

**VIRGINIA BEACH CIRCUIT COURT**  
**UNCONTESTED DIVORCE FINAL DECREE CHECKLIST**

Counsel shall review the court's *Uncontested Divorce Manual* at [www.vb.gov/courts](http://www.vb.gov/courts), <https://www.vb.gov/government/departments/courts/circuit-court-judges/Documents/UNCONTESTED%20DIVORCE%20MANUAL-Revised%20September%2014%202021.pdf> before moving to finalize the divorce.

The following will provide assistance in preparing a final decree for entry in an uncontested no-fault divorce. More complex cases or those involving unusual features may require additional elements. Please note this checklist only addresses requirements for the final decree, not other elements of divorce proceedings. It also assumes that the court's *Uncontested Divorce Manual* located on the court's web site has been reviewed and complied with.

Counsel are advised to check for legislative updates before preparing the final decree, particularly as concerns support notices. Statutory changes can be checked for free at <http://leg1.state.va.us/>.

The final decree **must** include the following:

I. ☐ Required factual information that must match the pleading upon which the divorce is granted (including any amendments), unless changed or corrected by the affidavit:

- A. ☐ Date of marriage
- B. ☐ Place of marriage (including city)
- C. ☐ Separation Date
- D. ☐ Names and DOB of *minor* children; see §20-49.1 for paternity issues
- E. ☐ Parties are over 18
- F. ☐ Is defendant in the military?
- G. ☐ Is defendant incarcerated or incompetent?
- H. ☐ Include the basis for subject matter jurisdiction as set forth in § 20-97

II. ☐ Grounds for divorce:

- A. ☐ Must match what is requested in the pleading<sup>1</sup> upon which the divorce is granted on (if started as no fault) and the affidavit of the moving party. For example, if the complaint asks for a divorce on one year separation grounds, the affidavit and decree must match.

III. ☐ Counterclaims:

- A. ☐ If the divorce is granted on the complaint and a counterclaim is filed, must order the counterclaim dismissed.
- B. ☐ If the divorce is granted on the counterclaim, must order the complaint dismissed.

IV. ☐ Separation agreements and addendas to same:

- A. ☐ Must be signed by both parties and filed with the court

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<sup>1</sup> "Pleading" includes, as relevant, the complaint or counterclaim and any amendments.

- B. ☐ For a divorce based on living separate for 6 months, agreement must be signed by both parties **before** suit is filed.
- C. ☐ Decree must affirm, ratify, and incorporate by reference the Agreement into the final decree of divorce or the case must be set for hearing.
- D. ☐ **If the agreement is affirmed, ratified, and incorporated and it contains custody and/or support provisions, the specifics of those provisions do not have to be set out in the decree, but any applicable notices must still be included (see §§ 20-60.3, 20-107.1(H), and 20-124.5). If you choose to include the specifics, the specifics must match the parties' agreement.**

V. ☐ Support – spousal support must be addressed in all decrees, as well as child support if there are minor children, whether or not there is an agreement. Any reference to a “written, signed agreement” throughout this checklist includes an agreement embodied in the decree if the decree is signed by all counsel/parties as applicable, as well as any agreement read into the record. An agreement that is embodied in the decree should not be ordered affirmed, ratified, and incorporated.

- A. ☐ When an amount of support is ordered:
1. ☐ Spousal support: if support is expressly ordered as stated in a written agreement must include § 20-60.3 (support notices for spousal or child support where there are minor children) or § 20-107.1(H) (spousal support where there are no minor children) notices as applicable and provide all required information.
  2. ☐ Child support: if support is expressly ordered as stated in a written agreement, or as stated in a juvenile and domestic relations court [“JDRC”] with a certified copy of the order filed with the court, or in an administrative order, must include § 20-60.3 notices and all required information.
- B. ☐ When support is ordered reserved:
1. ☐ Spousal support: must be ordered reserved if there is no personal jurisdiction over the defendant, or if requested to be reserved.
  2. ☐ Child support:
    - (a) ☐ Must be ordered reserved (not “denied” or “not payable”) unless there is a written, signed agreement providing for support.
    - (b) ☐ Or may order child support reserved or jurisdiction declined if there is a JDRC or administrative order governing support, which will leave that order in place. If this option is chosen, should not include any terms from the order(s) and do not need any support notices.
- C. ☐ When spousal support is ordered denied: where there is personal jurisdiction, must be ordered denied for any party who did not request support or if there is no written, signed agreement for support
- D. ☐ Income deduction order – if support is to be paid by an income deduction order, the order must be submitted with the final decree, or the decree must state that the order is preexisting.
- A. ☐ Must use the *required* federal form (available on VSB web site, [www.vsb.org](http://www.vsb.org) where log in access is required) if the order is not pre-existing.

- B. ☐ Order must be separate from the decree.
- C. ☐ If income deduction is voluntary, must clearly state that in the decree.

VI. ☐ Child custody and visitation awards:

- A. ☐ Ordered reserved:
  - 1. ☐ If no written, signed agreement, must order reserved.
  - 2. ☐ If there is a JDRC order custody can be ordered reserved or jurisdiction declined, leaving the order in place.
- B. ☐ Express terms ordered:
  - 1. ☐ If there is a written, signed agreement addressing custody and visitation, do not need to include the terms if the agreement is affirmed, ratified, and incorporated into the decree, but do need the § 20-124.5 notice.
  - 2. ☐ If there is a JDRC order, file a certified copy of the order and include the terms in the decree along with the § 20-124.5 notice.
  - 3. ☐ Terms in decree must match the agreement or order, as applicable.

