprisonment and \$_____ fine plus all court costs? _____.
- [If more than one offense]:**
- Do you understand that if you are sentenced consecutively, the maximum punishment for these offenses is _____ years imprisonment [and a maximum fine of \$ _____]? _____
- [For mandatory minimum sentences]:** Do you understand that there is a mandatory minimum penalty of _____ days/months/years of imprisonment [and a mandatory fine of \$ _____ [and a mandatory loss of your driver's license]? _____
20. Have you discussed the sentencing guidelines with your attorney? _____. Do you understand that the Court is not required to follow those guidelines and may sentence you to more than the guidelines suggest so long as the Court does not exceed the maximum punishment provided by law? _____
21. (a) Has anyone connected with your arrest or with your prosecution, such as the police or the Commonwealth's attorney, or any other person, in any manner threatened you or forced you to enter your guilty plea? _____
- (b) [Other than what may be contained in the written plea agreement] Has anyone made any promises to you in exchange for your guilty plea(s)? _____.

22. Have you entered into a plea agreement with the Commonwealth's attorney in this case? _____

[If the answer is "yes"]: Does it contain the full and complete agreement entered into among you, your lawyer, and the Commonwealth's attorney? _____.

[If the answer is "yes", also complete either (a) or (b) below, whichever is appropriate]:

(a) [To be asked if the Commonwealth's attorney has agreed that a particular sentence is appropriate.]

(1) Do you understand the court may accept the agreement, reject the agreement, or may defer a decision to either accept or reject the agreement until there has been an opportunity to consider a presentence report? _____

(2) Do you understand that if the court accepts the agreement, the court will include in its judgment and sentence the sentence provided for in the agreement? _____

(3) Do you understand that if the court rejects the agreement, you will not be bound by the agreement and you will be given an opportunity to withdraw your plea of guilty, and if you do, you will have the right for your trial to be conducted by another judge of this court? _____

(4) Do you understand that if the court rejects the plea agreement, and you still plead guilty, the sentence imposed may be more severe than the disposition in the rejected plea agreement? _____

(b) [To be used if the Commonwealth's attorney merely recommends, or agrees not to oppose a request for, a specific sentence.]

(1) Do you understand that this agreement only provides for the Commonwealth's attorney to make a recommendation or to agree not to oppose a request for a particular sentence, that this recommendation or request is not binding on the court, and if the court does not accept the recommendation or does not go along with the request, you have no right to withdraw your plea of guilty unless the Commonwealth fails to perform its part of the agreement? _____

(2) Do you also understand that the sentence the court imposes may be more severe than the sentence recommended or requested? _____.

23. [To be asked if the defendant was a juvenile at the time of the offense] or [] Not applicable.

Do you understand that if you were tried for this offense and found guilty by a jury, the Judge and not the jury would set the sentence? _____

24. Are you entirely satisfied with the service of the lawyer [] appointed [] retained to represent you? _____

25. Did you discuss and review all of these questions with your attorney? _____

26. Do you have any questions you wish to ask the court? _____

27. Did you understand all of these questions and did you answer all of these questions truthfully? _____

Signature of Defendant

Signature of Defendant's Attorney

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

INSTRUCTION FOR APPLICATION FOR ADULT NAME CHANGE

VA. 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".
11. Are you required to register with the Sex Offender and Crimes Against Minors Registry? State "Yes" or "No".

If **yes, (i)** attach a statement under oath stating the reasons for the name change and **(ii)** the name(s) of the jurisdiction(s) where the conviction(s) occurred that resulted in my registration is/are: State the name of the jurisdiction(s)/court(s) in which the conviction(s) occurred that resulted in your registration.

12. Are you currently incarcerated? State "Yes" or "No".

If **yes, (i)** attach a statement under oath stating the reasons for the name change and **(ii)** the name(s) of the jurisdiction(s) where the conviction(s) occurred that resulted in my current incarceration is/are: State the name of the jurisdiction(s)/court(s) in which the conviction(s) occurred that resulted in your incarceration.

and **(iii)** the facility's name where I am incarcerated is: State name of facility.

13. Are you a probationer with any court? State "Yes" or "No".

If **yes, (i)** attach a statement under oath stating the reasons for the name change and **(ii)** the name of the jurisdiction(s) in the in the Commonwealth where the conviction(s) occurred that resulted in my probation is/are: State the name of the jurisdiction(s)/court(s) in which the conviction(s) occurred that resulted in your supervised probation.

14. 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.

15. This name change is not sought for any fraudulent purposes and will not infringe upon the rights of others.

16. Attach a copy of one of the following "unexpired" 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 a foreign passport.

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 (limited to one judicial conference per 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 counsel of record noted above by facsimile and mail a copy of this order to the Settlement Judge.

ENTER: _____

JUDGE: _____

Submit to Judges' Office for entry via electronic transmission to Dutyjudg@vbgov.com

VIRGINIA BEACH CIRCUIT COURT MOTION DOCKET PROCEDURES

Revised April 23, 2018

Overview

- A. The Virginia Beach Circuit Court has two dockets for hearing civil case motions: (1) the Friday Motion Docket and (2) the Duty Judge Docket.
- B. Motions practice shall comply with Rule 4:15 of the Rules of the Supreme Court of Virginia, except as otherwise set forth below.
- C. The court, in the judge's discretion, may postpone any hearing, defer any ruling on the motion, and may require the filing of briefs in support or in opposition to the motion.
- D. You may request that a motion be heard by a specific judge only when the motion (i) is for entry of an order setting out a specific ruling previously made by that Judge, (ii) is in a case that has been assigned to that Judge by the Chief Judge, (iii) is in a case that the Judge has advised counsel that all future motions in the case or that specific motion shall be placed on that Judge's docket or (iv) concerns a demurrer in a case where that Judge previously granted a demurrer in favor of the movant.
- E. A proposed order should be brought to the hearing in order to avoid multiple hearings on the same motion.
- F. Counsel must appear in person. Appearance by telephone/teleconference is only permitted with prior approval of the court.

1.0 General Rules for Friday Motion Docket

- A. The Friday Motion Docket is for motions that will take no more than 30 minutes unless otherwise extended by the presiding judge. In the judge's discretion, any hearing of the motion that exceeds 30 minutes may be postponed and rescheduled.
- B. All hearings are scheduled for 9:30 a.m. and are heard as soon as possible thereafter.
- C. Motions may be set on this docket by submitting a written notice and motion to the clerk's office no later than the Monday before the Friday selected for hearing. A certificate of service is required in accordance with Rule 1:12 of the Rules of the Supreme Court of Virginia.
- D. No motion for which briefs or memoranda are filed can be set on the Friday Motion Docket.

2.0 General Rules for Duty Judge Docket

- A. The Duty Judge Docket is available Monday through Friday from 2:15 p.m. to 5:00 p.m. for matters that will take no longer than 1 hour (note: on Fridays, approved Uncontested Divorce hearings may be set at 10:00, and approved Friday Contested Divorce Docket cases may be set at 11:00 and 12:00), as well as other matters required to be set on that docket as set forth below.
- B. Matters are set on a specific date and time and must be by agreement of all counsel or pro se party, if any, to the case unless an ex parte hearing is allowed by statute or the judge.
- C. Motions on the Duty Judge Motion Docket shall be set as follows: Electronically by going to the "Online Motion Docket" page on the circuit court's website at

www.vbgov.com/courts (Click on “Circuit Court” on the left of the main page; then “Motion Docket”). On the right side of the Motion Docket page you will see the “Online Motion Docket” and the *Duty Judge Hearing Request Form* under Related Information. This online motion docket calendar will show all the appointments that are currently scheduled. You will use this calendar to determine and coordinate available dates and times with the parties prior to scheduling. After determining available date and time, complete the *Duty Judge Hearing Request Form* and submit such completed *Duty Judge Hearing Request Form* via email to (Dutyjudg@vbgov.com).

The *Duty Judge Hearing Request Form* will be reviewed upon receipt. If in compliance with the Court’s procedures, you will receive an email confirmation (a “Duty Judge Hearing Request Response”) and the judicial assistant will print a copy of the *Duty Judge Hearing Request Form* for the case file. If there are any problems or issues with your request, you will be notified accordingly.

- D. Any motion accompanied with a written brief or memorandum of law must be set on the Duty Judge Docket and shall be filed and served at least 14 days before the hearing, with any brief or memorandum in opposition filed and served at least 7 days before the hearing, regardless of page length, unless otherwise specified by the court. See Rule 4:15 (c) of the Rules of the Supreme Court of Virginia. Since the hearing date must be by agreement, counsel are expected to confer with each other to work out a briefing schedule to allow time for any response briefs to meet this deadline. Counsel may want to consider completing briefing before seeking to set the matter for hearing.
- E. A purpose of the Duty Judge Docket is for the court to review the motion in advance of the hearing. Therefore, all matters placed on the duty judge docket must include a written motion that sufficiently identifies the issues or basis of the motion and/or the relief sought, and must be filed 5 business days prior to the scheduled hearing date. Exceptions: Infant Settlements; Wrongful Death Settlements; Pretrial Conferences; Petition to Celebrate Rites of Marriage; Uncontested Guardian/Conservator Appointments and Petitions to Transfer Guardian/Conservatorships; Judicial Authorization for Medical Treatment; Contested Continuance Motions; Emergency Injunctions or other emergency hearings; Attachments; and Name Changes.
- F. The Court will only hear those motions specified when the matter is initially set for hearing on the duty judge docket.
- G. No Pendente Lite hearings can be set on the duty judge docket.
- H. Custody hearings that will take no more than 2 hours may be scheduled on the duty judge docket upon approval of a judge. Counsel and the parties are required to appear ½ hour before the commencement of the hearing to confer and discuss settlement. Failure to appear and confer before the hearing may result in the Court continuing the hearing.

The scheduling of an emergency custody hearing must be approved by a judge by the following procedure: (i) appear before a judge for approval by submitting a notice and motion for Friday Motion Docket or (ii) by filing a pleading setting forth the motion and grounds and requesting an ex parte review by a judge. A certificate of service to all parties or their counsel of record and any guardian *ad litem* is required in accordance with Supreme Court Rules 1:12 and 4:15(b).

3.0 Motions that must be set on the Duty Judge Docket:

1. Any hearing that will take more than 30 minutes.
2. Motions with briefs or memorandum filed by any party.
3. Wrongful Death Settlements (All counsel of record and the parties in interest or their representative must be present).
4. Infant Settlements (All counsel of record and the infant (unless excused) must be present).
5. Petition to Celebrate the Rites of Marriage (15 minute time slot).
6. Administrative Process Act Appeal, Appeal of an Agency Decision and Grievability Determinations. NOTE: If the hearing will take more than 1 hour, it must be set on the trial docket).
7. Uncontested Guardian/Conservator appointments and Petitions to Transfer Guardian/Conservatorships (15 minute time slot and no more than 3 per day may be set).
8. Judicial Authorization for Medical Treatment.
9. Pre-trial Conferences in Contested Divorces (limited to 30 minutes and the parties and counsel must attend the pretrial conference in person).
10. Petition for Sterilization.
11. Temporary injunction under § 8.01-624. If an ex parte hearing is requested, the Duty Judge must first determine if the matter will be allowed to be set without notice to the adverse party.
12. Ex parte Detinue hearing under § 8.01-114.
13. Ex parte hearing for issuance of an attachment under § 8.01-540.
14. Writ of Mandamus.
15. Name Change request that the record be sealed (Chief Judge's Duty Docket only).

4.0 Motions that must be set on Friday Motion Docket:

1. Motion for Default Judgment
2. Pendente lite (temporary) visitation and support hearings.
3. Claim of Exemption from a Levy or Garnishment.
4. Name Change upon a written Motion for an ex parte hearing for a judge to consider a waiver of the notice requirement involving the name change of a minor.
5. Show Cause against Distribution of an Estate.

5.0 Motions that may be set on either the FRIDAY MOTION DOCKET (30 minutes or less) or the DUTY JUDGE DOCKET (no more than 1 hour) subject to the above general rules specific to that docket or in the judge's discretion:

1. Discovery issues.
2. Contested Continuance Motions (All counsel must appear or arrange to be present by a telephone conference call).
3. Notice of Entry of a Final Decree if already heard by judge or commissioner. Note: Entry of final divorce decree may only be set on the duty judge docket *after* notification to counsel from a law clerk or approved by judge.
4. Petition for Declaration of Assumed Death.
5. Petition for Show Cause.
6. Motion to Consolidate (If all parties agree, submit an agreed order in lieu of a hearing).

7. Motion for Distribution of funds out of an estate (Exception: a Show Cause against distribution of funds out of estate must be set on Friday Motion Docket).
8. Motion for Aid and Direction in Disposing of Assets.
9. Motion to Edit Depositions.
10. Motion in Limine.
11. Motion to Dismiss, Quash, Stay or a Demurrer.
12. Motion to Withdraw as Counsel.
13. Motion for Plea in Bar.
14. Motion for Statute of Limitations.
15. Motion for Sanctions.
16. Motion for Summary Judgment.
17. Motion to Amend Pleading.
18. Motion to Crave Oyer.
19. Motion for Sovereign Immunity.
20. Motion for Bill of Particulars.
21. Motion to Increase Ad Damnum.
22. Name change of a minor if a parent's consent is missing but the matter is not contested.
23. An adult name change when the law clerk sends a notice advising the applicant that he/she must schedule a hearing because the name on the ID provided with the application does not match the applicant's current legal name.
24. Exceptions to Commissioner's Report (Contact judicial assistant of the judge assigned to the exceptions).

