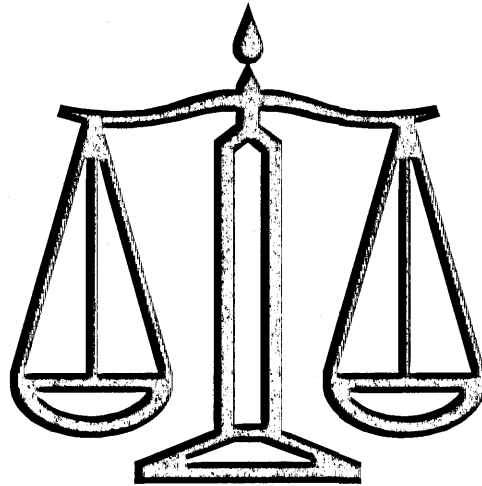


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SUGGESTED GUIDELINES & PRACTICES
IN DOMESTIC RELATIONS CASES
FOR THE 12TH, 13TH AND 14TH CIRCUITS

(Chesterfield/Colonial Heights, Richmond, and Henrico)



Revised: 12/1/03

**PRACTICES & PROCEDURES APPLICABLE TO
DOMESTIC RELATIONS CASES IN WHICH INITIAL PLEADINGS
ARE FILED ON OR AFTER JANUARY 1, 2004**

Hearing of domestic relations cases is quite important to the parties who have an expectation that their cases will be heard by a judge. Much of the hearing time can be reduced with efficient preparation and presentation of the case.

In an effort to assure the most efficient use of time of the parties and the court, it is recommended that these guidelines be followed. While they may seem to require more pre-trial work for the attorneys, proper use of the guidelines should streamline the presentation of the case thereby assuring that most cases will be heard by the judge. Failure to adhere to the practices and use of the forms is likely to require a much longer time for trial, and may result in the exclusion of evidence at the trial.

A. Setting Cases for Trial (See General Summary Time Line, Appendix ii)

1. Agreed-upon Dates

Trial dates must be obtained no later than 10 days after a party is entitled to a final decree and the parties are at issue. The plaintiff is expected to obtain a trial date agreed to by the defendant. The case is to be scheduled for trial no later than 120 days thereafter. The date must be scheduled with the court's docket clerks. (See §C-6 on Pg. 3).

2. Trial Dates Without Agreement

Should the parties be unable to agree upon a trial date, the plaintiff shall schedule a hearing with the court to set a date for the final trial. That hearing will be obtained not more than 10 days after a party is entitled to a final decree and the parties are at issue. Trial will be scheduled within 120 days after the hearing. Counsel are encouraged to set cases by agreement.

3. The parties are expected to conduct discovery whether or not a party is entitled to a final decree.

B. Pre-Trial Order/Pre-Trial Conference

1. It is expected that a pre-trial order will be entered in every case in which there are contested issues. Where dates have been agreed upon, counsel should present an endorsed pre-trial order in the form of the pre-trial order on page 38 within 10 days after the parties are at issue. The discovery and filing provisions in the form pre-trial order on page 38 are expected to be followed even before a pre-trial order is entered.
2. Should the parties expect that the trial will require more than four hours or if the parties cannot agree on a trial date or the provisions of the pre-trial order, a pre-trial conference will be scheduled to be heard not later than 30 days after a party is entitled to a final decree and the parties are at issue. At the pre-trial conference, a pre-trial order will be entered.
3. At the final pre-trial conference, the parties should be prepared to consider those matters addressed in Supreme Court Rule 4:13 (1) (4) (5) (6) and (8) including the presentation of proffers of the evidence that each expects to present at trial. To the extent proffered evidence is not contested, it will be accepted as evidence at the trial. Counsel are expected to stipulate to all uncontested facts and submit the stipulation at the pre-trial conference.

C. Court Appearances (Motions, Hearings or Trials)

1. Absent good cause shown, the parties are required to have a court reporter for any court appearance except *pendente lite* hearings.
2. If depositions are used, they shall have been redacted of any evidence that is inadmissible, irrelevant or cumulative. Such transcript of deposition evidence shall be read into the record at the hearing.
3. Counsel should refer to Supreme Court Rule 4:15 for guidance in handling motions practice and, in addition, should be guided by these Suggested Practices and Procedures.

4. Each party will have one-half of the time allotted for hearing or trial. Cross-examination, opening statements and argument will be counted toward that party's allotted time.
5. Any memoranda shall be filed by the moving party not later than 14 days before any trial or hearing and by the responding party no later than 7 days before the hearing. Brevity is recommended! See Supreme Court Rule 4:15 (c) and (d). Post trial or post-hearing memoranda are discouraged unless requested by the judge. Motions to reconsider are discouraged.
6. Motions and trials are to be scheduled with the Judge's docket clerks as follows:

Richmond

John Marshall Courts Building 646-6515

Chesterfield and Colonial Heights

Judge Allen	748-1335
Judge Gill	748-1335
Judge Hauler	751-4961
Judge Powell	717-6369
Judge Rockwell	748-4187

Henrico 501-4710

7. Sketches of Orders

Where counsel are requested to prepare a sketch for an order memorializing a decision, the sketch should articulate the decision and should not serve as a source for negotiation and/or further conflict on the issue decided and should be submitted for entry within 14 days. In those hearings on single issues, the moving party is expected to bring a sketch on the date of the hearing

D. Pendente Lite Support Procedures

The following procedures for pendente lite support are recommended to encourage settlement and to ensure that each side will have equal

time to present its case within the thirty minute time limit for these cases. Unless the presiding judge advises to the contrary, counsel appearing for pendente lite support should present their cases consistent with these procedures.