VII. ☐ Equitable distribution:

- A. ☐ If there is personal jurisdiction:
  - 1. ☐ If there is an agreement, it is recommended that you not include the specific provisions for equitable distribution from that agreement in the decree, as that is not required.
  - 2. ☐ However, if there is an agreement and terms from that agreement *are* included in the decree, those terms must match the agreement.
  - 3. ☐ If there is personal jurisdiction and you want to reserve equitable distribution, *see* § 20-107.3(A) for the requirements. This requires a hearing.
  - 4. ☐ If none of the above apply, may be ordered denied.
- B. ☐ If there is no personal jurisdiction:
  - 1. ☐ Whether or not there is a written, signed agreement, must order equitable distribution reserved.
  - 2. ☐ If there is a written, signed agreement must state that “the personal obligations contained in the parties’ agreement may not be enforced against the defendant as the court lacks personal jurisdiction over the defendant.”

VIII. ☐ Other required information in the decree:

- A. ☐ § 20-111.1(E) notice – must be in decree, must be bolded, rest of decree must not be bolded. It can be block copied from here: <http://law.lis.virginia.gov/vacode>.
- B. ☐ Transfer to JDRC – if support, custody, and/or visitation are granted or reserved, decree must transfer at least enforcement to a named Virginia JDRC (and preferably transfer all issues related to those matters). If transferring out of state need only name the state.
- C. ☐ Stricken from docket – must order removed or stricken from the docket.

D. ☐ Signatures – all counsel and pro se parties who have appeared and not signed a proper waiver must endorse or be noticed for entry.

1. ☐ Defendant must sign if a waiver was executed before the case was filed, per § 20-99.1:1(A).

2. ☐ A GAL for children must either endorse the decree or provide a written statement that satisfactory arrangements for payment of fees have been made.

IX. ☐ Other required documents to accompany decree:

A. ☐ DMV numbers or SSN addendum – if no support, can just have DMV numbers in decree; if support, must have SSN addendum which must list both full SSN's and be signed.

B. ☐ Name restoration – must be requested by the party seeking it, although if it is not the same as the party filing the affidavit for divorce, that affidavit must reflect the request and the order must be signed by the party receiving the restoration; need to use the court's form order; must pay recording fee. Cannot be entered before the final decree.

C. ☐ VS-4 form – must be the original and complete.

D. ☐ Affidavit of the moving party – must use this court's form and be properly notarized.

**Additional considerations:**

X. ☐ When a hearing on the regular 9:30 a.m. Friday motions docket is required

A. ☐ When venue is not proper in Virginia Beach, if the case is not transferred to the correct venue, set for hearing for the client to appear and testify as to the facts for the divorce (cannot use affidavits).

B. ☐ If the defendant was served under § 8.01-296 but not personally, there is no waiver, and the defendant has not signed the final decree, must serve (not mail) notice on the defendant for entry of the decree. However, affidavits can be used.

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# MOTION DOCKET PROCEDURES FOR THE VIRGINIA BEACH CIRCUIT COURT

Revised: June 23, 2025

## POLICY OVERVIEW

- A. The Virginia Beach Circuit Court has two dockets for hearing motions in unassigned civil cases:
- Friday Motion Docket
  - Duty Judge Docket
  - Note: Hearings on motions in cases to which a judge has been assigned ("assigned cases") will be subject to any specific requirements or procedures established by that judge and must be scheduled directly with that judge's judicial assistant.
- B. Motions practice in all cases shall comply with Rule 4:15 of the Rules of the Supreme Court of Virginia, except as otherwise set forth in these procedures.
- 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.
- D. A party may request that a motion be heard by a specific judge only when the motion:
- is for entry of an order based upon a specific ruling previously made by that judge;
  - is in a case that has been assigned to that judge by the Chief Judge;
  - is in a case that the judge has advised counsel that a specific motion shall be placed on that judge's docket; or
  - concerns a demurrer in a case where the judge previously granted a demurrer.
- E. A proposed order should be brought to the hearing to avoid multiple hearings on the same motion.
- F. Motions for reconsideration of a ruling may not be set for a hearing either on the Friday Motion Docket or on the Duty Judge Docket. Hearings on motions for reconsideration may only be scheduled when requested by a judge in accord with the procedures in section 3.0 below.

### 1.0 Friday Motion Docket

#### A. General Rules

- The Friday Motion Docket is for hearings on matters that will take no more than 30 minutes unless otherwise extended by the presiding judge (**pendente lite hearings may be allotted 45 minutes at the judge's discretion**).
- All Friday Motion Docket hearings are scheduled to begin at 9:30 a.m. and are heard as soon as possible thereafter.
- Motions may be set on the Friday Motion docket by submitting a written notice and motion to the clerk's office no later than the Monday immediately 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.

- Motions in unassigned cases for which briefs or memoranda are filed shall not be set on the Friday Motion Docket and must be set on the Duty Judge Docket. See sections 2.0 (B) “General Rules” and 2.0 (D) “Briefing” below.

**B. Motions and other matters that must be set on Friday Motion Docket:**

- Default Judgment motions.
- Pendente lite (temporary) hearings, including pendente lite visitation and support hearings.
- Claim of Exemption from a Levy or Garnishment.
- Show Cause against Distribution of an Estate.
- Uncontested Final Divorce Hearing before a Judge. See [Uncontested Divorce Procedures Manual](#).
- Petition to Celebrate the Rites of Marriage.

**2.0 Duty Judge Docket**

**A. Motions, petitions, and other matters that must be set on the Duty Judge Docket:**

- All motions accompanied by a written brief or memorandum of law (See section 2.0 (D) “Briefing” below).
- Wrongful Death Settlements (All counsel of record and the parties in interest or their representative must be present).
- Infant Settlements (All counsel of record and the infant (unless excused) must be present).
- 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).
- Uncontested Guardian/Conservator appointments and Petitions to Transfer or Modify Guardian/Conservatorships (limited to 30 minutes). The maximum number of guardianships per day is three (3). Contested Guardian/Conservator Appointments, Transfers, and Modifications must be set on the court’s trial docket unless approved by a judge to be set on the Duty Judge Docket.
- Judicial Authorization for Medical Treatment.
- Pre-trial Conferences in Contested Divorces (limited to 30 minutes and the parties and counsel must attend the pretrial conference in person).
- Petition for Sterilization.