6.0 Contested Motions that must be set on the court's trial docket unless approved by a judge to be set on the duty judge docket:

1. Contested Name Change of a Minor.
2. Contested Guardian/Conservator Appointment.
3. Contested Motion for Custody pendente lite.
4. Contested Adoptions including those that require proof of abandonment.

7.0 Motions for Reconsideration

1. Motions for reconsideration must be filed with the Court along with a cover letter asking the Court to review the motion and stating whether a hearing and oral argument is requested. Pursuant to Supreme Court Rule 4:15(d), a hearing on a motion for reconsideration may not be scheduled on the Court's Motion or Duty Judge docket unless the Court requests the parties to schedule the hearing.
2. Upon reviewing such motion, the Court shall (i) enter an order denying or granting such motion, or (ii) advise counsel to schedule hearing and oral argument.

NOTICE OF BOND APPEAL-CRIMINAL

TO: [CHECK ONE]

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

Pursuant to § 19.2-124, I note an appeal from the bail decision made by the district court on _____.

Defendant: _____

Charge(s) -- List ONLY the charges upon which the district court denied or made a bail decision. Do not include non-jailable offenses, such as traffic infractions or Class 3 or 4 misdemeanors, or other charges for which the defendant is already on bond or the district court did not make a bail decision.

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 that day falls on a holiday or the court is closed, in which case it shall be set 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.

<u>If filed on:</u>	<u>Day set in Circuit Court:</u>
Monday	Thursday
Tuesday	Friday
Wednesday	following Monday
Thursday	following Tuesday
Friday	following Wednesday

CLERK'S OFFICE USE

DATE FORWARDED TO COMMONWEALTH'S ATTORNEY OFFICE: _____.

DEPUTY CLERK

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

Circuit Court Case No. [Leave Blank. To be inserted by clerk's office]: CL_____

ORDER FOR CHANGE OF NAME OF A MINOR

The minor's current full name is [insert current full name]:

The minor's residence address is [insert current street address including city, state and zip. No PO Box]

The minor's full birth name is [insert full birth name]:

[CHECK ONE]:

☐ The minor's name has not been previously changed.

☐ The minor's name has been changed previously as follows [insert all former names in a "from" and "to" format]:

[CHECK ONE]:

☐ The minor has not been convicted of a felony.

☐ The minor has been convicted of a felony.

[CHECK ONE]:

☐ The minor is not required to register with the Sex Offender and Crimes Against Minors Registry.

☐ The minor is required to register with the Sex Offender and Crimes Against Minors Registry.

[CHECK ONE]:

☐ The minor is not incarcerated.

☐ The minor is presently incarcerated.

[CHECK ONE]:

☐ The minor is not a probationer under the supervision of a parole or probation officer with any court.

☐ The minor is currently on probation under the supervision of a parole or probation officer.

The Court has reviewed and considered the application. The applicant has stated under oath in the application that the change of name is not sought for a fraudulent purpose and will not infringe upon the rights of others, and the change of name is in the best interest of the minor. The Court finds that the applicant has complied with the requirements of Virginia Code § 8.01-217 and accordingly ORDERS:

the name of [insert current full name]: _____

is changed to [insert new name]: _____

The Clerk of this Court shall spread a copy of this Order upon the current deed book, indexing it in both the old and new names. The Clerk of this Court shall transmit a certified copy of this Order and the application to the State Registrar of Vital Records and to the Central Criminal Records Exchange.

ENTER: _____

JUDGE: _____

I ASK FOR THIS:

Signature of Applicant

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

Plaintiff: _____

v.

Defendant: _____

Case No. CL _____

ORDER TO AMEND DIVORCE COMPLAINT

Upon motion of the pro se plaintiff, and for good cause shown, the Court grants leave to amend the complaint for divorce.

An amended complaint (CHECK ONE):

☐ accompanies this Order or ☐ has been previously filed.

Supreme Court Rule 1:8.

ENTER: _____

JUDGE: _____

Endorsements of parties:

Plaintiff

Defendant

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

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.

Rules and Procedures on Noting Bond Appeal from District Court to Circuit Court

A written Notice of Appeal must be filed in the district court. The notice shall provide the date of the bond hearing being appealed and the charge(s). NOTE: The Notice of Bond Appeal is not filed in the circuit court. A Notice of Appeal form has been prepared and is available in the clerk's offices of the district courts and under Related Information on this page.

The district court will make copies of the warrant, magistrate sheet, commitment order and any other papers that relate to the bond hearing, and deliver such papers to the circuit court (along with the filed notice of appeal) no later than the next business day.

A hearing shall automatically be set on the Circuit Court Docket at 9:30 a.m. 3 business days from the date the notice of appeal is filed in the district court unless a holiday or court closed then on the next business day. Counsel must contact the Office of the Commonwealth's Attorney to reschedule or change the hearing day.

NOTE: The 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.



Short Circuits



Practice tips from the Circuit Court

By: Amy H. Jones
Staff Attorney

NEW FRIDAY DOCKET FOR “CONTESTED SUPPORT ONLY” DIVORCES;

New divorce program to begin Feb. 1

For a number of years now, the court has had two programs in place to have a judge hear a divorce (as opposed to a commissioner): hearing requests for wholly uncontested divorces, and trial dates for contested divorces. However, certain cases do not fit well in either program, i.e., those where only one limited issue is contested, or where the other side is *pro se* and is ignoring the matter but counsel wants a determination of support or the like. These types of cases cannot proceed on the uncontested docket, and it does not make sense to impose all of the contested divorce requirements on them. Over the years the numbers of these cases have grown, and in response to requests from counsel the court has developed an alternative program for them.

Beginning Feb. 1, certain divorces may be set for hearing with the duty judge on Fridays roughly from 10:00 to 2:00, with a break for lunch. The detailed requirements are included with this newsletter, and will be posted on the court's web site, www.vbgov.com/courts. In order to qualify for this docket, the matter must meet the following

general criteria: (1) the entire case will only take one hour to hear; (2) only child and/or spousal support are at issue, except that all issues may be addressed, subject to jurisdictional limitations, if the opposing party has not responded or notice has been dispensed with by court order; and (3) the statutory separation period has been satisfied.

The mechanics of setting one of these hearings are roughly similar to uncontested hearing requests. First, counsel must submit a “Request for Contested Final Divorce Hearing on the Friday Docket” form, available on the court's web site. Only the form needs to be submitted; no proposed final decree is required. Although we all probably dislike forms, **you must use this form if you want to get your case on this docket!** This form, along with the Hearing Request form, materially affects how files are channeled through the court and reviewed. The law clerks and I already spend a fair amount of time trying to determine how to process files where attorneys fail to use the uncontested Hearing Request Form. Once the new program begins, it will be almost impossible for us to process properly files submitted without the correct form. So, it is equally important not

just to use “a” form, but to use the correct form for the procedure you are attempting to use.

The law clerks and I will review the file to see if it is in proper form and appears ready to be heard. The request will either be approved or rejected, and if rejected a Correction Form will be sent stating what corrections are needed. If the request is approved, one of the judicial assistants will fax notice to counsel. Counsel can then contact the duty judge docket clerk to select a trial date. If both parties are represented by counsel, the trial date must be agreed to by all counsel. If the opposing party is pro se, then he or she must be served with notice of the trial date in accordance with § 20-99. The notice requirement is excused only if a waiver has been signed, an order to proceed without further notice has been entered, or there is no personal jurisdiction over the opposing party. Any required notice must be provided thirty days before the trial date.

At the hearing, counsel must present completed support guidelines worksheets, along with any other applicable required worksheets. A court reporter must also be present. As required by § 20-103, if child support is at issue the parties must attend a parent education seminar, unless excused by court order. The form Parent Education Seminar Order on the court’s web site must be submitted if this requirement applies.

Finally, a very critical point is that **the new Friday docket cannot**

be used for uncontested divorces.

You cannot submit an uncontested divorce to be set on a Friday. Further, if you have a case properly set on the Friday docket and it settles, you must remove it. You cannot leave it on solely to conduct an uncontested divorce hearing. Removal is required because of the limited number of hearing times available, in order to prevent clogging this special docket and causing unnecessary delays.

As an additional reminder, this is the only way divorces should be set for final hearing on a Friday. They should not be set on the regular Friday motions docket, as there are no provisions permitting such hearings.

VIRGINIA BEACH

CIRCUIT COURT



Uncontested Divorce Procedures Manual

Revision Date: July 1, 2018

Notice to party proceeding pro se (without an attorney)

If you are representing yourself you must research the requirements for the content of the complaint, divorce decree, and any other orders or pleadings that may be required, and draft and prepare them yourself. The court does not provide any form pleadings or orders, and court staff cannot give you advice on these issues.

This manual only sets forth the procedural steps for having an uncontested divorce. It does not set forth the legal requirements for a divorce under Virginia law, nor is it intended to. You must determine these requirements for yourself.

Each party involved in a divorce matter is strongly encouraged to consult with an attorney so that the legal effects of the proceedings may be fully explained. While it is your right to proceed without an attorney, if you do so, you may forever, unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage. The law clerks and the clerk's office and judicial staff are not permitted to give legal advice.

Should you need further assistance, the following resources are available: Wahab Law Library located in the Judicial Center Building (Phone No. 757-385-4419); Virginia Legal Aid, <http://www.valegalaid.org>; Virginia Judicial System Court Self-Help at <https://selfhelp.vacourts.gov>; and Virginia Lawyer Referral (Phone No. 800-552-7977).

Uncontested Divorce Procedures

Rule 1. Requirements for an “Uncontested Divorce”.

- (a) All of the issues have been agreed to by the parties; and
- (b) The grounds are separation for the statutory period (no-fault), or a motion for a no-fault divorce will be made pursuant to Virginia Code § 20-121.02. There are two “no-fault” grounds recognized in Virginia: (1) separation for one year after intending that it be permanent; and (2) separation for six months after intending that it be permanent where the parties have no minor children and both have signed a written settlement agreement. For parties seeking a divorce based on only six (6) months of separation, a written settlement agreement signed by both parties is required before you file for divorce, even if the parties are not seeking support payments and have no property together. Therefore, if you are approaching a separation period of one year, you may find it easier to wait until you qualify based on a one year ground, rather than attempting to file immediately for a divorce based on six-months of separation.
- (c) All of the elements for the grounds of divorce must be in place before the case is filed. As a result, if any of the following apply to your filing, you will have to dismiss your divorce, pay another filing fee, and start over if you want to continue with no-fault grounds:
 - i. Filing before one year or six months (as applicable) has passed since you intended to be permanently separated. For example, if you intended to be permanently separated on January 10 of one year and file for divorce on one year grounds on January 3 of the next year, you have filed a week too early and will not be able to proceed.
 - ii. Filing on the grounds of six months separation, and the parties have minor children.

- iii. Filing on the grounds of six months separation, without having a written separation agreement that was signed by both parties before you filed. The written agreement can address anything related to the marriage that the parties choose. Examples include property and support. There are no exceptions to the requirement of a written agreement signed by both parties if the grounds are six months separation – even if the parties feel they do not have anything to divide between themselves.
- (d) Child support, spousal support, custody, and/or visitation are not requested; or if they are requested; there is a written and signed agreement (the following types of agreements are not sufficient: An oral agreement is not enough nor is an oral agreement to separate sufficient or a written agreement signed only by one party or an unsigned agreement), or both parties have signed the Final Divorce Decree.

Rule 2. How uncontested divorces are heard.

There are two options:

- (1) Oral testimony in open court before a judge; or
- (2) a party may proceed to take evidence in support of a **divorce** by **affidavit** without leave of court only on the grounds set forth in subdivision A (9) of § 20-91, where venue is proper in Virginia Beach and the opposing party has either (i) been personally served with the complaint and has failed to file a responsive pleading or entered an appearance; (ii) signed an appropriate waiver; or (iii) signed the final decree.

Rule 3. Requirements for hearing before a Judge

- (a) To have the case heard before a judge on the uncontested divorce docket, comply with the following:
 - (1) File and serve the complaint.
 - (2) Wait until the time to answer has passed or the defendant has answered or filed a waiver.
 - (3) Submit a **Hearing Request Form set forth on the Court's website**. The moving party must send a copy of the Hearing Request Form to the other party or counsel
 - (4) At the same time of filing the Hearing Request Form submit the following documents:
 - i. The original proposed Final Divorce Decree signed by both parties, if required. NOTE: The signature of a party who is legally entitled to notice is not required if the party is served with notice of the hearing and a copy of the proposed divorce decree.
 - ii. The original of any separation agreement (if applicable);
 - iii. **Confidential Addendum for Protected Identifying Information set forth on the Court's website** (if not already filed);
 - iv. Proof of service of the complaint and/or waiver (if not already filed);
 - v. An original, completed **VS-4 form** (form available from the clerk's office).
 - vi. A self-addressed, stamped envelope if a pro se party (representing oneself without an attorney). If such envelope is not furnished, the scheduling, rejection, or correction notice shall not be mailed but placed in the case file (the moving party will have to contact the clerk's or judges' office for case status).
 - vii. If requesting restoration of former name, a properly completed typed order. See Rule 5. Restoration of former name incident to a divorce.

