

MOTIONS PROCEDURE & DUTY JUDGE DOCKET

VIRGINIA BEACH CIRCUIT COURT

SPONSORED BY THE VIRGINIA BEACH BAR ASSOCIATION [UPDATED 9-23-2025]



WHY THIS MATTERS

- Ensures cases move efficiently on the docket.
- Prevents unnecessary delays or rescheduling.
- Permits Attorney Scheduling of Motions.
- Streamlines and shortens trial.



MOTION DOCKETS VS DUTY JUDGE DOCKET

- Friday Motion Docket: regularly scheduled motions
 - 30-minute Motions
 - No Briefs Submitted
 - Not usually for contested domestic cases (support or custody).
- Duty Judge Docket: weekday afternoons, 2:15–5:00 p.m.
 - One-hour maximum slots
 - Briefs submitted or evidence being taken
 - Assigned matters to a specific Judge.



HOW TO SCHEDULE A DUTY JUDGE MOTION

- Check online calendar (ChaosHost – Username: circuitcourt, Password: law)
- Coordinate with opposing counsel
- Complete Duty Judge Hearing Request Form
- Email form to DutyJudg@vbgov.com
- Await confirmation from judicial assistant



HEARING LOGISTICS & FORMAT

- Default: In-person at Virginia Beach Circuit Court
- Remote/WebEx allowed only by request and with approval
- Not for convenience – must show good cause
- Judges grant remote for limited reasons (e.g., medical, out-of-area witness)
- Always confirm approval status of remote hearing request



EMAIL / CONFIRMATION PROCESS

- Duty Judge Request Form is reviewed and confirmed by email with judicial staff
- If denied or incomplete, you'll be contacted
- No confirmation = no hearing scheduled
- Duty Judge Form is a representation to the Court that you have contacted (or at least tried) and scheduled with agreement of opposing counsel or party before setting the hearing!
- The Duty Judge Request Form is not for unilateral scheduling of a hearing.



COMMON PITFALLS

- Scheduling over an already-taken slot
- Failing to coordinate with opposing counsel
- Submitting incomplete request form
- Assuming remote will be allowed
- Expecting more than one hour for argument
- Submitting briefs or memorandum less than a week before the scheduled hearing date
- Not providing a courtesy copy of your legal briefs to the Judge



BEST PRACTICES

- Coordinate early with opposing counsel on scheduling and set an agreed briefing schedule
- Double-check calendar availability before submitting Duty Judge Hearing Request Form
- Complete the form carefully with all relevant information
- Confirm receipt of scheduling email from judicial staff
- Prepare efficiently – time capped at 1 hour
- Have multiple copies of cases and exhibits
- Be tech-ready if remote is approved or using courtroom tech



RESOURCES

- Virginia Beach Circuit Court – Motion/Duty Judge Info Page
 - <https://courts.virginiabeach.gov/circuit-court/motion-duty-judge-docket>
 - <https://s3.us-east-1.amazonaws.com/virginia-beach-departments-docs/courts/Motion-Docket-Procedures-Manual.pdf>
- Duty Judge Hearing Request Form (online)
 - <https://s3.us-east-1.amazonaws.com/virginia-beach-departments-docs/courts/Court-Forms/Duty-Judge-Hearing-Request-Form.pdf>
- Clerk's Office & Judicial Assistants: 757-385-4501
 - dutyjudge@vbgov.com
 - There is no "E" on this email address!



Q&A



Uncontested Divorce Procedures

Virginia Beach Circuit Court

Virginia Beach Bar Association – Updated September 23, 2025

(with thanks to Damian U. Garcia, Edge Law, P.C., for original authorship)





Stipulation and Agreement

- Contract that covers the property division (equitable distribution), maintenance (support) and all other issues in order to dissolve the marriage.
 - Can include provisions regarding children (custody, visitation and support), if applicable.
- Once executed, changes the divorce from contested to uncontested.
- Must settle all issues related to the divorce.
 - No lingering issues with spousal or child support, etc.