- 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.
- Ex parte Detinue hearing under § 8.01-114.
- Ex parte hearing for issuance of an attachment under § 8.01-540.
- Writ of Mandamus.
- Name Change request that the record be sealed or upon a written motion for an ex parte hearing to consider a waiver of the notice requirement involving the name change of a minor (Chief Judge's Duty Docket only).
- Contested Name Change of a Minor must be set on the court's trial docket unless approved by a judge to be set on the Duty Judge Docket.
- Adoption motions. **NOTE:** Contested Adoptions including those that require proof of abandonment must be set on the court's trial docket unless approved by a judge to be set on the Duty Judge Docket.
- A pretrial conference provided for by Rule 1:19 and Rule 4:13 for a civil jury trial case. Standard time slot is 30 minutes. The Chief Judge may approve a 1-hour hearing by counsel submitting a written request directly to the Chief Judge.
- Demurrers
- Plea in Bar
- Motion to Compel
- Summary Judgments
- Pendente lite hearings involving custody and visitation must be set on the Duty Judge Docket and shall be allocated one-hour unless a hearing of up to two hours is requested in writing in accord with the procedures set forth in sections 2.0 (B) "**General Rules**" and 2.0 (C) "**Procedure for Scheduling Hearings on the Duty Docket**" below and approved by the judge scheduled to conduct the hearing. These hearings must be set on the Friday Duty Judge Docket in a designated 10 am, 11 am, or 12 pm timeslot.
  - Contested pendente lite motions for custody or visitation of more than two hours will not be heard on the Duty Judge Docket. If a custody or visitation hearing will require more than two hours total, it must be set for trial on the court's trial docket.
- Emergency custody hearings must be approved by the duty judge scheduled to conduct the hearing. A certificate of service for the hearing date 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).



## B. General Rules

- **Motions must be filed with the Circuit Court Clerk's Office prior to requesting a hearing and no later than 5 business days prior to the hearing date. Setting a Duty Judge hearing prior to filing motions could result in the hearing being removed from the docket.** A purpose of the Duty Judge Docket is for the court to review the motion in advance of the hearing. Therefore, all written motions placed on the duty judge docket must sufficiently identify the issues or basis of the motion and the relief sought. For example, the motion could be noticed as a motion in limine, then state that it seeks to exclude experts for failure to timely identify them. 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 hearings; attachments; and name changes.
- Duty Docket matters are set for a specific date and time. **All parties must agree to the date and time unless an ex parte hearing is permitted by statute, Rule or by the judge.**
- Absent express approval pursuant to the requirements of the next paragraph, the Duty Judge Docket is available for matters that will take no longer than 1 hour. Hearings shall be scheduled and conducted in either 30 minute or 1-hour increments in accord with the procedures set forth in sub-section 2.0 (C) **"Procedure for Scheduling Hearings on the Duty Judge Docket"** below.
- In exceptional cases, a request for up to a two-hour hearing may be submitted. The request shall be submitted in accord with the procedures set forth in sub-section (C) **"Procedure for Scheduling Hearings on the Duty Judge Docket"** below, along with an explanation of the perceived need for a hearing in excess of one hour. The request will be submitted by the judicial assistant to the Duty Judge scheduled to conduct the hearing. That judge will determine whether or not to grant an exception to the one-hour time limit policy. The judge's decision will be communicated to the parties.
- Except in cases of emergency, matters may not be placed on the Duty Judge Docket until a written motion or petition that sufficiently identifies the issue(s) has been filed. Only those issues raised in the motion or petition filed will be heard at the scheduled hearing. Subsequent motions that attempt to raise additional issues will not be heard unless otherwise agreed upon by all parties and approved in advance by the duty judge scheduled to conduct the hearing.

## C. Procedure for Scheduling Hearings on the Duty Judge Docket

- Hearings shall be scheduled electronically by going to the circuit court website at [courts.virginiabeach.gov](http://courts.virginiabeach.gov) (Click on Circuit Court, then click on the "Motion and Duty Docket" tab on the left side of the main circuit court page).
- On the Motion and Duty Judge Docket page you will see instructions for the "Online Duty Judge Calendar" and the *Duty Judge Hearing Request Form*. The Online Duty Judge Docket Calendar will show all appointments that are currently scheduled. This calendar shall be used to determine and coordinate available dates and times among the parties prior to submitting a *Duty Judge Hearing Request Form* as set forth below.



- After determining an available date and time, complete the *Duty Judge Hearing Request Form* and submit the completed *Duty Judge Hearing Request Form* via email to ([dutyjudg@vbgov.com](mailto: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 Docket Hearing Confirmation") and the judicial assistant will print a copy of the *Duty Judge Hearing Request Form* for the case file.
- Hearings in which a party, witness, or counsel request to appear remotely (such as by WebEx or other remote platform) require approval of the duty judge scheduled to conduct the hearing. The request for a remote (WebEx) hearing and the reason(s) for the request must be included on the *Duty Judge Hearing Request Form*.
  - If a remote hearing is not approved, the hearing will automatically be scheduled as an in-person hearing at which all participants will be expected to be present.

#### **D. Briefing**

- Unless otherwise specified by the court, all briefs or memoranda must be filed and served in accord with the following requirements:
  - Briefs or memoranda must be filed with the Clerk and served on all counsel of record sufficiently before the hearing to allow consideration of the issues involved.
  - Absent leave of court, if a brief/memorandum in support of a motion is five or fewer pages in length, the required notice and the brief must be filed and served at least 14 days before the hearing and any brief in opposition to the motion must be filed and served at least seven days before the hearing. If a brief will be more than five pages in length, the parties or their counsel are required to confer with each other to agree upon a briefing schedule that will allow time for any response and rebuttal briefs or memoranda, regardless of page length, to be filed at least seven days before the hearing. Counsel may want to consider completing briefing before seeking to set the matter for hearing.
  - Absent leave of court, the length of a brief may not exceed 20 pages, double spaced.