- (b) If all requirements have been met after a review by a law clerk, the judicial assistant will transmit a *Scheduling Notice* to the moving party's attorney by electronic or facsimile transmission or mail such notice to a pro se party. The Scheduling Notice will inform the party that the hearing request is approved. Within 21 days from the date of the Scheduling Notice, the moving party must follow instructions in the Scheduling Notice to schedule a hearing. Failure to contact the court within such 21-day period may result in having to resubmit another Hearing Request for further review before a trial date can be set. Hearing date is Friday at 10:00 AM.
- (c) If all requirements have not been met or there are unusual evidentiary requirements, a *Rejection Notice* will be sent along with a *Correction Form*, stating the reasons for the rejection and listing the required corrections and/or the requirement that the case must be set for hearing on the duty judge docket. The clerk's office will
 - (i) if the moving party is represented by counsel place such rejection and correction notice in the attorney's box, or if no box, will mail such notices to the attorney, or
 - (ii) if the moving party is acting pro se mail such notices provided such party has submitted the required self-addressed stamped envelope. Any corrections must be made and the necessary documents submitted to the Clerk's Office along with a self-addressed stamped envelope if acting pro se.
- (d) The moving party and a witness must appear on the hearing date in person to give testimony in open court before the judge to prove the grounds for the divorce and any other relief that is sought. See Rule 7 Ore Tenus Hearing Questions for Moving Party and Questions for the Corroborating Witness.
- (e) No changes or corrections will be permitted at the hearing, other than a motion for a no-fault divorce pursuant to Virginia Code § 20-121.02.
- (f) If required by law, the non-moving party must be served with notice of the hearing and a copy of the proposed divorce decree. Notice must be served 7 days prior to the hearing date; and a copy or the original of the proof of service must be filed at least 5 days prior to the hearing date. The original proof of service must be brought to the hearing if it is not filed earlier (Virginia Code § 20-99).
- (g) Generally, the final decree will be entered at the hearing. The Clerk's Office will mail certified copies of the final decree if the parties provide sufficient copies and a self-addressed, stamped envelope.
- (h) If the moving party fails to appear at the hearing, the case may be dismissed after a 30-day review period.
- (i) A court reporter is required if a party was served by an order of publication or the equivalent and has not appeared. The court will not provide the court reporter. The moving party must arrange to have a court reporter present at the hearing. A final decree will not be entered until the transcript is filed with the court.
- (j) For a continuance of the scheduled hearing, see *Request for Continuance of Hearing* form available on the Court's website.
- (k) **Exceptions.** The following cases are not appropriate for hearing before a judge on the uncontested divorce docket: (i) cases proceeding by written **affidavit** in support of a divorce; (ii) cases in which the parties are

living in the same residence for all or part of the separation period relied upon in support of the divorce and (iii) cases that require evidence going beyond the *Questions for Moving Party and Questions for Corroborating Witness* set forth in this manual. These cases must be set for hearing on the Contested Friday Divorce Docket or, with pre-approval of the court, on the Duty Judge Docket.

Rule 4. Requirements for an uncontested divorce by affidavit.

- (a) Do not submit a Hearing Request Form if proceeding by affidavit.
- (b) If the case satisfies the requirements of an uncontested divorce set forth above and notice is not required to be given to the opposing party, the party may proceed by affidavit as provided in § 20-106(A).
- (c) The affidavit shall conform to and not deviate from the questions required by this Court. ***The required Affidavit of the Moving Party and Affidavit for Corroborating Witness are posted on the Court's website in a PDF fillable format. See Rule 6.***
- (d) Affidavits must be executed within sixty (60) days of entry of the final decree or they will not be accepted.
- (e) File all the documents required in Rule 3(a)(4) with the affidavits. The documents and affidavits will be reviewed by the law clerk. If all requirements have not been met, a Correction Form will be sent stating the reasons for the rejection and listing the required corrections and/or the requirement that the case must be set for hearing.
- (f) Effective for cases filed on and after March 1, 2013, divorces that proceed by affidavit must satisfy the venue requirements of § 8.01-261. If they do not, must submit a Hearing Request or an order transferring the case to the proper venue.

Rule 5. Restoration of former name incident to a divorce

- (a) Virginia Code § 20-121.4 provides that upon decreeing a divorce, a party who changed his or her name by reason of the marriage, may motion the court to restore such party's former name or maiden name by a separate order meeting the requirements of § 8.01-217.
- (b) You must submit a properly completed typed order along with a \$22 clerk's recording fee payable to the circuit court clerk with your Hearing Request Form if proceeding by a hearing before a judge or submit with the affidavits required by Rule 4 (c) if proceeding by affidavit.
- (c) A form *Order Restoring Former Name Incident to a Divorce* is located on the Circuit Court web site at www.vbgov.com/courts under Court Forms.

Rule 6. Affidavit of Moving Party and Corroborating Witness without Hearing before a Judge

The required Affidavit of the Moving Party and Affidavit for Corroborating Witness posted on the Court's website in a PDF fillable format. [INSERT WEBSITE LINK]

Rule 7. Questions for Moving Party and Witness at Hearing before Judge.

Questions for Moving Party

1. State name and address.
2. I am married to (name of party/spouse).
3. My spouse and I were married on (date) in (location of marriage).
4. Do you affirm that both parties are over the age of 18?
5. Were you [and/or spouse] bona fide residents and domiciliaries of Virginia at the time of filing the divorce and more than six months immediately preceding filing?
6. Have either you or your spouse been incarcerated in a mental or penal institution at any time since the filing of this divorce?
7. Are you and your spouse mentally competent?
8. Have either you or your spouse been a member of the armed forces of the United States on active duty at any time since the filing of this divorce? If yes,
 - a. Was the military member stationed in or residing in Virginia for at least six months immediately preceding the filing of this divorce?
 - b. Has the military member filed an answer or a waiver of Servicemembers Civil Relief Act rights?
9. Have you and your spouse separated from one another? If yes, state date separated: _____.
10. When you and your spouse separated did one of you intend for the separation to be permanent? If No, when did one of you form that intent? (State date).
11. Since the date of the separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption?
12. Are there any children born or adopted of the marriage? If yes, state names and ages: _____.
13. Do you affirm that the wife is not known to be pregnant from the marriage?
14. Have you and your spouse entered into a written and signed property settlement agreement? If yes, do you want the court to affirm, ratify and incorporate the property settlement agreement into the final divorce decree?
15. Is there a request to have a former name restored? What is it?
16. Do you want the court to grant you a divorce based upon the grounds of having lived separate and apart without cohabitation and without interruption for a period in excess of one year or six months [list only the ground that applies]?

Questions for the Corroborating Witness.

1. State your name and address.
2. Do you know the parties in this divorce action?
3. How do you know the complainant/defendant?
4. How long have you known the complainant [or the defendant]?
5. Do you verify that you are over the age of 18 and not suffering from any condition that renders you legally incompetent?
6. Is either party incarcerated?
7. Do you verify that at least one of the parties to the divorce suit was a bona fide resident and domiciliary of Virginia at the time of filing the divorce and for more than six months immediately preceding the filing?
8. Were there any children born or adopted of the marriage?
9. Do you verify that the wife is not known to be pregnant from the marriage?
10. Do you verify that you have personal knowledge that the parties have not cohabitated since (*state date*), which is the date of separation alleged in the complaint or counterclaim, and that it has been the intention of the [list the one that applies: plaintiff or defendant] since that date to remain separate and apart permanently?

VA. CODE ANN. § 16.10-69.40:2

NOTICE

1. You have the right to appear at trial.
2. You are presumed innocent until proven guilty beyond a reasonable doubt.
3. You have the right to retain counsel to represent you.
4. You have the right to have the Clerk subpoena witnesses on your behalf.
5. You have the right to plead guilty or not guilty or nolo contendere to any charge placed against you.
6. You have the right to appeal the judgment of the District Court within ten (10) days.
7. If you fail to enter a written or court appearance, you may be tried in your absence.

APPEARANCE, WAIVER AND PLEA

By signing below, I am entering my written appearance in the court case resulting from the violation (s) charged on the accompanying summons or warrant. I have read and understand the notice above. I also understand that my plea of guilty will have the same force and effect as a finding of guilty by a judge. Understanding all this, I PLEAD GUILTY to the violation charged, WAIVE my right to a court hearing, and agree to pay the fine and court costs prescribed for my offense.

THIS FORM MUST BE ACCOMPANIED BY YOUR SUMMONS OR WARRANT

DATE

NAME (please print)

SIGNATURE

Notice to Defendant Considering a Plea of Guilty or a Plea of Nolo Contendere:

If you decide to plead guilty or nolo contendere to an offense, you are waiving your right to confront your accusers and your right against compulsory self-incrimination.

HEARING DATE

CASE NO.

**NOTICE —
APPEARANCE, WAIVER AND PLEA**

[] Commonwealth of Virginia

[] CITY [] COUNTY [] TOWN of

V.

ACCUSED

REQUEST FOR WITNESS SUBPOENA

Commonwealth of Virginia

VA. CODE §§ 8.01-407, 16.1-265, 17.1-617, 19.2-267

Rules 3A:12, 7A:12, 8:13

(PLEASE PRINT)

CITY OR COUNTY
[] GENERAL DISTRICT COURT ([] Civil [] Criminal [] Traffic)
[] JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT

Please subpoena the witnesses below to appear before the Court on the date shown. (See Va. Code § 17.1-617 regarding limitation on compensation of subpoenaed witnesses.) Requests for subpoenas for witnesses should be filed at least ten days prior to trial or hearing.

WITNESSES (IF MAILING ADDRESS IS RFD, P.O. BOX, ETC., PLEASE INDICATE LOCATION WHERE WITNESSES CAN BE FOUND.)

NAME (LAST, FIRST, MIDDLE)	NAME (LAST, FIRST, MIDDLE)
STREET ADDRESS/LOCATION	STREET ADDRESS/LOCATION
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
[] CITY OF [] COUNTY NAME	[] CITY OF [] COUNTY NAME
() TELEPHONE NUMBER	() TELEPHONE NUMBER
NAME (LAST, FIRST, MIDDLE)	NAME (LAST, FIRST, MIDDLE)
STREET ADDRESS/LOCATION	STREET ADDRESS/LOCATION
CITY, STATE, ZIP CODE	CITY, STATE, ZIP CODE
[] CITY OF [] COUNTY NAME	[] CITY OF [] COUNTY NAME
() TELEPHONE NUMBER	() TELEPHONE NUMBER

CASE NO.

REQUEST FOR WITNESS SUBPOENA

[] Commonwealth of Virginia
[] CITY [] COUNTY [] TOWN of

[] NAME OF PLAINTIFF(S)/PETITIONER(S) (LAST, FIRST, MIDDLE)
(IN CIVIL CASES ONLY)

v./ In re

NAME OF DEFENDANT/CHILD (LAST, FIRST, MIDDLE)
LIST ONLY ONE DEFENDANT

Charge: (TRAFFIC OR CRIMINAL CASE)

COURT DATE AND TIME:

REQUEST ON BEHALF OF

[] Commonwealth [] City, County, Town of
[] PLAINTIFF(S) [] DEFENDANT(S) [] JUVENILE
[] PETITIONER [] RESPONDENT

REQUESTED BY:

PRINTED NAME

SIGNATURE

() TELEPHONE NUMBER

COURT USE ONLY

DATE RECEIVED

DATE ISSUED

SUBPOENA DUCES TECUM

Commonwealth of Virginia VA. CODE §§ 16.1-89, 16.1-131, 16.1-265, Rules 3A:12, 4:9(c)

[] General District Court
[] Juvenile and Domestic Relations District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

REQUEST FOR SUBPOENA DUCES TECUM

- A. I request that a subpoena duces tecum be issued to require the custodian named at right or someone acting on his or her behalf to produce the items [] described below [] on the attached request for issuance of a subpoena duces tecum.

ITEMS TO BE PRODUCED

1. To be delivered to:

[] this Court at the above address on:
[] the clerk's office of this court at the above address (documents only) on or before:

DATE AND TIME

2. (Civil Cases only) To be made available to the requesting party at:

for

LOCATION

TIME PERIOD

to permit such party or someone acting in his or her behalf to inspect and copy, test or sample such tangible things in your possession, custody or control. See reverse.

- B. [] I further request that the custodian also appear in person before this Court at the date and time shown above in Paragraph A.1. with the items subpoenaed.
C. I certify that a copy has been mailed or delivered to counsel of record and/or, if any, to parties not represented by a lawyer.
D. (Criminal cases only) I certify under oath that the items to be produced are material to the proceedings and are in the possession of a person who is not a party to this case.

DATE

SIGNATURE [] PLAINTIFF [] DEFENDANT [] ATTORNEY FOR [] PLAINTIFF
[] DEFENDANT

PRINT NAME

Sworn and subscribed before me on

My Commission expires

[] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

SUBPOENA DUCES TECUM

TO ANY AUTHORIZED OFFICER: You are commanded to serve this SUBPOENA DUCES TECUM on the Custodian.

TO THE CUSTODIAN: You or someone acting in your behalf are commanded to produce the items described above, as requested above. If Paragraph B., above, is also checked, you are further commanded to appear in person before this court at the date and time shown above with the items subpoenaed by this subpoena duces tecum and to be ready to testify in response to questions concerning these items. Any objection to such production must be made promptly in writing to the Court.

WARNING: Failure to comply with the terms of this subpoena duces tecum may result in your being fined and/or jailed for contempt of court.

DATE

[] CLERK [] JUDGE [] MAGISTRATE

RETURN DATE

CASE NO.

SUBPOENA DUCES TECUM

[] COMMONWEALTH OF VIRGINIA
[] CITY [] COUNTY [] TOWN OF

[] PLAINTIFF(S)

In re/V.

DEFENDANT(S)

CUSTODIAN

NAME

ADDRESS/LOCATION

REQUESTED ON BEHALF OF:

[] COMMONWEALTH
[] PLAINTIFF(S)
[] CITY, COUNTY or TOWN
[] DEFENDANT(S)
[] JUVENILE

NOTICE:

Upon receipt of the subpoenaed documents, the requesting party must, if requested, provide true and full copies of those documents to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing those documents. This does not apply when the subpoenaed documents are returnable to and maintained by the clerk of the court in which the action is pending. Va. Code § 8.01-417

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

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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	

PETITION OR MOTION FOR EXPUNGEMENT

Commonwealth of Virginia Va. Code § 18.2-186.5, 19.2-392.2

Case No.