Stipulation and Agreement

- ▣ Topics to cover (as applicable)
 - ▣ Child Custody
 - ▣ Child Parenting time
 - ▣ Child Support
 - ▣ Spousal Support
 - ▣ Real Property
 - ▣ Personal Property (Personality)
 - ▣ Business Interests
- ▣ Insurance(s)
 - ▣ Life
 - ▣ Health
 - ▣ Auto
- ▣ Investments
- ▣ Retirement
- ▣ Banks Accounts
- ▣ Debts
- ▣ Vehicles



Virginia Beach Circuit Court Uncontested Divorce Procedures Manual

- Can be found online: <https://s3.us-east-1.amazonaws.com/virginia-beach-departments-docs/courts/Court-Forms/Uncontested-Divorce-Manual.pdf>
- Very helpful resource
- Designed to be used by non-lawyers
- Includes the Rules in order to complete an uncontested divorce

Cover Page of Uncontested Divorce Procedures Manual



CITY OF
**VIRGINIA
BEACH**

CIRCUIT COURT



Uncontested Divorce Procedures Manual

Revised: June 12, 2024



Starting the Uncontested Divorce

- ▶ Complaint
- ▶ Service (Maybe Acceptance of Service/Waiver)
- ▶ 21 days to respond – unless parentheses above
- ▶ 6 months vs. 12 months timeline
 - ▶ No minor children?

Finalizing the Uncontested Divorce

- ▶ Affidavit or mini-uncontested hearing?
 - ▶ If living physical apart during the separation period (or enough time has passed)
= Affidavits
 - ▶ If living under the same roof during the separation period = Hearing
 - ▶ Uncontested hearing (See next slide)

Hearing Request Form

- Online: <https://s3.us-east-1.amazonaws.com/virginia-beach-departments-docs/courts/Court-Forms/Duty-Judge-Hearing-Request-Form.pdf>

DUTY JUDGE HEARING REQUEST FORM

(Revised 5/22/2023 - Refer to Online Manual for further questions regarding Duty Judge Motion Docket)

All Duty Judge Motion Docket hearings will be "In-Person." All parties/counsel must be present in court. A WebEx Hearing may be requested but a WebEx hearing **REQUIRES THE DUTY JUDGE'S APPROVAL**.

NAME OF CASE: _____ V. _____
OR IN RE: _____
CASE NO.: CL _____

List all counsel of record & Email - Email Addresses are required for ALL participants.

Plaintiff Atty: _____ Email: _____
Plaintiff Atty: _____ Email: _____
Defense Atty: _____ Email: _____
Defense Atty: _____ Email: _____
GAL: _____ Email: _____
Pro Se Party: _____ Email: _____
COURT REPORTER'S EMAIL (if parties are using court reporter): _____

List of Motions to be heard. Please be specific.	Party who filed Motion

☐ ORAL ARGUMENT ONLY ☐ EVIDENCE TO BE PRESENTED. EXHIBITS MUST BE FILED IN ADVANCE IN THE CLERK'S OFFICE.

Name of Person Submitting this Request: _____ Phone Number: _____
Email Address: _____ Date Request Submitted: _____

REQUESTED HEARING DATE & TIME	LENGTH OF HEARING
This date & time must be agreed to by all counsel and any pro se parties.	Not to exceed one hour
____/____/____ @ ____ a.m. ☐ p.m.	☐ 30 Minutes ☐ 1 Hour

Check if applicable: ☐ Requesting that above hearing be by WebEx for the following reason(s): Reason(s) must be set forth below

Duty Judge: ☐ WebEx hearing Approved OR ☐ Not Approved for WebEx hearing and this matter will be set for an "In Person" hearing.
Duty Judge: _____

SUBMIT COMPLETED FORM TO: dutyjudge@vbgov.com

FOR COURT USE ONLY

Date: _____ ☐ In person hearing set or ☐ WebEx hearing set _____ Judges' Staff

Uncontested Hearing Questions

For Client:

- Name and address
- Do you affirm the allegations in the complaint (or counterclaim)?
- Who are you married to?
- Where were you married?
- When were you married?
- Are you both over 18 years old?
- Have you (and/or your spouse) been domiciliaries and bona fide residents of the Commonwealth of Virginia for at least six month prior to the filing of this divorce?

- Have either you or your spouse been incarcerated in a mental or penal institution at any time since the filing of this divorce?
- Are you and your spouse mentally competent?
- Have either of you 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, were you or your spouse stationed in Virginia for at least six months preceding the filing of this divorce?
- Have you and your spouse separated from one another? If so, when?
- When you and your spouse separated, did one of you intend for the separation to be permanent?
 - If not, then when did you form the intent?