#### **3.0 Motions for Reconsideration.**

- Motions for reconsideration of a ruling must be filed with the Clerk, accompanied by a cover letter requesting that the motion be submitted for review by the judge who made the ruling. The cover letter shall state whether or not 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.

- 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 with the judge's judicial assistant.



*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

## QUESTIONS TO A DEFENDANT WHO PLEADS NOT GUILTY

[Ask these questions on the record]

Before accepting your plea of not guilty, I will ask you certain questions. If you do not understand any question, please ask me to explain it to you.

1. What is your full name? \_\_\_\_\_
2. What is your age? \_\_\_\_\_
3. Are you the person charged with the commission of the offense(s) to which you have pleaded not guilty? \_\_\_\_\_
4. Do you fully understand the charge(s) against you? \_\_\_\_\_
5. Have you discussed the charge(s) with your lawyer? \_\_\_\_\_
6. Have you had enough time to discuss with your lawyer any possible defense you may have to the offense(s)? \_\_\_\_\_
7. Have you discussed with your lawyer the names of any witnesses on your behalf? \_\_\_\_\_. If there are any witnesses on your behalf, are they present or otherwise available for trial? \_\_\_\_\_
8. Are you entirely satisfied with the services of your lawyer? \_\_\_\_\_
9. Are you entering your plea(s) of not guilty freely and voluntarily? \_\_\_\_\_
10. Are you ready for trial today? \_\_\_\_\_
11. Are you under the influence of any drugs or alcohol today, including any drug that you have a prescription for? \_\_\_\_\_. If "yes" for prescription drugs: Does the fact that you have taken prescription drugs in any way affect your ability to talk to your attorney or to understand the proceedings here today? \_\_\_\_\_
12. Do you understand that you are entitled to a trial by jury, but that you can consent to trial by a judge without a jury? \_\_\_\_\_. Have you discussed with your lawyer the advisability of trial by a jury or by a judge without a jury? \_\_\_\_\_. Do you wish to be tried by a jury or by a judge without a jury? \_\_\_\_\_
13. [To both counsel:] Have there been any plea offers made by the Commonwealth in this case? \_\_\_\_\_  
[If "yes", to defense counsel:] Have all plea offers been communicated to the defendant? \_\_\_\_\_  
[If "yes", to the defendant:] Have you discussed with your lawyer the advisability of accepting or rejecting any plea offers made by the Commonwealth? \_\_\_\_\_. After discussing any offer with your lawyer, did you decide that it was in your best interest to reject the offer and proceed with trial? \_\_\_\_\_
14. [For juveniles certified as an adult] Do you understand that if you are found guilty, the court and not the jury will set the sentence? \_\_\_\_\_
15. Did you understand all of the questions I just asked you? \_\_\_\_\_

\_\_\_\_\_  
Signature of defendant

\_\_\_\_\_  
Signature of attorney representing defendant

These questions were asked in open court in the absence of a jury.

\_\_\_\_\_  
JUDGE

## **Misdemeanor Proceeding In Circuit Court**

### **Form When Taking Pleas of Guilty or Nolo Contendere to a Misdemeanor Charge Punishable by Confinement in Jail (Rule 3A:8 and Rule 7C:6)**

1. I understand the charge(s) against me.
2. I am entering the plea freely and voluntarily.
3. I understand that by pleading guilty or no contest I am waiving my right to have my case heard by a jury and the right to confront the witnesses against me and the right to avoid being required to give evidence against myself.
4. I understand that the prosecutor CHECK ONE ☐ will ☐ will not recommend a sentence.
5. I understand that if I am not a citizen of the United States and I plead guilty or am 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.

\_\_\_\_\_  
Counsel for Defendant

\_\_\_\_\_  
Defendant

Filed on \_\_\_\_\_, \_\_\_\_\_, JUDGE

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

COMMONWEALTH OF VIRGINIA

vs

\_\_\_\_\_, DEFENDANT

WAIVER OF INDICTMENT upon warrant(s) charging the defendant  
with \_\_\_\_\_

I, the above named defendant, waive by right to prosecution by an  
indictment or presentment found by a grand jury of this City, as provided by  
Virginia Code Section 19.2-217.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

\_\_\_\_\_  
Signature of Judge

\_\_\_\_\_  
Signature of Defense attorney



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

COMMONWEALTH OF VIRGINIA

CITY OF VIRGINIA BEACH

vs

CASE NO. \_\_\_\_\_

\_\_\_\_\_, DEFENDANT

WAIVER OF JURY

I, \_\_\_\_\_, stand charged in this  
court with the offense(s) of \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that I am entitled to be tried by a jury for the above offense(s) but  
that I may waive that right and agree to be tried by a judge sitting without a jury. I  
understand my right to trial by a jury and wish to WAIVE that right and agree to be tried  
by a judge sitting without a jury.

Signed in open court this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Defendant

Age of Defendant \_\_\_\_\_ years

School Grades Completed \_\_\_\_\_

\_\_\_\_\_  
Attorney for the Defendant

Jury Waived:

\_\_\_\_\_  
JUDGE

\_\_\_\_\_  
Attorney for Commonwealth/City

**POSTCONVICTION PETITION FOR A RESTRICTED LICENSE UPON BELOW CONVICTIONS**

This Court form is only for use for the below stated convictions.

Case Number: CR \_\_\_\_\_

Defendant: \_\_\_\_\_

Full Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

1. Date of Conviction Order: \_\_\_\_\_.

2. **ATTACHED** is a current DMV compliance summary [needed by the Court to determine that you are "otherwise eligible" for a restricted license].