Underlying Case No(s).

☐ Circuit Court ☐ General District Court

☐ Juvenile & Domestic Relations District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

NAME OF PETITIONER/MOVANT

v. COMMONWEALTH OF VIRGINIA

CHECK ONE:

☐ I petition the court to expunge the police and court records relating to the charge(s) below based on subsection B of § 19.2-392.2. My name or other identification has been used without my consent or authorization by another person who has been charged or arrested using such name or identification. The identification used without my consent or authorization was:

The name of the person using my identification is: ☐ Name Unknown

OR

☐ I move the court to expunge the police and court records relating to the charge(s) in the summons, warrant, indictment or presentment, based on subsection H of § 19.2-392.2. I was improperly arrested or charged pursuant to the aforesaid charging document and it has been dismissed because the court found that I was not the person named in the summons, warrant, indictment, or presentment.

COMPLETE THE FOLLOWING:

My date of birth is: The last four digits of my social security number are:

Specific charge(s) to be expunged:

Date of final disposition of charge(s):

Court disposing of charge(s):

Underlying Case No(s).

☐ A copy of the warrant, summons indictment, or presentment is attached to this PETITION/MOTION.

On this basis, I request that the police and court records relating to this charge be expunged and that a copy of any order of expungement be forwarded to the Department of State Police pursuant to subsection K of § 19.2-392.2. I have included with this PETITION/MOTION one complete set of my fingerprints obtained from a law-enforcement agency to accompany such order.

DATE

SIGNATURE OF PETITIONER/MOVANT

Filed by: ☐ Petitioner/Movant ☐ Attorney for Petitioner/Movant

SIGNATURE

ADDRESS/TELEPHONE NUMBER OF ☐ PETITIONER/MOVANT ☐ ATTORNEY

State of ☐ City ☐ County of

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

NOTARY REGISTRATION NUMBER

☐ CLERK

☐ NOTARY PUBLIC

(My commission expires:)

**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

[] Juvenile & Domestic Relations District Court

CITY OR COUNTY

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

A hearing will be held in this Court on m. on this motion.

DATE AND TIME

DATE

[] CLERK

[] DEPUTY CLERK

It is hereby ORDERED that the motion is [] granted [] denied [] dismissed.

DATE

JUDGE

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

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

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

MOTION AND NOTICE OF HEARING

Commonwealth of Virginia

[] General District Court
[] Juvenile & Domestic Relations District Court
CITY OR COUNTY

STREET ADDRESS OF COURT

I, the undersigned, respectfully move this Court to take the following action(s) in the case named at right

for the following reasons:

DATE

APPLICANT'S TITLE

APPLICANT'S SIGNATURE

NOTICE OF HEARING

TO: RESPONDENT

A hearing will be held in this Court on HEARING DATE AND TIME on this motion.

DATE

[] CLERK [] DEPUTY CLERK

It is hereby ORDERED that the motion is [] granted [] denied [] dismissed.

DATE

JUDGE

HEARING DATE

CASE NO.

MOTION AND
NOTICE OF HEARING

[] Commonwealth of Virginia

[]

v./In re

DATE OF ORIGINAL JUDGMENT OR FINAL
HEARING

Service on Respondent type required:

[] Personal Service Only
[] Personal or Substituted Service Only

[] Mailed on DATE

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

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

NAME	
ADDRESS	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

PETITION FOR PROTECTIVE ORDER

Commonwealth of Virginia Va. Code §§ 19.2-152.9; 19.2-152.10

Case No.

Hearing Date and Time

☐ General District Court ☐ Circuit Court

☐ Juvenile and Domestic Relations District Court

SUMMONS FOR HEARING

TO ANY AUTHORIZED OFFICER: Summon the Respondent as provided below:

TO THE RESPONDENT: You are commanded to appear before this Court on

DATE AND TIME

at for a hearing on this Petition.

NAME AND ADDRESS OF COURT

DATE ISSUED

☐ CLERK ☐ DEPUTY CLERK

TO THE PETITIONER: Please provide your information on form DC-621, NON-DISCLOSURE ADDENDUM.

RESPONDENT'S DESCRIPTION (IF KNOWN)

RACE	SEX	BORN			HT.		WGT.	EYES	HAIR
		MO.	DAY	YR.	FT.	IN.			
SSN									
DRIVER'S LICENSE NO.							STATE	EXP.	

PETITIONER

V.

RESPONDENT

RESPONDENT'S ADDRESS/LOCATION

Telephone no. (H) (W)

The undersigned Petitioner respectfully represents to the court that:

1. A ☐ warrant ☐ petition has been issued charging the Respondent with a criminal offense resulting from the commission of an act of violence, force, or threat; OR
2. The Respondent is committing or, within a reasonable time, has committed an act of violence, force, or threat, specifically:

☐ See accompanying affidavit.

3. ☐ Petitioner and Respondent cohabited, as intimate partners, more than 12 months ago but not within the previous 12 months.

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that a protective order be issued,

☐ with ☐ without a preliminary protective order being issued prior to the full hearing,

and that any order impose on the Respondent the following conditions

and such other conditions as the judge deems appropriate as allowed by law:

- ☐ Prohibiting acts of violence, force, or threat or criminal offenses that may result in injury to person or property.
- ☐ Prohibiting such other contact with the Petitioner as the judge deems necessary for the health and safety of the Petitioner.
- ☐ Prohibiting such other contact with the Petitioner's family or household members named below, as the judge deems necessary for their health and safety. (Please provide on form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender, and race for each family or household member listed.)

NAMES OF FAMILY OR HOUSEHOLD MEMBERS

☐ Granting the Petitioner possession of the companion animal described as

NAME/TYPE

☐ Such other conditions as the judge may deem necessary to prevent acts of violence, force or threat, criminal offenses resulting in injury to person or property, or communication or other contact of any kind by the Respondent, namely:

DATE

PETITIONER

ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

by

PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.) Sworn to and affirmed before me this

..... day of, 20

☐ INTAKE OFFICER (JUVENILE ONLY) ☐ CLERK

☐ NOTARY PUBLIC My commission expires:

Notary Registration No.

DATE AND TIME FILED

☐ CLERK ☐ DEPUTY CLERK

TO THE PETITIONER: You are summoned to appear in this court on

DATE

☐ CLERK ☐ DEPUTY CLERK

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

RESPONDENT: Name: Address Tel. No. <div style="border: 1px solid black; padding: 2px; margin-top: 5px;"><input type="checkbox"/> PERSONAL SERVICE</div> Being unable to make personal service, a copy was delivered in the following manner: <div style="margin-top: 10px;"><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. </div> <div style="margin-top: 10px;"><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.)</div> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"><input type="checkbox"/> Not Found</div> <div style="margin-top: 10px;"> <div style="text-align: right; margin-right: 50px;">SERVING OFFICER</div> <div>..... for</div> <div style="text-align: center; margin-top: 5px;">DATE</div> <div>.....</div> <div style="text-align: center; margin-top: 5px;">TIME</div> </div>	PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM) Name: <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"><input type="checkbox"/> PERSONAL SERVICE</div> Being unable to make personal service, a copy was delivered in the following manner: <div style="margin-top: 10px;"><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. </div> <div style="margin-top: 10px;"><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.)</div> <div style="border: 1px solid black; padding: 2px; margin-top: 10px;"><input type="checkbox"/> Not Found</div> <div style="margin-top: 10px;"> <div style="text-align: right; margin-right: 50px;">SERVING OFFICER</div> <div>..... for</div> <div style="text-align: center; margin-top: 5px;">DATE</div> <div>.....</div> <div style="text-align: center; margin-top: 5px;">TIME</div> </div>
--	--

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Act of violence, force, or threat” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

**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 by the clerk of the court of the date of filing of the certificate of compliance requested. A self-addressed stamped
envelope was provided to the clerk at the time of filing of this Affidavit.

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 WHEN SERVICE IS MADE ON THE SECRETARY OF THE
COMMONWEALTH.

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 and a copy of this 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

TIMELY SERVICE REQUIREMENT:

Service of process in actions brought on a warrant or motion for judgment pursuant to Virginia Code § 16.1-79 or § 16.1-81 shall be void and of no effect when such service of process is received by the Secretary within ten days of any return day set by the warrant. In such cases, the Secretary shall return the process or notice, the copy of the affidavit, and the prescribed fee to the plaintiff or his agent. A copy of the notice of the rejection shall be sent to the clerk of the court in which the action was filed.

NON-RESIDENCE GROUNDS REQUIREMENT:

If box number 1 is checked, insert the appropriate subsection number:

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

1. Transacting any business in this Commonwealth;
2. Contracting to supply services or things in this Commonwealth;
3. Causing tortious injury by an act or omission in this Commonwealth;
4. Causing tortious injury in this Commonwealth by an act or omission outside this Commonwealth if he regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
5. Causing injury in this Commonwealth to any person by breach of warranty expressly or impliedly made in the sale of goods outside this Commonwealth when he might reasonably have expected such person to use, consume, or be affected by the goods in this Commonwealth, provided that he also regularly does or solicits business, or engages in any other persistent course of conduct, or derives substantial revenue from goods used or consumed or services rendered in this Commonwealth;
6. Having an interest in, using, or possessing real property in this Commonwealth;
7. Contracting to insure any person, property, or risk located within the Commonwealth at the time of contracting; or
8. (ii). Having been ordered to pay spousal support or child support pursuant to an order entered by any court of competent jurisdiction in this Commonwealth having in personam jurisdiction over such person.
9. Having incurred a liability for taxes, fines, penalties, interest, or other charges to any political subdivision of the Commonwealth.

DUE DILIGENCE REQUIREMENT:

If box number 2 is checked, the following provision applies:

When the person to be served is a resident, the signature of an attorney, party or agent of the person seeking service on such affidavit shall constitute a certificate by him that process has been delivered to the sheriff or to a disinterested person as permitted by § 8.01-293 for execution and, if the sheriff or disinterested person was unable to execute such service, that the person seeking service has made a bona fide attempt to determine the actual place of abode or location of the person to be served.

WARRANT IN DEBT (CIVIL CLAIM FOR MONEY)

Commonwealth of Virginia VA. CODE § 16.1-79

General District Court
CITY OR COUNTY

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

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

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

DATE [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S EMPLOYEE/AGENT

CASE DISPOSITION

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.
<input type="checkbox"/> 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
..... for	
DATE	

NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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
..... for	
DATE	

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	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Atty. <input type="checkbox"/> Plaintiff's Agent
---------------	--

Fi. Fa. issued on

Interrogatories issued on:

Garnishment issued on

.....

CERTIFICATE OF MAILING POSTED SERVICE

Commonwealth of Virginia

VA. CODE § 8.01-296(2)(b)

Case No.

Return date or
Continued to

[] General District Court
[] Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

.....
PLAINTIFF/PETITIONER

In re/v.

.....
DEFENDANT(S)/RESPONDENT(S)

Check the box for the method which you used for mailing in compliance with Virginia Code § 8.01-296(2)(b).

- [] 1. If mailed after civil warrant is issued (signed) by clerk/magistrate or the summons with petition attached is issued by the juvenile and domestic relations district court clerk:

I certify that I mailed a copy of the process to the defendant(s) named above on

..... day of, at the address given on the original process.

.....
[] ATTORNEY [] PLAINTIFF [] AGENT

The following procedure would comply with this method:

- A. The clerk of the court will furnish you with a copy of the process.**
- B. You must mail a copy of the process not less than ten days before trial when judgment by default may be entered.
- C. A certificate, to be prepared by the plaintiff, that a copy of this process has been mailed must be mailed in the Clerk's Office on or before the return date or the date to which the case has been continued.
- D. The certificate must set forth that you have mailed a copy of the process not less than ten days before judgment by default may be entered.

** If you furnish us a self-addressed envelope with proper postage addressed to you, we will mail the service copies which you must mail to each defendant (regular mail).

- [] 2. If mailed before civil warrant is issued by clerk/magistrate:

I certify that I mailed a copy of the pleading which contains the date, time and place of the return prior to the filing the pleading in the general district court to the defendant(s) named above on

..... day of, at the address given on the original process.

.....
[] ATTORNEY [] PLAINTIFF [] AGENT

WARRANT IN DETINUE (CIVIL CLAIM FOR SPECIFIC PERSONAL PROPERTY)

Commonwealth of Virginia Va. Code §§ 16.1-79, 8.01-114, 8.01-121

General District Court
CITY OR COUNTY

STREET OF 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

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

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

CLAIM: Plaintiff(s) claim the item(s) below to be unjustly withheld from Plaintiff's possession by Defendant(s).

ITEM		ALTERNATE VALUE	ITEM		ALTERNATE VALUE
1.			5.		
2.			6.		
3.			7.		
4.			8.		
\$ TOTAL ALTERNATE VALUE		\$ COSTS	INTEREST AT THE RATE OF %		\$ AMOUNT CLAIMED AS ATTY'S FEES
					\$ DAMAGES CLAIMED DUE TO UNJUST DETENTION

Plaintiffs seek possession of the items listed above, or their alternative values, damages resulting from the unjust detention of the items by Defendant(s), attorney's fee as indicated and interest as indicated. The alternate values given are based upon [] actual value [or] [] amount due on written contract of sale for which the items were offered as security.