1. The court expects the parties to bring to pendente lite hearings appropriate documentation supporting the total amount of income of each (E.g. current pay slips, tax returns, monthly profit/loss statements).
2. These documents should be exchanged between counsel and filed with the court at the earliest possible time to encourage settlement, but no later than the fifth full business day before the hearing.
3. Prior to the commencement of the hearing, counsel for the parties shall complete a certification that they have exchanged all documentation upon which they intend to rely to establish the current incomes of the parties and the Guideline Worksheet which sets forth what they contend is the presumptive amount of child support pursuant to §20-108.2 of the Code of Virginia (if child support is requested) and presumptive spousal support (if spousal support is requested).

a. The 12th, 13th & 14th Judicial Circuit Guideline Formulas

- (1) For spousal support only cases when there is no child support between the parties, the formula is 30% of the payor's gross income less 30% of the payee's gross income.
- (2) For spousal support/child support combined cases, the spousal support formula when there is also child support payable between the parties is 28% of the payor's gross income less 58% of the payee's gross income.

For cases with no child support between the parties:
30% X Payor's Income – 30% X Payee's Income

For cases with child support between the parties:
28% X Payor's Income – 58% X Payee's Income

Where there is both child and spousal support payable between the parties, the spousal support is first calculated and then the parties incomes are adjusted by the spousal support and the resulting incomes are used to calculate child support in accordance with child support guidelines.

b. Using Support Worksheets

The use of support guideline worksheets for spousal support cases is required for any hearing on the issues and said worksheets shall be attached to any pendente lite order entered addressing spousal support. A set of blank worksheets is provided as Forms II and III (Pg. 8 - 9). These instructions are not intended to address the many variations that can occur in child support matters, such as shared custody calculations, split custody, mixed variations, the consideration of obligations for other children, and the other specific issues addressed in the applicable statutes.

c. Refer to Appendix (Page 61) for rationale and basis of pendente lite support guidelines.

4. At the commencement of the hearing, counsel will present the following to the presiding judge:

- a. One fully completed certification endorsed by counsel of record for each of the parties and attached documentation; (see Paragraph 3 above)
- b. Each party's proposed Guideline Worksheet based upon that party's positions;
- c. All documentation supporting each party's positions as to incomes of the parties;
- d. A current monthly income/expense statement for each party who intends to introduce such a statement at the hearing.
- e. Proposed spousal support guideline worksheet.

5. Procedure for Presentation of Evidence

Time of presentation of evidence is a maximum of 30 minutes. Each party is allotted 15 minutes including argument and cross-examination.

6. A pendente lite order, consistent with the model form adopted by the court, (see pages 19 - 26) containing all required notices and information shall be tendered to the judge for entry. Any findings of the court justifying a deviation from the presumptive support should be set forth in the order.

E. Show Cause Support Procedures

The moving party shall initiate these matters by filing a sworn petition for Order to Show Cause setting forth the factual basis for the order supported by an affidavit. The sworn petition shall be accompanied by a sketch for an Order to Show Cause addressed to the respondent and including the time and place for the respondent's appearance. The time and date shall be obtained from the court's docket clerk described on page 5.

1. Where both parties are represented, counsel shall exchange at least forty-eight hours in advance of the hearing, the Show Cause Support Worksheets with supporting documentation.
2. These worksheets shall be tendered to the judge when the case is called.
3. If a party requests counsel fees, counsel should bring an itemized statement of the attorney's fees claimed to the hearing and shall provide a copy of this statement to opposing counsel prior to the commencement of the hearing.

F. Divorce Checklist

As an aid to the practitioner, Form XIV (page 59) is included to facilitate the review and processing of domestic relations cases.