3. I ask this Court to grant the issuance of a restricted license for the following conviction:

A. ☐ **DUI 1<sup>st</sup> or 2<sup>nd</sup> conviction.**

B. ☐ **Drug conviction.** Code § 18.2-259.1.

C. ☐ **Guilty of Refusal.** Code § 18.2-268.3.

D. ☐ **Reckless or aggressive driving.** Code 46.2-392.

E. ☐ **Unlawful purchasing or possessing alcoholic beverages.** Code § 4.1-305; 4.1-306.

F. ☐ **Person under age 21 driving after illegally consuming alcohol.** Code § 18.2-266.1.

4. I understand I must appear on the below date and time for this petition to be considered by the Court.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Signature of defendant

---

**CLERK COMPLETE THE BELOW NOTICE OF HEARING**

HEARING DATE: Thursday, \_\_\_\_\_ TIME: 09:30 AM.

Set on Thursday at least 5 days from the date of this petition

☐ Copy delivered to the attorney for the Commonwealth. \_\_\_\_\_, Clerk's initials

☐ Copy provided to defendant. \_\_\_\_\_, Clerk's initials

DATE: \_\_\_\_\_, Deputy Clerk

**REQUESTING RESTRICTED LICENSE FOR THE FOLLOWING PURPOSE(S):**

- (a) ☐ travel to and from place of employment for which I shall maintain written proof of hours of employment (or work log) on my person.
- (b) **ONLY AVAILABLE if ordered to enter ASAP on the conviction.** ☐ travel to and from an alcohol rehabilitation or safety action program.
- (c) ☐ travel during the hours of employment as required by employer for which I shall maintain written proof on my person.
- (d) ☐ travel to and from school for which I shall maintain written proof of enrollment on my person.
- (e) ☐ travel for health care services for: ☐ me ☐ an elderly parent or ☐ a person residing in my household for which I shall maintain on my person a written verification of need by a licensed health professional.
- (g-1) ☐ travel necessary to transport a minor child under my care to and from school.
- (g-2) ☐ travel necessary to transport a minor child under my care to and from day care.
- (g-3) ☐ travel necessary to transport a minor child under person's care to and from facilities housing medical service providers.
- (h) ☐ travel to and from court-ordered visitation with my child or children.
- (i-1) ☐ travel to and from appointments with my probation officer for which I shall maintain written proof on my person.
- (i-2) ☐ travel and from programs required by court or as a condition of probation for which I shall maintain written proof on my person.
- (j) ☐ travel to and from a place of religious worship one day per week. **COMPLETE FOLLOWING:**  
Name of place of religious worship: \_\_\_\_\_  
Location/address of place of religious worship: \_\_\_\_\_  
Specific (one) day of week: \_\_\_\_\_  
The travel Time to and from place of religious worship: \_\_\_\_\_ to \_\_\_\_\_
- (k) ☐ travel to and from appointments approved by the Division of Child Support Enforcement of the Department of Social Services as a requirement of participation in a court-ordered intensive case monitoring program for child support for which the participant maintains written proof of the appointment, including written proof of the date and time of the appointment, on my person.
- (m) ☐ travel to and from jail to serve a jail sentence that is to be served on weekends or on nonconsecutive days.
- (n) ☐ travel to and from a job interview for which I shall maintain on my person written proof from the prospective employer of the date, time, and location of the job interview.
- (q) ☐ travel to and from the offices of the Virginia Employment Commission for the purpose of seeking employment.

In addition, travel to and from court appearances subpoenaed as a witness or a party, which subpoena shall be maintained on his/her person.

\_\_\_\_\_  
Printed Name of Defendant

\_\_\_\_\_  
Signature of Defendant

**Virginia Beach Circuit Court Guidelines for Fines and Costs in Criminal and Traffic Cases Date of Revision:**

**July 1, 2024**

**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 – 6 months from the sentencing date.
  - b. In cases in which active time is imposed – 6 months 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. In cases in which a deferred finding is entered pursuant the first offender statute – 1 year or probationary return date.

**2.0 Subsequent extensions if unable to pay in full by deferred due date:**

- 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 extend the due date upon the defendant making a minimum payment to demonstrate commitment to paying the fine and costs pursuant to Code § 19.2-354.1(E). For each \$25 increment paid, the due date may be extended by one month (i.e. 1 month-\$25; 2 months-\$50; 3 months-\$75) if due date is within 6 months or by request of defendant.
- b. A defendant may request a waiver or reduction of the down payment. The defendant shall be required to a 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).

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

- a. The Court may approve the discharge of all or part of the fine or costs by the performance of community service work before or after imprisonment by submitting a court provided application form. For community service work performed before or after imprisonment, only the portion of community service work completed after Court approval shall be credited to the obligation.
- b. The Court may approve the discharge of all or part of the fine or costs for community service work performed

on or after July 1, 2020 during imprisonment in accordance with the provisions of § 19.2-316.4, 53.1-59, 53.1-60, 53.1-128, 53.1-129, or 53.1-131 provided the defendant submits a certification by the superintendent, warden, or other official in charge of a correctional facility that such work during imprisonment was performed in accordance with the provisions of one of the aforesaid enumerated sections. The rate at which credits are earned shall be based on the Virginia basic minimum rate per hour less DOC pay rate received by inmate. The Court has developed a form to carry out this program.

- c. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment., § 19.2-354
- d. An agency that accepts a defendant to perform community service must agree to provide proper documentation required to the court.
- e. A defendant ordered to perform a specific number of community service hours as a condition of a court-ordered sentence shall not be able to apply those hours to fines and costs.
- f. If the defendant has more than one account, the defendant may only apply to discharge the fine and costs in one account at a time. After such fine and costs have been discharged the defendant may then apply for another account.

#### 5.0 Interest on Fines and Costs

- a. Interest shall accrue on past due/delinquent fines and costs pursuant to Code § 19.2-353.5. Pursuant to § 19.2-353.5, the court has the statutory authority to waive or stop the accrual of interest (i) during a period of incarceration or (ii) during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the court.
- 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 to stop the accrual of interest if fines and cost have been referred to collections and the defendant has entered into a new or subsequent payment plan with the City Treasurer, the defendant must file with the clerk a written request, along with a copy of the payment plan entered into with the City Treasurer, for the court to enter an order to cease or stop the accrual of interest during the period the fine and costs are being paid in accordance with new or subsequent payment plan.