THE BASIS OF CLAIM IS: [] WRITTEN CONTRACT OF SALE [] OTHER (EXPLAIN)

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

DATE [] PLAINTIFF [] PLAINTIFF'S ATTORNEY [] PLAINTIFF'S EMPLOYEE/AGENT

[] JUDGMENT that Plaintiff(s) recover against [] named Defendant(s) [] possession of each item listed above, or its alternate value as shown above, at the election of [] Plaintiff(s) [or] [] Defendant(s), (if made within days, then at election of Plaintiff(s)), with the exception of the following item nos.

(\$ Total Alternate Value Recoverable): \$ damages with interest: \$ costs and \$ attorney's fee.
INTEREST RATE AND BEGINNING DATE

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 DETINUE

RECEIPT NO.

DATE FEE RECEIVED

* * *

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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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	<input type="checkbox"/> Plaintiff <input type="checkbox"/> Plaintiff's Atty. <input type="checkbox"/> Plaintiff's Agent
Fi. Fa. issued on	
Interrogatories issued on:	
Garnishment issued on	
.....	

MOTION AND ORDER FOR VOLUNTARY NONSUIT

Commonwealth of Virginia

VA. CODE § 8.01-380

[] General District Court

[] Juvenile & Domestic Relations District Court

CITY OR COUNTY

STREET ADDRESS OF COURT

NOTICE OF HEARING

You are hereby notified that on a hearing will be held by this Court to
DATE AND TIME
consider a motion for voluntary nonsuit.

DATE

CLERK

MOTION FOR VOLUNTARY NONSUIT

I,, the undersigned, move for leave to take a nonsuit without prejudice
in this action and state the following:

[] On in the following court I filed a complaint against respondent(s)
DATE
in this cause of action and the Court by order of granted my motion for voluntary nonsuit as a matter of right
DATE
pursuant to Virginia Code § 8.01-380.

[] And on in the following court I filed a complaint against respondent(s)
DATE
in this cause of action and the Court by order of granted my second motion for voluntary nonsuit pursuant to
DATE
Virginia Code § 8.01-380.

[] Additional dates of prior nonsuits and related courts in which prior nonsuits taken in this cause of action:

And as grounds for this motion state as follows:

DATE OF MOTION

NONSUING PARTY'S SIGNATURE

ORDER

Upon due consideration of this motion, it is ORDERED that:

[] This cause is hereby nonsuited without prejudice to the nonsuiting party to the refile of the same pursuant to applicable
law.

[] The motion for nonsuit is hereby denied.

[] Judgment for costs taxed in this matter is awarded against nonsuiting party for
AMOUNT

DATE

JUDGE

HEARING DATE

CASE NO.

MOTION FOR NONSUIT

PLAINTIFFS

v./In re

DEFENDANTS

Certificate of Service

I, the undersigned, do hereby certify that on this day
of 20, true and correct copies of
the MOTION FOR VOLUNTARY NONSUIT and proposed ORDER
thereon were [] mailed [] faxed
[] electronically mailed by agreement [] hand-delivered
to the following persons:

..... NAME OF RECIPIENT ADDRESS CITYSTATEZIP		
..... NAME OF RECIPIENT ADDRESS CITYSTATEZIP		
..... NAME OF RECIPIENT ADDRESS CITYSTATEZIP		
..... NAME OF RECIPIENT ADDRESS CITYSTATEZIP		

MOTION FOR SHOW CAUSE SUMMONS OR CAPIAS

Commonwealth of Virginia

Case No.

HEARING DATE AND TIME

General District Court

This motion is filed in connection with Case No.

Party Making this Request:

NAME

ADDRESS/LOCATION

v.

Party to be Served:

NAME

ADDRESS/LOCATION

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 for conviction of
DATE
because

☐ pursuant to Va. Code § 19.2-123, 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 ☐ § 18.2-271.1, have his or her VASAP participation revoked because ☐ § 46.2-395, have his or her driving privilege revoked because

☐ 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

☐ pursuant to ☐ § 4.1-305 ☐ § 18.2-57.3 ☐ § 18.2-251 ☐ § 19.2-303.2, have his or her deferral of proceedings revoked and be subjected to the proceedings as provided by law because

☐ (Other – Explain)

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

DATE

TITLE

SIGNATURE

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

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):

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 due for and \$ late fee
RENT PERIOD
and \$ damages for with interest
RATE(S) AND BEGINNING DATE(S)

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:
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
[] ordered pursuant to Va. Code § 8.01-129 upon request of Plaintiff.
[] granted pursuant to Va. Code § 55-243(C) or § 55-248.34:1(C).
DEFENDANT(S) PRESENT? [] YES [] NO

DATE JUDGE
[] Rent, in the sum of \$ and \$ late fee
and \$ damages with interest
RATE(S) 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

CASE NO.

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

TELEPHONE NUMBER

v.

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 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

..... for _____
DATE

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

..... for _____
DATE

TENANT’S ASSERTION AND COMPLAINT

Commonwealth of Virginia VA. CODE §§ 55-225.12; 55-248.27

General District Court

STREET ADDRESS OF COURT

TO ANY AUTHORIZED OFFICER:

You are hereby commanded to summon the Defendant(s) to appear on before this court to answer.

DATE AND TIME

DATE

[] CLERK [] DEPUTY CLERK [] MAGISTRATE

I, the undersigned Tenant, this day assert that Plaintiff(s) executed a lease as indicated with Defendant(s) for the rental of the dwelling unit or premises indicated.

DATE LEASE EXECUTED	DATE RENTAL PERIOD COMMENCED	DATE RENTAL PERIOD ENDS
AMOUNT OF RENT	PERIOD AND CONDITIONS OF PAYMENT	
due each		

The following conditions, for which relief is sought, currently exist in the dwelling unit or premises:

- [] constitute material non-compliance by Defendant(s) – Landlord(s) with the rental agreement as indicated below; [or]
- [] constitute material non-compliance by Defendant(s) – Landlord(s) with the provisions of law, as indicated below; [or]
- [] will constitute a fire hazard or serious threat to the life, health, or safety of occupant, if not properly corrected, as indicated below;

LIST PERTINENT SECTION OF RENTAL AGREEMENT [OR] SECTION OF THE CODE OF VIRGINIA [OR] TYPE OF HAZARD. EXPLAIN.

Plaintiff(s) – Tenant(s) therefore requests that the Court grant the following specific relief:

, and any other appropriate relief.

I certify that all prerequisite conditions for relief, as shown on the reverse of this form, have been met.

DATE

TENANT

CASE DISPOSITION

Judgment: [] Plaintiff(s) \$ [] Defendant(s) \$

\$ Costs awarded to [] Plaintiff(s) [] Defendant(s)

Distribution of funds held in escrow in the court:

[] \$ Plaintiff(s) [] \$ Defendant(s)

Other:

[] NON-SUIT [] DISMISSED Defendant(s) present? [] Yes [] No

DATE ENTERED

JUDGE

RETURN DATE

CASE NO.

HEARING DATE
AND TIME

TENANT’S ASSERTION
AND COMPLAINT

PLAINTIFF(S) – TENANT(S)

V.

DEFENDANT(S) – LANDLORD(S)

ADDRESS/LOCATION OF DWELLING UNIT OR PREMISES SUBJECT
TO THIS ACTION

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 page two 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 case, you must appear on the return date for the judge to set another date for trial. See additional notice on page two.

* * *

Bill of Particulars ORDERED DUE

Grounds of Defense ORDERED DUE

ATTORNEY FOR PLAINTIFF(S)

ATTORNEY FOR DEFENDANT(S)

PREREQUISITE CONDITIONS FOR RELIEF

BEFORE THIS COURT MAY GRANT ANY RELIEF, THE FOLLOWING CONDITIONS MUST BE MET:

1. The dwelling unit or premises which is the subject of the complaint must be located within the jurisdiction of this Court, that is, within the city or county indicated in the name of this Court.
2. The conditions existing in the dwelling unit or premises for which relief is sought must not have been caused by Plaintiff(s) – Tenant(s), nor by the family, guests or invitees of Plaintiff(s) – Tenant(s).
3. The Plaintiff(s) – Tenant(s) must not have unreasonably refused entry to the Defendant(s) – Landlord(s), or the agents of Defendant(s) – Landlord(s) when entry was sought to make the necessary repairs.
4. Prior to commencement of the action, the landlord was served a written notice by the tenant of conditions described on the front of this form, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same through no fault on the Tenant's part. Such written notice may be served by (a) regular mail (postage prepaid), with the sender retaining proof of mailing (such as a U.S. Postal Service certificate of mailing) or (b) hand delivery by the sheriff or a disinterested third party, 18 years of age or older, when delivery made in accordance with Chapter 8 of Title 8.01 of the Code of Virginia.
5. Any and all rents due under the lease, or as modified by the Court, have been paid into the Court within five days of their due date.
6. This action in this Court is the sole remedy now being sought by the Plaintiff(s) – Tenant(s) for the conditions existing in the dwelling unit or premises that are the subject of this complaint.

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
[] Plaintiff's Employee

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	
.....	
<input type="checkbox"/> PERSONAL SERVICE	Tel. No.
<input type="checkbox"/> 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.
<input type="checkbox"/> 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

AFFIDAVIT AND PETITION FOR ORDER OF PUBLICATION

Commonwealth of Virginia

VA. CODE §§ 8.01-296(3), -316; -317; 16.1-264

☐ General District Court

☐ Juvenile and Domestic Relations District Court

Party to be served:

I, the undersigned applicant, state under oath that the object of this suit is to

....., and that:

☐ Diligence has been used without effect to ascertain the location of the above-named person(s) to be served;

☐ The last known residence of the person(s) to be served was in the county or city in which service is sought and that a return has been filed by the Sheriff that the process has been in his or her hands for 21 days and that he or she has been unable to make service; or

☐ The party to be served is:

☐ a foreign corporation,

☐ a foreign unincorporated association, order or foreign unincorporated common carrier, or

☐ a non resident individual other than a nonresident individual fiduciary who has appointed a statutory agent under § 26-59.

The last known post office address of the party against whom Publication is ordered is:

☐

☐ The post office address of the party against whom publication is asked is unknown.

Wherefore, I ask for service of process by ORDER OF PUBLICATION:

☐ and that the Court dispense with publication in a newspaper.

DATE

APPLICANT'S SIGNATURE ☐ PLAINTIFF ☐ ATTORNEY

Subscribed and sworn to before me this day:

DATE

CLERK

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:)

RETURN DATE

FILE NO.

AFFIDAVIT AND PETITION FOR ORDER OF PUBLICATION

☐ Commonwealth of Virginia, *in re*

....., a Juvenile

☐
PLAINTIFF

v.

DEFENDANT

Attorney for

NAME

ADDRESS

TELEPHONE

BILL OF PARTICULARS

Commonwealth of Virginia Rule 7B:2

Case No.

.....
TRIAL DATE AND TIME

General District Court

.....
CITY OR COUNTY.....
STREET ADDRESS OF COURT..... V.
PLAINTIFF

DEFENDANT

TO THE PLAINTIFF:You are required to file with the court, and serve by mailing, a written BILL OF PARTICULARS by
DATEThe defendant's written GROUNDS OF DEFENSE is due to be filed with the court and served by mailing by
DATE

You are further required to fully state, in the numbered paragraphs below, each of the reasons/grounds why you think the defendant owes you the money or property claimed. You may attach additional paper if needed.

1.

2.

3.

4.

5.

[] See continuation sheet.

NOTICES: Failure to comply with this order may be grounds for awarding summary judgment in favor of the adverse party. Both parties must be prepared, at trial, to prove their case with admissible evidence. Upon trial, the judge may exclude evidence as to matters not described in this pleading......
DATE

[] PLAINTIFF

[] PLAINTIFF'S ATTORNEY

.....
PRINT NAME.....
ADDRESS /TELEPHONE NUMBER OF SIGNATOR**PLAINTIFF'S CERTIFICATE**I certify that I delivered or mailed a completed copy of this BILL OF PARTICULARS to the clerk of this court and mailed to each attorney for the defendant, or to the defendant if not represented,
this day of , 20.....
SIGNATURE OF [] PLAINTIFF [] PLAINTIFF'S ATTORNEY

GROUND OF DEFENSE

Commonwealth of Virginia Rule 7B:2

Case No.

.....
TRIAL DATE AND TIME

..... General District Court

.....
CITY OR COUNTY.....
STREET ADDRESS OF COURT.....
PLAINTIFF

V.

.....
DEFENDANT**TO THE DEFENDANT:**You are required to file with the court, and serve by mailing, a written GROUND OF DEFENSE by
DATEThe plaintiff's written BILL OF PARTICULARS is due to be filed with the court and served by mailing by
DATE

You are further required to fully state, in the numbered paragraphs below, each of the reasons/grounds why you think you do not owe the plaintiff the money or property claimed. You may attach additional paper if needed.

1.

.....

2.

.....

3.

.....

4.

.....

5.

.....

[] See continuation sheet.

NOTICES: Failure to comply with this order may be grounds for awarding summary judgment in favor of the adverse party. Both parties must be prepared, at trial, to prove their case with admissible evidence. Upon trial, the judge may exclude evidence as to matters not described in this pleading.