Uncontested Hearing Questions

■ For Client (cont.)

- Since the date of separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption?
 - Are there any children born or adopted of the marriage?
 - If yes, state their name and ages
- Do you affirm that the wife is not known to be pregnant from the marriage?
- 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?
- Is there a request to have a former name restored?
 - If yes, what is it?
- Do you want the Court to grant you a divorce based on the grounds of having lived separate and apart without cohabitation and without interruption for a period in excess of one year/six months?

Uncontested Hearing Questions

- ▶ For Witness:
 - ▶ Name and address
 - ▶ How do you know the parties in this divorce action?
 - ▶ How do you know the plaintiff/defendant?
 - ▶ How long have you known the plaintiff/defendant?
 - ▶ Do you verify that you are over the age of 18 and not suffering from any condition that render you legally incompetent?
 - ▶ Do you verify that neither party is incarcerated?
 - ▶ Do you verify the allegations in the complaint or counterclaim?
 - ▶ (Cont. on next slide)

Uncontested Hearing Questions

■ For Witness (cont.)

- Do you verify that at least one of the parties to the divorce suit is, and has been for a period in excess of six months, a bona fide resident and domiciliary of Virginia?
- Were there any children born or adopted of the marriage?
- Do you verify that the wife is not known to be pregnant from the marriage?
- Do you verify that you have personal knowledge that the parties have not cohabitated since _____ (date of separation) as alleged in the complaint?
- Do you verify that is has been the moving party's intention since that date to remain separate and apart permanently?

Affidavits instead of hearing

- The previous slides' questions can also be answered via affidavit if there has been no cohabitation during the separation period

Filing the Correct Forms and Affidavits

- ▶ Important forms and affidavits for uncontested divorces are found online and can be accessed here for the most up-to-date information:
 - ▶ <https://courts.virginiabeach.gov/circuit-court/procedures-for-civil-actions-name-changes-annulment-divorce-and-criminal-cases>



Procedures for Civil Actions, Name
Changes, Annulment, Divorce and
Criminal Cases

Policies

Circuit Court ▾ Circuit Court Clerk's Office ▾ General District ▾ Juvenile Domestic ▾

Uncontested Divorce

Use of An Attorney

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 staff are not permitted to give you legal advice. Should you need further assistance, the following resources are available: Wahab Law Library, 757-385-4419; Virginia State Bar Lawyer Referral, 1-800-552-7977 (30 min. consultations for \$35) and [Virginia Legal Aid](#).

An uncontested divorce is one in which:

1. All of the issues have been agreed to by the parties; and
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 § 20-721.02; and
3. Child support, spousal support, custody, and/or visitation are not requested; or if they are requested, there is a written and signed agreement, or both parties have signed the final divorce decree.

Important Instructions

The following uncontested divorce forms are available in PDF fillable format below:

- [Friday motion hearing notice](#)
- [Uncontested Divorce Manual](#)
- [Addendum for protected information](#)
- [Order to amend divorce complaint](#)
- [Affidavit of moving party in divorce without court hearing](#)
- [Order restoring former name](#)
- [Virginia Beach Circuit Court uncontested divorce final decree checklist](#)

To fill out a form, open the form by selecting it from the list above. Select the first field you wish to edit. Begin typing. Use your mouse or the "Tab" key to navigate forward through the different fields. Use the "shift" plus "tab" keys together to go back.



Final Divorce Decree

- ▶ Will be dependent on the divorce itself
 - ▶ 6 months?
 - ▶ 12 months?
 - ▶ Children?
 - ▶ Support?
 - ▶ Equitable Distribution?
 - ▶ Publication?
 - ▶ Retirements?
 - ▶ QDRO's, ADRO's, etc.
- ▶ Name Change Motion/Order?
- ▶ Must be separate from Decree
- ▶ Must include Notice language related to above (as required by statute)

Final Divorce Decree

- ▶ Goes through the VB law clerks for final review
 - ▶ They will catch your errors!
 - ▶ So be on your p's and q's!
 - ▶ Be polite and respectful to the law clerks...

Q&A