#### 6.0 SS/SSI Income

- a. If the defendant's sole financial resource is a Social Security benefit or Supplemental Security Income, then they are not required to pay fines and costs until they have another resource or income. If their income remains unchanged, the defendant's account will not go to collections. It is the responsibility of the defendant to notify the court in writing if his/her sole financial resource is a Social Security benefit or Supplemental Security Income.
- b. Any restitution ordered is not included in this exemption of payment and would be due as the court ordered.

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

\_\_\_\_\_  
Plaintiff(s)

v.

\_\_\_\_\_  
Defendant(s)

Case No.: \_\_\_\_\_

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

#### I. Trial.

The trial date is \_\_\_\_\_ ☐ (with a jury) or ☐ (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)(i) 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. Other than trial depositions taken after completion of discovery under Paragraph II, designations of portions of non-party depositions, other than for rebuttal or impeachment, shall be exchanged no later than 30 days before trial, except for good cause shown or by agreement of counsel. It becomes the obligation of the non-designating parties of any such designated deposition to file any objection or counter-designation within seven days after the proponent's designation. Further, it becomes the obligation of the non-designating parties to bring any objections or other unresolved issues to the court for hearing no later than 5 days 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: IN THE CIRCUIT COURT OF THE CITY OF VIRGINIA BEACH**

\_\_\_\_\_,  
Plaintiff(s)

v.

CL \_\_\_\_\_

\_\_\_\_\_,  
Defendant(s)

**Uniform Condemnation Scheduling Order**

It is hereby ORDERED that:

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

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

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

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

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

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

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

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

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

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

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

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

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

ENTER:

\_\_\_\_\_

\_\_\_\_\_

JUDGE

Seen and Agreed:

\_\_\_\_\_ p.q.

\_\_\_\_\_ p.d.

**CIVIL JURY JUDICIAL ASSIGNMENT REQUEST FORM  
VIRGINIA BEACH CIRCUIT COURT**

- PLEASE SUBMIT THIS COMPLETED ASSIGNMENT REQUEST FORM TO THE COURT VIA EMAIL TO [dutyjudg@vbgov.com](mailto:dutyjudg@vbgov.com).
- STATE IN SUBJECT FIELD OF EMAIL: "JURY ASSIGNMENT"

\_\_\_\_\_  
PLAINTIFF v. DEFENDANT

CASE NO.: \_\_\_\_\_ CASE TYPE: \_\_\_\_\_

LIST ALL COUNSEL OF RECORD AND ANY PRO SE PARTY:

PLAINTIFF COUNSEL: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
PLAINTIFF COUNSEL: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
DEFENSE COUNSEL: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
DEFENSE COUNSEL: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
PRO SE PARTY: \_\_\_\_\_ EMAIL: \_\_\_\_\_  
PRO SE PARTY: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Form submitted by: \_\_\_\_\_ Email: \_\_\_\_\_ Phone: \_\_\_\_\_

FOR COURT USE ONLY

NOTIFICATION OF JUDICIAL ASSIGNMENT

This civil jury has been assigned to the Honorable \_\_\_\_\_, who will preside over all further proceedings in this case.

Please contact the Judge's assistant as indicated below for all scheduling matters.

- |                          |                |   |                     |
|--------------------------|----------------|---|---------------------|
| <input type="checkbox"/> | Norma L. Catoe | Email: <a href="mailto:nlcatoe@vbgov.com">nlcatoe@vbgov.com</a> | Phone: 757-385-8680 |
| <input type="checkbox"/> | Debra L. Sager | Email: <a href="mailto:dlsager@vbgov.com">dlsager@vbgov.com</a> | Phone: 757-385-4262 |
| <input type="checkbox"/> | Kim M. Moison  | Email: <a href="mailto:kmoison@vbgov.com">kmoison@vbgov.com</a> | Phone: 757-385-8693 |

- Upon completion of this section of this form, the judge's assistant will provide a copy to all counsel of record/pro se parties as listed above.

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

\_\_\_\_\_, v. \_\_\_\_\_  
PLAINTIFF 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](mailto: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](mailto: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 BEACH CIRCUIT COURT MOTION FOR WEBEX HEARING

It is the responsibility of the requesting party to ensure:

All parties and witnesses agree to a remote hearing AND have the ability to connect in the manner requested.

Case No. \_\_\_\_\_ Current Court Date: \_\_\_\_\_

\_\_\_\_\_  
Petitioner/Plaintiff                      V.                      Defendant/Respondent

Reason for remote hearing request:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Parties appearing remotely and respective email addresses:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requesting Party and Contact Information: \_\_\_\_\_

☐ Petitioner/Plaintiff                      ☐ Defendant/Respondent                      ☐ Attorney

COURT USE ONLY

**ORDER**

☐ Granted ☐ Denied

☐ Other \_\_\_\_\_

Entered: \_\_\_\_\_ Judge: \_\_\_\_\_



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 \_\_\_\_\_. ☐ is being submitted simultaneously with this form.

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: A Scheduling Order must be submitted simultaneously with this form to confirm the selected trial date. 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](mailto: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



## 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 OR ☐ 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.
_____/_____/_____ @ _____ <input type="checkbox"/> a.m. <input type="checkbox"/> p.m.	<input type="checkbox"/> 30 Minutes <input type="checkbox"/> 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: [dutyjudg@vbgov.com](mailto:dutyjudg@vbgov.com)

FOR COURT USE ONLY

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

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

\_\_\_\_\_  
v. Case No.: \_\_\_\_\_  
\_\_\_\_\_

## ORDER OF DESIGNATION AND REFERRAL TO JUDICIAL SETTLEMENT CONFERENCE

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

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

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

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](mailto:Dutyjudg@vbgov.com)

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

In re: \_\_\_\_\_

Circuit Court Case No. : \_\_\_\_\_

**Assessment/Payment Order<sup>1</sup> -- 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 litem* 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

<sup>1</sup> 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*.