.....
DATE

..... [] DEFENDANT

..... [] DEFENDANT'S ATTORNEY

.....
PRINT NAME.....
ADDRESS /TELEPHONE NUMBER OF SIGNATOR**DEFENDANT'S CERTIFICATE**

I certify I delivered or mailed a completed copy of this GROUND OF DEFENSE to the clerk of this court and mailed to each attorney for the plaintiff, or to the plaintiff if not represented,

this day of , 20

.....
SIGNATURE OF [] DEFENDANT [] DEFENDANT'S ATTORNEY

CIVIL APPEAL BOND

Commonwealth of Virginia VA. CODE §§ 16.1-107, 16.1-108, 16.1-296

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

CITY OR COUNTY

- ☐ General District Court Civil Judgment and Order (Virginia Code §§ 16.1-107, 16.1-108)
☐ Juvenile and Domestic Relations District Court (CHECK ONLY ONE PER FORM):
☐ Support arrearage order or judgment (Virginia Code § 16.1-296)
☐ Prospective support accrual during pendency of appeal (Virginia Code § 16.1-296)

The undersigned each hereby acknowledges him- or herself, his or hers heirs, and his or her assigns indebted jointly and severally to the Appellee in the sum of

\$ by deposit in the form of, or that is secured by

BOND AMOUNT

- ☐ cash
☐ bank check
☐ escrow check from appealing party's attorney
☐ surety bond or corporate surety (Virginia Code § 38.2-2405)

on behalf of ☐ Plaintiff ☐ Petitioner ☐ Complainant ☐ Defendant/Respondent

The undersigned each waives all benefits of the homestead exemption as to this obligation.

The condition of this obligation shall be that the undersigned abide by the judgment or order of the court on appeal, or if the appeal is not perfected, by the judgment or order of this court, that the undersigned pay all costs and damages which may be awarded against the party on whose behalf this bond is given in the court on appeal and if judgment was rendered in this court against the party on whose behalf this bond is given, including a judgment or order rendered against him on appeal and guarantee the payment of prospective support accruing during the pendency of the appeal if so ordered by the court in a civil contempt finding or criminal contempt conviction.

If the undersigned and the party on whose behalf this bond is given faithfully fulfill the condition above, this obligation is void; otherwise it is to remain in full force and effect until declared void by a court of competent jurisdiction.

SURETY'S NAME

☐ APPELLANT'S ☐ PRINCIPAL'S SIGNATURE

SURETY'S ADDRESS

SURETY'S SIGNATURE

Acknowledged before me this date:

DATE

☐ CLERK ☐ DEPUTY CLERK ☐ JUDGE

FOR NOTARY PUBLIC'S USE ONLY:

State of ☐ City ☐ County of

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

by

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:)

CASE NO.

CIVIL APPEAL BOND

PLAINTIFF/PETITIONER/COMPLAINANT

ADDRESS

TELEPHONE NUMBER

V.

DEFENDANT/RESPONDENT

ADDRESS

TELEPHONE NUMBER

IF BOND GIVEN BY PRINCIPAL OTHER THAN
PLAINTIFF OR DEFENDANT, GIVE NAME AND
ADDRESS:

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
DATE

by the ☐ above-named Court ☐ Court

.....
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

**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
OF COURT
APPOINTED
LAWYER

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

NOTICE OF APPEAL – CIVIL

Commonwealth of Virginia VA. CODE §§ 16.1-106, 16.1-106.1, 16.1-107, 16.1-113, 16.1-298

☐ General District Court

☐ Juvenile and Domestic Relations District Court

.....
CITY OR COUNTY

.....
DATE OF FINAL ORDER

I, the undersigned, note my appeal of the judgment of this court to the circuit court of this city or county.

My appeal is scheduled to be called for ☐ trial ☐ setting of trial date on

..... in the circuit court, which is located at
DATE AND TIME OF APPEARANCE

.....
STREET ADDRESS OF CIRCUIT COURT

.....
TELEPHONE NUMBER

☐ I understand that I must contact the circuit court clerk's office for instructions for setting the trial date.

I understand that within 30 days, or within 10 days in an unlawful detainer case (except within 30 days in an unlawful detainer case against an indigent former owner based upon a foreclosure), of the entry of judgment, I must deliver to the Clerk of this Court:

1. \$ for circuit court writ tax, costs, and fees for service of process, if applicable.
and
2. (a) \$ appeal bond with sufficient surety approved by the Judge or Clerk of this Court, cash deposit, bank check, or by draft from the escrow account of my attorney. The appeal bond must be written to indemnify the party in whose favor a judgment was rendered in this Court in the event that such party is awarded a judgment on appeal in circuit court.
or
(b) A written irrevocable confirmation of liability insurance coverage in an amount sufficient to satisfy the judgment from my insurer.
or
(c) An order by the court finding that I am indigent for the purpose of appeal pursuant to Virginia Code § 16.1-107.

I also understand that I must pay the writ tax and costs if applicable and post the appeal bond within the applicable time period of the entry of judgment for the appeal in my case to be complete ("perfected"), and that my failure to do so within the applicable time period will result in the loss of my appeal rights. I further understand that the order or judgment which I am appealing remains in full force and effect if it involves a protective order, continuing programs pursuant to Virginia Code § 16.1-289.1 or other proceedings specified by law, until changed or annulled by the circuit court.

CASE NO.

NOTICE OF APPEAL

.....
PLAINTIFF/PETITIONER NAME (LAST, FIRST, MIDDLE)

.....
v.

.....
DEFENDANT/RESPONDENT NAME (LAST, FIRST, MIDDLE)

JUDGMENT DATE:

PLAINTIFF'S/PETITIONER'S ATTORNEY

☐ Same as on Attached

DEFENDANT'S/RESPONDENT'S ATTORNEY

☐ Same as on Attached

WITHDRAWAL

I, the undersigned, withdraw my appeal in this case

.....
DATE

.....
APPELLANT

by
ATTORNEY FOR APPELLANT

.....
DATE APPEAL NOTED

APPELLANT: ☐ PLAINTIFF/PETITIONER ☐ DEFENDANT/RESPONDENT

by
ATTORNEY FOR APPELLANT

NOTICE: Promptly communicate with the clerk of the circuit court of this jurisdiction concerning the subpoenaing of witnesses and, in an appeal of a final civil judgment, any need for interpreters, and if you wish to request a jury trial. Failure to appear in the circuit court at the designated date and time may result in the dismissal of your appeal.

WITHDRAWAL OF APPEAL: If this appeal is withdrawn within ten (10) days after entry of the judgment or order when no appeal bond or costs are required to perfect the appeal, or before being "perfected" by posting required appeal bond or paying required costs, no additional costs will be taxed against you. After ten (10) days or after the appeal is "perfected" by posting the required appeal bond or paying required costs, in accordance with § 16.1-106.1, any withdrawal of the appeal must occur in Circuit Court. Upon withdrawal of the appeal in Circuit Court, additional costs will be incurred and any cash bond posted to perfect the appeal may be disbursed.

**WAIVER OF PRELIMINARY HEARING
AND CERTIFICATION**

Commonwealth of Virginia

VA. CODE § 16.1-269.1(B) & (C)

Case No.

..... Juvenile and Domestic Relations District Court

In re:

.....

I am fourteen years of age or older and have been charged with the following offenses which if committed by an adult, would be felonies and could be punishable by confinement in a state correctional facility:

.....

.....

I understand that I have the right to a preliminary hearing before the Court named above to determine whether there is probable cause to believe that I committed a felony AND having the consequences of my waiver explained to me by the Judge of this Court, I nevertheless WAIVE MY RIGHT TO A PRELIMINARY HEARING on the felony offenses named above.

.....
DATE

.....
JUVENILE'S SIGNATURE

.....
ATTORNEY FOR THE JUVENILE

ORDER

☐ The above-named felony offenses

☐ and the following ancillary charges:

.....
are ORDERED certified to the grand jury of the Circuit Court of this jurisdiction.

The Court further ORDERS that the juvenile be:

☐ Remanded to jail. ☐

☐ Released into the care and custody of the juvenile's parent(s), guardian or person standing *in loco parentis*.

☐ Bail is set in the amount of \$ ☐ Continued on bail in the amount of \$

☐ Detained in the detention facility.

.....
DATE

.....
JUDGE

INFORMATION CONSIDERED IN CHILD CUSTODY/VISITATION PROCEEDINGS

Commonwealth of Virginia VA. CODE §§ 16.1-278.15, 20-124.3

At a hearing to determine the custody or visitation of a child, information on the following factors is considered by the judge, if presented by the parties.

1. The child's age and physical and mental condition, with due consideration to the child's changing developmental needs.
.....
.....
2. The age and physical and mental condition of each parent.
.....
.....
3. The relationship existing between each parent and the child, with due consideration given to the positive involvement with the child's life and the ability to accurately assess and meet the emotional, intellectual and physical needs of the child.
.....
.....
4. The needs of the child, with due consideration given to other important relationships of the child, including but not limited to siblings, peers and extended family members.
.....
.....
5. The role which each parent has played and will play in the future, in the upbringing and care of the child.
.....
.....
6. The propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child.
.....
.....
7. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child.
.....
.....
8. The reasonable preference of the child, if the child is deemed by this court to be of reasonable intelligence, understanding, age and experience to express such a preference.
.....
.....
9. Any history of "family abuse" as that term is defined in § 16.1-228, specifically any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault or bodily injury and that is committed by a person against such person's family or household member, or any history of sexual abuse. If the court finds a history of family abuse or sexual abuse, the court may disregard information pertaining to factor 6.
.....
.....
.....
.....
10. Other:
.....
.....
.....

**REQUEST FOR VIRGINIA REGISTRATION OF A CHILD
CUSTODY AND/OR VISITATION DETERMINATION
FROM ANOTHER STATE**

Commonwealth of Virginia Va. Code § 20-146.26

Case No. _____

Juvenile and Domestic Relations District Court

CITY/COUNTY

COURT ADDRESS

In re: _____
NAME OF CHILD WHO IS SUBJECT OF DETERMINATION TO BE REGISTERED DATE OF BIRTH OF CHILD

Name of Person Requesting Registration: _____

Address of Person Requesting Registration: _____

☐ I allege under oath that the health, safety or liberty of a party or child would be jeopardized by disclosure of identifying information. Therefore, I request that this document be sealed pursuant to the provisions of subsection E of Virginia Code § 20-146.20 and the address above not be disclosed.

Name and Address of Persons other than the person requesting registration who have been awarded custody or visitation in the attached child custody and/or visitation determination:

NON-REGISTERING PARTY

OTHER INTERESTED PERSON

ADDRESS

ADDRESS

I request that the clerk of the above-named court register the attached certified child custody and/or visitation determination. Two copies (including at least one certified copy) of the child custody and/or visitation determination are attached.

I state, under penalty of perjury, that to the best of my knowledge and belief, the attached child custody and/or visitation determination has not been modified.

DATE

SIGNATURE OF REQUESTOR

Subscribed and sworn to before me this day by _____

DATE

☐ CLERK ☐ DEPUTY CLERK ☐ MAGISTRATE
☐ NOTARY PUBLIC: My Commission Expires:_____

**MOTION AND ORDER FOR EXPUNGEMENT
AND DESTRUCTION OF JUVENILE RECORDS**

Commonwealth of Virginia VA. CODE § 16.1-306

Case No.

..... Juvenile and Domestic Relations District Court

.....
STREET ADDRESS OF COURT

In re:

As the person who was the subject of a delinquency or traffic proceeding in the above-entitled matter, with disposition of the charge
on, and:

DATE OF FINAL DISPOSITION OF CHARGE

☐ having been found innocent thereof

OR

☐ the proceeding(s) having been otherwise dismissed

I move the court to expunge this matter and destroy all records pertaining to this charge. I further request the Court provide notice of
this motion to the attorney for the Commonwealth.

I further state that:

My date of birth is

My Social Security Number is

Specific charge(s) to be expunged:

Charge(s)	Code Section(s)	Court Case Number(s)

.....
DATE

.....
SIGNATURE OF PETITIONER

.....
ATTORNEY OF PETITIONER

.....
PRINT NAME OF PETITIONER

.....
ADDRESS/TELEPHONE NUMBER OF ☐ PETITIONER ☐ ATTORNEY FOR PETITIONER

NOTICE TO RESPONDENT COMMONWEALTH:

This motion was made pursuant to Va. Code § 16.1-306. If you wish to contest this Motion, written notice must be filed in the clerk's
office by:

..... for a hearing on

FILING DEADLINE

HEARING DATE

.....
DATE

.....
☐ CLERK

☐ DEPUTY CLERK

ORDER

☐ This Court, having not been shown good cause why such records should not be destroyed, ORDERS that the motion requesting
the destruction of all records pertaining to this charge is hereby granted. The Clerk shall send a copy of this ORDER to all officers or
agencies that are repositories of said records, and all such officers and agencies shall comply with the ORDER in accordance with
§ 16.1-306.

☐ After conducting a hearing on the petition, the Court ORDERS that the petition be denied.

.....
DATE

.....
JUDGE

**MOTION AND NOTICE OF PROPOSED
INCOME DEDUCTION ORDER FOR SUPPORT**

Commonwealth of Virginia VA. CODE § 20-79.1

Case No.

DCSE ID No.

..... Juvenile and Domestic Relations District Court

ADDRESS

PETITIONER

v.

RESPONDENT

SOCIAL SECURITY NUMBER

ADDRESS

SOCIAL SECURITY NUMBER

MOTION:

I request the court to enter an income deduction order which contains the following terms:

1. Proposed Income Deduction Terms:

Pay interval:

- ☐ weekly
☐ bi-weekly
☐ semi-monthly
☐ monthly
☐

} regular pay dates

OTHER PAY INTERVAL AND REGULAR PAY DATES

The Respondent has also been ordered to provide health care coverage for the following persons:

STATUS (check applicable box)

NAME	Dependent Child	Current Spouse	Former Spouse	Payment Priority
1.				<input type="checkbox"/> Support
2.				<input type="checkbox"/> Health care coverage
3.				
4.				
5.				
6.				

2. Proposed amount to be deducted each pay period:

\$ or % of disposable income, whichever is less based on court-ordered payments of \$ per with \$ total unpaid payments.

3. Reason for proposed support income deduction order:

- ☐ receipt of notice of arrearage in support payments ☐ court has found that there is an arrearage of an amount equal to one month's support obligation
☐ facts relevant in determining the likelihood of payments in accordance with the support order ☐ request of the obligor
☐ Other:

4.

EMPLOYER'S NAME

EMPLOYER'S ADDRESS

DATE

PETITIONER

NOTICE TO THE RESPONDENT/OBLIGOR: Read this entire Notice (pages one and two) carefully. This motion is made pursuant to Virginia Code § 20-79.1. If you wish to contest this Motion, written notice must be filed in the clerk's office by

FILING DEADLINE

for a hearing on HEARING DATE

DATE

[] CLERK

[] DEPUTY CLERK

TO THE RESPONDENT/OBLIGOR:

This notice is to advise you that this Court has been requested for the reason stated above to enter an order requiring all of your present and future employers to deduct support payments as described above from your income. This deduction will begin with the next regular pay interval for your income after your employers are served with an order.

You have ten (10) days from the date of issuance of this Notice to file in the clerk's office of this court a written notice of contest of such proposed order. If no written notice of contest is filed, the court will enter such an order at the end of the ten (10) day filing period. If you file a written notice of contest,

- a hearing will be held and a decision made regarding the issuance of the Order and its contents within ten (10) days from the date that the Court receives your written notice of contest, unless good cause is shown for additional time, but not to exceed forty-five (45) days from your receipt of this notice, and
- only disputes as to mistakes of fact (error in the identity of the payor or the amount of current support or arrearage) will be heard. Alleged inability to pay is not a grounds for contest.
- payment of overdue support upon receipt of the notice shall not be the *sole* basis for not implementing withholding.

The order will state that the deduction will start with the regular pay period for your income after you employer is served with an order. Your employer will be told the names of the petitioner, the court file number, the DCSE ID number (if any), your name, address, and social security number, and the terms of the periodic support payment, and where to send payments. The employer will also be told:

- the maximum amount which can be withheld from your income,
- that the order is binding on the employer until further notice sent by the court is received by the employer,
- that the order requires income deductions for support to be paid before any other liens created under state law except that, when judicial or administrative income deduction orders for support have been previously served on the employer, the employer must prorate the amount withheld from your check among all income deduction orders of support based upon the current amounts due, with any remaining income prorated among the orders for accrued arrearages, if any,
- that deductions are to be made on your regular payday and sent that date to the Virginia Department of Social Services and how to send such payments,
- of his liability for failing to honor the order or for taking retaliatory action against you because of such order,
- that the employer and respondent must notify the Virginia Department of Social Services when your employment terminates, and give your home address and the name and address of your new employer,
- that the employer may deduct an additional fee of \$5.00 for each time that the employer deducts money or answers in writing that the employer was legally unable to make such deductions,
- how the employer should respond if the order contains erroneous information, and
- the statutory authorization for such order.

SERVICE OF PROCESS ON RESPONDENT:

☐ 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 or party named above after giving information of its purport. (List name, age of 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.)

☐ Certified mail.

☐ Facsimile service on employer to deliver to respondent.

☐ Not found.

.....
DATE

.....
SERVING OFFICER

for

[] 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.

SIGNATURE OF AFFIANT

Subscribed and sworn to before me on
DATE

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:)

AFFIDAVIT (continued) Question #2: Places where and persons with whom the child has lived during the last five (5) years.

DATE	ADDRESS WHERE CHILD RESIDED	PERSON WITH WHOM CHILD RESIDED	CURRENT ADDRESS OF PERSON WITH WHOM CHILD RESIDED
From
To
From
To
From
To
From
To
From
To
From
To
From
To
From
To
From
To

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

.....
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 FOR SHOW CAUSE SUMMONS OR CAPIAS
COMMONWEALTH OF VIRGINIA

Case No.

.....
HEARING DATE AND TIME

..... 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

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

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

DATE

of 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

[] pursuant to [] § 4.1-305 [] § 18.2-57.3 [] § 18.2-251 [] § 19.2-303.2, have his or her deferral of proceedings revoked and be subjected to
the proceedings as provided by law because

[] (Other – Explain)

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

.....
DATE

.....
TITLE

.....
SIGNATURE

CONSENT FOR ADOPTION

Commonwealth of Virginia VA. CODE §§ 63.2-1232, 63.2-1233, 63.2-1234

Case No.

..... Juvenile and Domestic Relations District Court

In re:

I, having been sworn, state under oath as follows:

1. I,, am the birth ☐ mother ☐ father of the child named above:

.....
ADDRESS

2. I am aware of alternatives to adoption, adoption procedures, and opportunities for placement with other adoptive families, and my consent is informed and uncoerced;

3. I have exchanged identifying information with the adoptive parents including but not limited to full names, addresses, physical, mental, social and psychological information and any other information necessary to promote the welfare of the child;

4. I have disclosed to the court any financial agreement or exchange of property between me and the adoptive parents and any fees charged or paid for services related to the placement or adoption of the child; I understand that no binding contract regarding placement or adoption of the child exists;

5. I have been informed of my opportunity to be represented by legal counsel;

☐ a. My counsel is:
NAME

.....
ADDRESS

.....
TELEPHONE NUMBER

☐ b. I have declined to be represented by counsel.

6. I am aware that if I knowingly and intentionally provide false information in writing and under oath which is material to an adoptive placement I shall be guilty of a Class 6 felony under Virginia Code § 63.2-1217; and

7. By signing this consent to adoption, I acknowledge that I do so in the belief that such action will promote the best interest of such child. My consent and signature here are given freely, knowingly, voluntarily, with full knowledge of its meaning and effect, and without any threats, promises, force, improper influence or any other kind of coercion.

I understand that I may revoke this consent, in writing, for any reason, for up to 7 days from the date of my signing this consent. My revocation must be filed with the clerk of the court in which this consent is executed. I understand that my revocation must be filed within 7 days of the signing of this consent and that, if the revocation period expires on a Saturday, Sunday, legal holiday or any day on which the clerk's office is closed as authorized by statute, the revocation period shall be extended to the next day that is not a Saturday, Sunday, legal holiday or other day on which the clerk's office is closed, as authorized by statute.

I further understand that, upon the filing of a valid revocation, the court shall determine custody of my child as between the birth parents.

I further understand that I may waive my right to a 7-day period in which to revoke this consent.

Given under my hand this date:

.....
DATE

.....
☐ BIRTH MOTHER ☐ BIRTH FATHER

Sworn to and subscribed to before me in open court, and in the presence of the adoptive parents, this date:

.....
DATE

.....
JUDGE

**REQUEST FOR VIRGINIA REGISTRATION
OF NON-VIRGINIA SUPPORT ORDER**

Commonwealth of Virginia VA. CODE §§ 20-88.67, 20-88.72

Case No.

DCSE ID NO.

CITY/COUNTY

Juvenile and Domestic Relations District Court

COURT ADDRESS

Name and Address of Obligee:

Name and Address of Obligor:

Obligor DOB:

Obligor SSN:

Other Sources of Income:

Name/Address of Obligor's Employer:

Description /Location of Obligor's property within Virginia:

Support enforcement agency to whom support payments are to be remitted, if applicable:

I request that the clerk of the above-named court register the order described below for ☐ enforcement and/or ☐ modification.
Two copies (including at least one certified copy) of the order are attached.

☐ As two or more orders are in effect, I am alleging the order below to be the controlling order.

TYPE OF ORDER

SUPPORT AMOUNT AND FREQUENCY

NAME OF COURT

DATE OF ENTRY

[] I am asserting the following orders to be in effect, in addition to the order described above that I allege to be the controlling order,
as two or more orders are in effect. A copy of each order asserted to be in effect is attached.

TYPE OF ORDER
(Support, Divorce, Income-Withholding, etc.)

SUPPORT AMOUNT AND
FREQUENCY

NAME OF COURT AND
DATE OF ENTRY

1.
2.
3.

1.
2.
3.

1.
2.
3.

The amount of consolidated arrears is

☐ I request a determination of which order is the controlling order.

DATE

SIGNATURE OF REQUESTING PARTY

☐ OBLIGEE ☐ OBLIGOR ☐ SUPPORT ENFORCEMENT AGENCY

CERTIFICATION OF ARREARAGE

☐ I swear or affirm that the total amount of the arrearage through is \$

SIGNATURE OF REGISTERING PARTY

[] I CERTIFY THAT I AM THE CUSTODIAN OF THE PAYMENT RECORD AND THAT THE TOTAL AMOUNT OF ARREARAGE
THROUGH IS

DATE

SIGNATURE/TITLE

State of

County of

Subscribed and sworn to before me this day of

NOTARY REGISTRATION NUMBER

NOTARY PUBLIC
(My commission expires:)

CONFIRMATION ORDER

Pursuant to Va. Code §§ 20-88.71 through 20-88.73, the request for registration of the above-mentioned non-Virginia support order is:

☐ Confirmed on court motion following the failure of the non-registering party to contest the validity or enforcement of such registered order within twenty (20) days of mailing or personal service of notice of registration.

☐ Confirmed following a hearing for the purposes of

☐ enforcement

☐ modification.

☐ Not confirmed because:

☐ the issuing tribunal lacked personal jurisdiction over the contesting party;

☐ the order was obtained by fraud;

☐ the order has been vacated, suspended, or modified by a later order;

☐ the issuing tribunal has stayed the order pending appeal;

☐ there is a defense under the law of this Commonwealth to the remedy sought;

☐ full or partial payment has been made;

☐ the statute of limitations under § 20-88.69 precludes enforcement of some or all of the arrearages; or

☐ the alleged controlling order is not the controlling order.

It appears to the court that the contesting party has presented evidence establishing a full or partial defense; therefore, enforcement of the registered support order is stayed, and the proceeding is continued to permit production of additional relevant evidence. It is further ordered as follows:

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

Any uncontested portion of the registered order may be enforced by all remedies available under the law of this Commonwealth, to-wit:

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

.....
DATE

.....
JUDGE

VIRGINIA: IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT OF
THE CITY OF VIRGINIA BEACH

ORDER


The following Local Rule of the Virginia Beach Juvenile and Domestic Relations District Court, relative to Discovery under Rule 8:15 (c) of the Rules of The Supreme Court of Virginia, be and hereby is adopted:

All Discovery allowed under Part Four of the Rules of the Supreme Court of Virginia, except for depositions, shall be allowed in the Virginia Beach Juvenile and Domestic Relations District Court, without leave of court or court order.

Motion to Compel discovery or sanctions shall be scheduled with the Clerk.

The Discovery, Answers, and Objections thereto shall not be filed in the Office of the Clerk unless the Court directs their filing on its own initiative or upon the request of any party prior to or during the trial. For the purpose of any consideration of the sufficiency of any answer or any other questions concerning the discovery materials, answers or objections thereto, copies of those documents shall be made available to the Court by counsel or those appearing pro se.

Entered: July 01, 2018


Philip Hollowell, Chief Judge

CHANGE OF ADDRESS

By Litigant

DATE: _____ EFFECTIVE DATE OF MOVE: _____

NAME

ADDRESS

CITY, STATE and ZIP CODE

HOME TELEPHONE NUMBER

WORK TELEPHONE NUMBER

NAME OF JUVENILE(S)

JUVENILE CASE # _____

SUPPORT CASE # _____

NAME OF PERSON PAYING SUPPORT:

Information Provided by:

Print Name

Signature

For Office Use ONLY

Check ID ☐ _____
Deputy Clerk

Updated CMS all cases listed
CC: filed in all cases listed

Date: _____

Deputy Clerk: _____

Instructions:

- Form must be completed in full.
- This form may be mailed or faxed, but must be accompanied by proof of identity (example: copy of driver's license, birth certificate, etc.)



Policies & Procedures

Continuance Policy and Procedures:

View [./government/departments/courts/juvenile-domestic-relations-court/SiteAssets/Pages/policies-and-procedures/Continuance%20Order.pdf](/government/departments/courts/juvenile-domestic-relations-court/SiteAssets/Pages/policies-and-procedures/Continuance%20Order.pdf) the Virginia Beach Juvenile & Domestic Relations District Court's Continuance Policy.

Discovery Order:

View [./government/departments/courts/juvenile-domestic-relations-court/SiteAssets/Pages/policies-and-procedures/Discovery%20Order.pdf](/government/departments/courts/juvenile-domestic-relations-court/SiteAssets/Pages/policies-and-procedures/Discovery%20Order.pdf) the Virginia Beach Juvenile & Domestic Relations District Court's Discovery Order.

Expedited Hearings:

In the event a party files a motion for an expedited hearing, the motion will be scheduled on a like docket, motions docket, or duty docket to be set accordingly.

Subpoena Request:

A subpoena request is a request to have the Court compel a person to attend a hearing. The request must be completed and returned to the Clerk's Office at least ten (10) calendar days prior to court date. The request will not be processed if the completed request documents are not received by the Clerk's Office within the 10-day time frame. It is recommended that you submit the request as early as possible to ensure the person is served with a subpoena.

Subpoena Duces Tecum Request:

A subpoena duces tecum (SDT) is an order compelling a person to produce a tangible item to the Court. For example, a SDT may require an employer to produce an employee's pay records or a school to provide a student's school records. The SDT request must be made at least fifteen (15) calendar days prior to the court hearing.