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

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

\_\_\_\_\_ v. \_\_\_\_\_  
Case No.: \_\_\_\_\_

Media Organization Making Request: \_\_\_\_\_

Name of Representative: \_\_\_\_\_

Phone #: \_\_\_\_\_ Email: \_\_\_\_\_

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

Regional Coordinator:	Typhanny I. Wiggins
Organization:	WAVY TV 10/FOX 43 TV
Phone:	757-396-6180
Email:	<a href="mailto:Typhanny.Wiggins@wavy.com">Typhanny.Wiggins@wavy.com</a>

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Person making request

EMAIL REQUEST TO: [nlcatoe@vbgov.com](mailto:nlcatoe@vbgov.com)

\_\_\_\_\_ FOR COURT USE ONLY \_\_\_\_\_

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Judge

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

**AFFIDAVIT OF MOVING PARTY IN DIVORCE PROCEEDING**

1. My full legal name is: \_\_\_\_\_
2. My full current address is: \_\_\_\_\_
3. I am currently married to: \_\_\_\_\_
4. My spouse and I were married on (date) \_\_\_\_\_ in (location of marriage) \_\_\_\_\_
5. I affirm that both parties are over the age of 18. Yes ☐ No ☐
6. 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 immediately preceding the filing of the suit, a bona fide resident and domiciliary of Virginia. Yes ☐ No ☐
7. Has either party been incarcerated in a mental or penal institution at any time since the filing of the suit? Yes ☐ No ☐
8. I verify that both parties are mentally competent. Yes ☐ No ☐
9. 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
10. Have you and your spouse separated? Yes ☐ No ☐ If yes, date of separation: \_\_\_\_\_
11. 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) \_\_\_\_\_
12. Since the date of the separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption? Yes ☐ No ☐
13. Are there any minor children either born of the parties, born of either party and adopted by the other, or adopted by both parties?  
Yes ☐ No ☐ If yes, state names and dates of birth: \_\_\_\_\_
14. Do you affirm that neither party is known to be pregnant from the marriage? Yes ☐ No ☐
15. 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 ☐
16. 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 ☐
17. Is there a request to have a former name restored? Yes ☐ No ☐  
If yes, state full name to be restored to: \_\_\_\_\_
18. What grounds do you request the court grant ☐ you ☐ the opposing party 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.
19. 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: \_\_\_\_\_

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

Plaintiff: \_\_\_\_\_

Defendant: \_\_\_\_\_

In re: \_\_\_\_\_

Case No. CL \_\_\_\_\_

FRIDAY MOTION HEARING NOTICE

Take notice that on Friday, \_\_\_\_\_, 20 \_\_\_\_ [at least seven days from file date in clerk's office] at 09:30 AM, I will move this Court for the following ☐ relief stated in the attached document ☐ stated relief:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature of ☐ pro se plaintiff ☐ pro se defendant

\_\_\_\_\_  
Printed Name of party

CERTIFICATE OF SERVICE- Rule 1:12 of the Rules of the Supreme Court of Virginia

I certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
☐ mailed or delivered a true copy of the foregoing notice to the following counsel of record:

\_\_\_\_\_

☐ am requesting service of a true copy of the foregoing notice upon the following parties not represented by counsel [Name and address of prose party to be served]:

\_\_\_\_\_

\*Note: Sheriff fee is \$12 fee per party.

Signature of ☐ pro se plaintiff ☐ pro se defendant

TO BE COMPLETED BY CLERK'S OFFICE

The above motion was filed in the clerk's office on \_\_\_\_\_ and forwarded to sheriff for service on any requested pro se party.

\_\_\_\_\_  
Deputy Clerk

RULES OF SUPREME COURT OF VIRGINIA  
PART FOUR  
PRETRIAL PROCEDURES, DEPOSITIONS AND PRODUCTION AT TRIAL

**Rule 4:13. Pretrial Procedure; Formulating Issues.**

The court may in its discretion direct the attorneys for the parties to appear before it for a conference to consider:

- (1) A determination of the issues;
- (2) A plan and schedule of discovery;
- (3) Any limitations on the scope and methods of discovery;
- (4) The necessity or desirability of amendments to the pleadings;
- (5) The possibility of obtaining admissions of fact and admissions regarding documents and information obtained through electronic discovery;
- (6) The limitation of the number of expert witnesses;
- (7) The advisability of a preliminary reference of issues to a master for findings to be used as evidence when the trial is to be by jury;
- (8) issues relating to the preservation of potentially discoverable information, including electronically stored information and information that may be located in sources that are believed not reasonably accessible because of undue burden or cost;
- (9) provisions for disclosure or discovery of electronically stored information;
- (10) any agreements the parties reach for asserting claims of privilege or of protection as trial-preparation material after production;
- (11) any provisions that will aid in the use of electronically stored or digitally imaged documents in the trial of the action; and
- (12) Such other matters as may aid in the disposition of the action.

The court will make an order which recites the action taken at the conference, the amendments allowed to the pleadings, the agreements made by the parties as to any of the matters considered, and which limits the issues for trial to those not disposed of by



admissions or agreements of counsel; and such order when entered controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.

**Last amended by Order dated November 23, 2020; effective March 1, 2021.**

RULES OF SUPREME COURT OF VIRGINIA  
PART FOUR  
PRETRIAL PROCEDURES, DEPOSITIONS AND PRODUCTION AT TRIAL

**Rule 4:15. Motions Practice.**

All civil case motions in circuit court will be scheduled and heard using the following procedures:

(a) *Scheduling* — All civil case motions in circuit court will be scheduled and heard using the following procedures:

1. Presenting the motion on a day the court designates for motions hearings, or
2. Contacting designated personnel in the office of the clerk of the court or the chambers of the judge or judges of the court.

(b) *Notice* — Reasonable notice of the presentation of a motion must be served on all counsel of record. Absent leave of court, and except as provided in paragraph (c) of this Rule, reasonable notice must be in writing and served at least seven days before the hearing. Counsel of record must make a reasonable effort to confer before giving notice of a motion to resolve the subject of the motion and to determine a mutually agreeable hearing date and time. The notice must be accompanied by a certification that the movant has in good faith conferred or attempted to confer with other affected parties in an effort to resolve the dispute without court action. In an Electronically Filed Case, the notice provisions of this paragraph and the filing and service requirements of paragraph (c) of this Rule is accomplished in accord with Rule 1:17.

(c) *Filing and Service of Briefs* — Counsel of record may elect or the court may require the parties to file briefs in support of or in opposition to a motion. Any such briefs should be filed with the court and served on all counsel of record sufficiently before the hearing to allow consideration of the issues involved. Absent leave of court, if a brief in support of a motion is five or fewer pages in length, the required notice and the brief must be filed and served at least 14 days before the hearing and any brief in opposition to the motion must be filed and served at least seven days before the hearing. If a brief will be more than five pages in length, an alternative hearing date, notice requirement, and briefing schedule may be determined by the court or its designee. Absent leave of court, the length of a brief may not exceed 20 pages, double spaced.

(d) *Hearing* — Except as otherwise provided in this subparagraph, upon request of counsel of record for any party, or at the court's request, the court will hear oral argument on a motion. Oral argument on a motion for reconsideration or any motion in any case where a pro se incarcerated person is counsel of record will be heard orally only at the request of the court. A court may place reasonable limits on the length of oral argument. No party may be deprived of the opportunity to present its position on the merits of a

motion solely because of the unfamiliarity of counsel of record with the motions procedures of that court. A court, however, at the request of counsel of record, or in the judge's discretion, may postpone the hearing of the motion, or require the filing of briefs to assure fairness to all parties and the ability of the court to review all such briefs in advance of the hearing.

(e) *Definition of Served* — For purposes of this Rule, a pleading is deemed served when it is actually received by, or in the office of, counsel of record through delivery, mailing, facsimile transmission or electronic mail as provided in Rule 1:12.

**Last amended by Order dated November 23, 2020; effective March 1, 2021.**

**E-Filing in  
Virginia  
Beach???**

**Yes!!!**

## Our Services

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As the industry-leading electronic filing solution for courts, eFileVA allows users to easily open court cases and eFile documents from a single website to several Virginia courts anytime and from anywhere – **24 hours a day, seven days a week, 365 days a year**. eFiling court documents significantly streamlines the case filing process and provides benefits to both the filer and the Court.

- 24/7 access to eFileVA
- Instant access to accepted eFile documents
- Electronic service of parties who have opted for eFiling
- Online tracking by email for fast and easy verification
- Payment of court filing fees online

GET STARTED

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### Courts Accepting E-Filings

[The Courts accepting eFilings](#)



### Training Resources

[Upcoming trainings, self-serve  
tutorials, and online guides](#)



### **Technical Support**

[Online help resources are available](#)



### **FAQs**

[Answers to common questions  
about eFiling](#)



About eFileVA

#### **Training Resources**

Upcoming training, self-serve tutorials,  
and online guides

#### **Technical Support**

Technology-related questions concerning eFiling.

## Find Your Court

The active court's chart provides information related to each court's status regarding eFiling and acceptance of American Express or eChecks. The eFiling status, **Mandatory**, indicates the Court only accepts eFilings. The eFiling status, **Permissive**, indicates the Court accepts eFilings as well as paper documents. If no eFiling status is provided, it indicates the court is not currently using eFileVA for the category. Currently, Criminal eFiling is available for subsequent filing only.

Court Name	Civil	Criminal	Family	*Probate	AMEX?	eChecks?
Dinwiddie County	Permissive				Yes	No
King George County	Permissive				Yes	No
Powhatan County	Permissive				Yes	No
<a href="#">Rockingham County</a>	Permissive				Yes	No
Suffolk County	Permissive				Yes	No
Virginia Beach County	Permissive				Yes	No
Williamsburg/James City County	Permissive				Yes	No
York County	Permissive				Yes	No

\* Inclusive of Mental Health cases in certain jurisdictions

## eFiling Steps

1. Verify that eFileVA is available for your Court and case (*use the above list*)
2. Register for [eFileVA](#)
3. Login to eFileVA to eFile documents





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About eFileVA

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## FAQ

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### **What is File & Serve?**

File & Serve is another name for eFileVA. It is the proprietary name of the eFiling software developed by Tyler Technologies for the State of Virginia. Referred to in most cases as eFileVA, attorneys and parties can use it to eFile documents and perform other tasks online in court cases.

### **When can I use File & Serve?**

File & Serve is available 24 hours a day, seven days a week while accounting for temporary routine maintenance.

### **What is eService?**

eService is when a party gives notice of a court filing, as directed by statute or court rule, by sending documents or pleadings to another party electronically using the File & Serve platform. To receive documents electronically, a party must be represented by an attorney or, if self-represented, must agree to receive documents by eService.

### **Does a user need to have an account or register to eFile?**

Filer registration can be completed on the [eFileVA](#) website.

### **Is training on how to eFile available?**

Yes, free online training on how to use eFileVA is available. More information may be found on the [Training Resources](#) webpage. Links to self-serve tutorials and user guides can also be found on this page.

### **Is eFiling mandatory for licensed attorneys?**

eFiling can be mandatory or permissive based on the location. For details, please review the [Find Your Court](#) webpage. This listing is updated regularly.

### **Is there a separate fee for eFiling?**

There is a convenience fee charged by the 3<sup>rd</sup> party financial institution that processes credit and/or debit card transactions used for paying eFiling Fees. A flat fee per transaction is charged for paying with electronic checks.

### **Will eFiling be available for all types of cases and in all locations?**

A listing of available types of cases and participating locations is available on the [Find Your Court](#) page. This listing is updated regularly.



### **Courts Accepting E-Filings**

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