Registering Another State's Support Order:

You must provide the Court with the following:

- Two copies, including one certified copy, of the order to be registered;
- A sworn statement of the party seeking registration, showing the amount of any arrearage;

- Name, address and last 4 digits of the social security number of the obligor (noncustodial parent) and the name and the address of his/her employer; and
- Name and address of the obligee - custodial parent.

Please Note: Not all support orders can be registered.

Registering Another State's Custody Order:

File a certified copy of the custody decree of another state in the Clerk's Office of the Virginia Beach Juvenile & Domestic Relations District Court.

Out-of-State Telephonic Hearing:

For Initial petitions for child support and child support modification, the party is authorized a telephonic hearing upon meeting the following three conditions. **Failure to fully complete the form and the conditions stated below will result in the denial of the telephonic hearing.**

1. Reside out-of-state;
2. Out-of-state parties must be sworn in under oath by a person authorized by the state in which they are present to testify. **It is the out-of-state party's responsibility to set up the telephonic hearing under oath and advise this court and DCSE with the details.** The individual administering the oath to the party must have the authority by the state in which the party is present to do so and provide this court with documentation of such. Examples of such persons may include clerks of court and notaries of public.
3. Provide the court with a completed Request for Telephonic Hearing Form along with the requested attachments at least one week prior to the court hearing by fax or mail.
 - Documentation of recent gross income such as a pay stub
 - Documentation of day care cost for the child(ren) if applicable
 - Documentation of health insurance/dental cost for the child(ren) if applicable. If the children are on a family plan, it is essential to provide documentation of what the health insurance cost for an individual versus for the parent and child(ren).
4. These documents should be faxed to the Virginia Beach Juvenile & Domestic Relations District Court at 757-385-5683 and to DCSE at 804-819-7121.
5. Click here for Request For Telephonic Hearing. ([/government/departments/courts/juvenile-domestic-relations-court/Documents/court-forms/request-for-telephonic-hearing.pdf](https://www.vbgov.com/government/departments/courts/juvenile-domestic-relations-court/Documents/court-forms/request-for-telephonic-hearing.pdf)) Form

The Court's address is as follows:

Virginia Beach Juvenile & Domestic Relations District Court
2425 Nimmo Parkway, Building 10
Judicial Complex 10A
Municipal Center
Virginia Beach, VA 23456

DCSE's address is as follows:

Division of Child Support Enforcement
Pembroke Office Building 6, Suite 500

Virginia Beach, VA 23462

CONTACT INFORMATION

Juvenile & Domestic Relations Court

☎ (757) 385-4391 (tel:7573854391)

[About the City./about](#)

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REQUEST FOR TELEPHONIC HEARING

By Out-Of-State Party On DCSE Cases

DOCKET NO: _____

DCSE NO. _____

STYLE OF THE CASE: _____

TRIAL DATE: _____

TIME ZONE: _____

REQUESTING PARTY NAME INFORMATION:

NAME: _____

ADDRESS: _____

HOME PHONE #: _____

CONTACT PHONE #: _____

PHONE # TO BE REACHED THE DAY OF THE HEARING:

☐ I HAVE MADE ARRANGEMENTS TO BE SWORN IN THE DAY OF HEARING AS REQUESTED. THE DETAILS ARE AS FOLLOWS:

☐ ATTACHED ARE THE FOLLOWING DOCUMENTS:

1. Documentation of recent gross income such as a pay stub
2. Documentation of day care cost for the child(ren) if applicable
3. Documentation of health insurance/dental cost for the child(ren) if applicable. If the children are on a family plan, it is essential to provide documentation of what the health insurance cost for an individual versus for the parent and child(ren).

Court Policy is as follows:

For Initial petitions for child support and child support modification, the party is authorized a telephonic hearing upon meeting the following three conditions. **Failure to fully complete the form and the conditions stated below will result in the denial of the telephonic hearing.**

1. Reside out-of-state;
2. Out-of-state parties must be sworn in under oath by a person authorized by the state in which they are present to testify. **It is the out-of-state party's responsibility to set up the telephonic hearing under oath and advise this court and DCSE with the details.** The individual administering the oath to the party must have the authority by the state in which the party is present to do so and provide this court with documentation of such. Examples of such persons may include clerks of court and notaries of public.
3. Provide the court with a completed Request for Telephonic Hearing Form along with the requested attachments at least one week prior to the court hearing by fax or mail. These documents should be faxed to the Virginia Beach Juvenile & Domestic Relations District Court at 757-385-5683 and to DCSE at 804-819-7121.

The Court's address is as follows:

Virginia Beach Juvenile & Domestic Relations District Court
2425 Nimmo Parkway, Building 10
Judicial Complex 10A
Municipal Center
Virginia Beach, VA 23456

DCSE's address is as follows:

Eastern Virginia District Office
Division of Child Support Enforcement
420 N. Center Drive
Building #11, Suite 200
Norfolk, VA 23502

PETITION FOR SUPPORT (CIVIL)

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

Virginia Beach

CASE NO.

DCSE ID NO.

(to be added if DCSE is involved in case)

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:

1. ☐ 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.

2. ☐ 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.

3. 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 |
|------|------------------------|---------------|----------------------------|
|------|------------------------|---------------|----------------------------|

who resides at ☐ petitioner's address ☐

4. Division of Child Support Enforcement ☐ is ☐ is not involved in this case.
5. 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

PETITION FOR SUPPORT (CIVIL)

Case No.

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.

- ☐ Respondent
☐ 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

☐ CLERK

☐ 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:)

PETITION FOR PROTECTIVE ORDER-FAMILY ABUSE

Commonwealth of Virginia Va. Code §§ 16.1-241(M), 16.1-253.1, 16.1-279.1

Virginia Beach

Juvenile and Domestic Relations District Court

PETITIONER

v.

RESPONDENT

To the Petitioner: Please provide your information on Form DC-621, NON-DISCLOSURE ADDENDUM.

RESPONDENT'S ADDRESS/LOCATION

Case No.

Hearing Date and Time

SUMMONS FOR HEARING:

TO THE RESPONDENT: You are hereby summoned to appear in this Court on

..... at

☐ CLERK ☐ DEPUTY CLERK

The undersigned Petitioner respectfully represents to the Court that:

1. Petitioner and Respondent are family or household members because

- ☐ Petitioner is the Respondent's ☐ spouse ☐ former spouse
☐ parent, stepparent, child, stepchild, brother, sister, half-brother, half-sister, grandparent, or grandchild, specifically

☐ mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law who resides in the same home with Respondent, specifically,

- ☐ Petitioner and Respondent ☐ have a child in common ☐ currently cohabit
☐ cohabited within the previous 12 months.

☐ Petitioner and Respondent reside in the same home, and ☐ Petitioner is a child of a person Respondent cohabits with, or cohabited with within the previous 12 months, or ☐ Petitioner is a person Respondent's parent cohabits with, or cohabited with within the previous 12 months.

2. The Respondent is committing or, within a reasonable time, has committed the following acts of family abuse:

☐ See accompanying affidavit.

3. Other cases involving the Petitioner and Respondent ☐ have ☐ have not been filed in Virginia courts.

4. ☐ An Emergency Protective Order involving the parties is in effect and was issued in the ☐ City ☐ County of on

PETITIONER, THEREFORE, RESPECTFULLY REQUESTS that ☐ a preliminary protective order ☐ a protective order be issued and that such order impose the following conditions on the Respondent and such other conditions as the judge deems appropriate as allowed by law:

- ☐ Prohibiting further acts of family abuse or criminal offenses that result in injury to person or property.
☐ Prohibiting such contact with the Petitioner as the judge deems necessary for the health or safety of the Petitioner.
☐ Prohibiting such contact with the following family or household members as the judge deems necessary for their health and safety. (Please provide on Form DC-621, NON-DISCLOSURE ADDENDUM, the date of birth, gender and race for each family or household member listed.)

NAME

NAME

NAME

☐ Granting the Petitioner possession of the premises occupied by Petitioner and Respondent to the exclusion of the Respondent.

This residence is located at

☐ Prohibiting the Respondent from terminating ☐ requiring that the Respondent restore necessary utility service(s) to the premises indicated above specifically,

UTILITY SERVICE(S)

☐ Granting the Petitioner temporary exclusive possession or use of a motor vehicle jointly owned by the parties or owned by the Petitioner alone, described as follows:

☐ Prohibiting the Respondent from terminating the ☐ insurance ☐ registration ☐ taxes on this motor vehicle.

☐ Requiring the Respondent to maintain the ☐ insurance ☐ registration ☐ taxes for this motor vehicle.

☐ Requiring that the Respondent provide suitable alternative housing for the Petitioner ☐ and other family or household members

☐ and requiring the Respondent to pay deposit(s) to connect or restore necessary utility service(s) in the alternative housing, specifically,

UTILITY SERVICE(S)

☐ Granting temporary custody or visitation of a minor child or children to Petitioner (UCCJEA affidavit attached). (PROTECTIVE ORDER only.)

☐ Provide temporary support for minor children.

☐ Granting the Petitioner possession of the companion animal described as

NAME/TYPE

☐ Other relief necessary for protection:

DATE

PETITIONER

ATTORNEY'S ADDRESS AND TELEPHONE NUMBER

by

PETITIONER'S ATTORNEY

(When attested, this Petition shall also be an affidavit of the facts as stated in the Petition.)

Sworn to/affirmed and signed before me this day.

DATE

☐ INTAKE OFFICER ☐ CLERK

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:)

Case No.

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

RESPONDENT:	
NAME	
ADDRESS	
<input type="checkbox"/> PERSONAL SERVICE	TELEPHONE NO.
<input type="checkbox"/> NOT FOUND	
_____ SERVING OFFICER	
for _____	
_____ DATE AND TIME	
Respondent's Description (for VCIN)	
RACE	SEX
DOB	
HGT	WGT
EYES	HAIR
SSN	
Telephone No.	
Relationship to Petitioner/Plaintiff	
Distinguishing features	

PETITIONER: (See form DC-621, NON-DISCLOSURE ADDENDUM)	
NAME	
.....	
<input type="checkbox"/> PERSONAL SERVICE	
<input type="checkbox"/> NOT FOUND	
_____ SERVING OFFICER	
for _____	
_____ DATE AND TIME	
<input type="checkbox"/> Copy delivered to	
.....	
by _____	
TITLE	
_____ SIGNATURE	
_____ DATE	

“Family or household member” means (i) the person’s spouse, whether or not he or she resides in the same home with the person, (ii) the person’s former spouse, whether or not he or she resides in the same home with the person, (iii) the person’s parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren regardless of whether such persons reside in the same home with the person, (iv) the person’s mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, or (v) any individual who has a child in common with the defendant, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous twelve (12) months, cohabitated with the person, and any children of either of them residing in the same home with the person.

“Family abuse” means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, bodily injury and that is committed by a person against such person’s family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et. seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

Continuance Policy and Procedures
Virginia Beach Juvenile and Domestic Relations District Court

1. Purpose: To establish procedures for the Court, attorneys, court staff, agencies and citizens to follow when a continuance is requested.

2. Policy – Pursuant to Supreme Court of Virginia Rule 8:14:

Continuances shall not be granted except by, and at the discretion of, a judge for good cause shown, or unless otherwise provided by law.

3. Continuances requested prior to the hearing:

(a) If all Parties Agree to Continuance: If all parties to a proceeding agree to a continuance request, the request may be made in writing by one party as long as that party certifies to the judge that all other parties know of the request and concur. Such a request should be made as far in advance of the scheduled hearing or trial as is practicable. A minimum of three dates which are available to both parties and all unavailable dates for 60 days following the original court date shall be provided to the Court by the moving party at the time the continuance motion is made. If this procedure is followed, the continuance will be granted for good cause shown. **If the continuance motion involves a case where a juvenile is securely detained, the continuance date must be approved by the judge. If the matter has been previously continued, the continuance will not be met with favor by the court and a hearing may be required with the date approved by the court.**

(b) If all Parties Do Not Agree to Continuance: If a request for continuance is not agreed to by all parties to a proceeding, the moving party shall have an opportunity for a pretrial hearing to determine if the court will grant the continuance. To take advantage of this opportunity, the moving party shall file a written motion to continue, on a motion form provided by the court or by letter from the moving party. Such motion or letter shall specify the reason the continuance is requested and shall provide a list of such further dates when the party will be available, should the court grant the continuance (and any dates the party will be unavailable, with reason for unavailability).

Such request for a hearing on the continuance motion shall be made as far as possible prior to the date originally scheduled for the hearing or trial, but **no less than fifteen days prior** to the original date. (a shorter time will not allow time for service on the parties

and may result in a hearing on the continuance motion being denied). All parties shall be given notice of such hearing by the moving party.

If a continuance is not agreed to by the parties or the case is not continued by the court in advance, the matter shall be heard on the original court date, unless the court, in its sole discretion, for good cause shown, grants a continuance at that time.

4. Continuances Requested at the Time of Hearing: Where a request for a continuance has not been made prior to the hearing or trial and other parties or witnesses are present and prepared for trial, a continuance shall be granted only upon a showing that to proceed with the trial would not be in the best interest of justice.
5. Continuances for traffic matters (applies to all juvenile matters written on Va. Uniform Summons to be heard on the traffic docket): Either party (defendant or police officer) will be granted a continuance if the matter has not previously been continued, at the request of either party. The requesting party shall, a minimum of fifteen days prior to the scheduled trial date, contact the other party to advise of the need for a continuance and submit a new agreed-upon trial date to the court in writing.
6. Definition: Parties. For purposes of this Rule, the term "parties" shall mean all counsel, and pro se plaintiffs, complainants, petitioners, the prosecution, defendants, respondents and any person who is the subject of the proceeding.

Date: _____

7-25-18

Chief Judge: _____