Monthly Income and Expenses of: _____

Date: _____

Chancery No. _____

Employed By _____
 City & State _____
 Occupation _____
 Pay Period _____
 Next Payday _____
 Salary/Wage _____
 # Exemptions _____

Children in Household

Name	Age

Average Gross Pay per Month

LESS: Federal Taxes

State Taxes

FICA

Health Insurance

Life Insurance

Required Retirement

Average Net Pay

Other Income

NET INCOME

Household

Mortgage (PITI) or Rent
 Real Estate Property Taxes
 Homeowner's Insurance
 Repairs/Maintenance
 Furniture/Furnishings

Utilities

Electricity
 Gas/Heating Oil
 Water/Sewer
 Telephone
 Trash
 Cable TV

Food

Groceries
 Lunches

Automobile

Payment/Depreciation
 Gasoline
 Repair/Tags/Inspection, etc.
 Auto Insurance
 Parking/Other Transportation
 Personal Property Tax

Children's Expenses

Child Care
 School Tuition
 Lunch Money
 School Supplies
 Lessons/Sports
 New Clothing

Clothing

New (Excluding Children)
 Cleaning/Laundry
 Uniforms

Health Expenses

Doctor
 Dentist
 Therapist
 Eyeglasses
 Hospital
 Medicines
 Other

Dues

Professional Associations
 Social Associations
 Homeowner's Association

Miscellaneous

Gifts (Xmas, Birthday)
 Church/Charity
 Entertainment
 Vacations
 Hobbies
 Personal Grooming
 Newspaper/Magazines
 Disability Insurance
 Life Insurance
 Legal Expenses

Totals Per Month

Subtotal Expenses
 Subtotal Debt Payments
 TOTAL EXPENSES
 TOTAL NET INCOME

BALANCE (+)

BALANCE (-)

Fixed Debts with Payments

Balance Mo.Pmt.

Charge Account Debt

Liquid Assets on Hand

Cash/Checking/Savings
 Other Liquid Assets

TOTAL LIQUID ASSETS

Submitted By: _____

COMBINED SUPPORT WORKSHEET

v.

12th, 13th & 14th Judicial Circuit Spousal & Child Support

Chancery No. _____

Worksheet of: _____

Date: _____

A. GROSS INCOME OF PARTIES

Mother/Wife Father/Husband

1. Monthly Gross Income of Each Party: _____
2. Adjustment for Support of "Other Children": _____
3. Adjusted Gross Incomes of Parties: _____
4. Combined Gross Income: _____

B. SPOUSAL SUPPORT

1. Payor Spouse's Gross Income: _____
2. Payor's Gross Income X 28% _____
3. Payee Spouse's Gross Income: _____
4. Payee's Gross Income X 58% _____
5. Guideline Spousal Support: (Line 2 Minus Line 4): _____
6. Proposed Adjustments to Spousal Support: _____

Payor Spouse

☐ Husband☐ Wife

Guideline Spousal Support

Enter Adjustments as
+ or - values

Adjusted Spousal Support

7. Proposed Spousal Support Payable to: _____

C. CHILD SUPPORT

Number of Children: _____

Ages: _____

Custodian:

☐ Mother☐ Father**Gross Incomes Adjusted By Spousal**

Mother/Wife Father/Husband

Combined Gross Income
For Child Support

Income Shares

Each Party's Percent of Combined Gross Income:

1. Schedule Amount for Basic Child Support: _____
2. Extraordinary Medical/Dental Expenses: _____
3. Work-related Child Care Costs: _____
4. Medical Insurance for Child/Children: _____
5. Total Child Support Need (Sum: 1+2+3+4): _____
6. Child Support Obligation of Each Party:
(Total support need X Income Share): _____
7. Direct Payment of Medical Insurance: _____

Mother

Father

Child Support Need

Guideline Child Support

8. Each Party's Presumptive Guideline Share: _____
9. Guideline Child Support Payable to: _____
10. Proposed Deviations From Guideline Support: _____

Adjusted Child Support

11. Each Party's Proposed Share: _____
12. Proposed Adjusted Child Support Payable to: _____

D. Net Child and Spousal Support, Payable To:

NET SUPPORT

Submitted by: _____

Counsel for: _____

08/25/2001

SPOUSAL SUPPORT WORKSHEET - For Cases With No Child Support

12th, 13th & 14th Judicial Circuit Spousal Support Only

Date: _____

Chancery No. _____

v. _____

Worksheet of: _____

A. GROSS INCOME OF PARTIES:

1. Monthly Gross Income of Each Party:
2. Adjustment for Support of "Other Children":
3. Other Income Adjustments:

Wife

Husband

Enter Adjustments as
+ or - values.

4. Adjusted Gross Incomes: _____

5. Combined Gross Income: _____

B. GUIDELINE SPOUSAL SUPPORT CALCULATION

1. Payor's Income Used for Calculation:
2. Payor's Gross Income X 30%

Payor

3. Payee's Income Used for Calculation:
4. Payee's Income X 30%

Payee

Payor Spouse
☐ Husband
☐ Wife

(Line 2 - Line 4)

Guideline Spousal Support = _____ - _____

Guideline Spousal Support

C. PROPOSED ADJUSTMENTS TO SPOUSAL SUPPORT:Enter Adjustments as
+ or - values.

Spousal Support Adjustments Total: _____

D. PROPOSED SPOUSAL SUPPORT, Payable to:

Adjusted Spousal Support

Submitted by: _____

Counsel for: _____

08/25/2001

CHILD SUPPORT GUIDELINE WORKSHEET

12th, 13th & 14th Judicial Circuit
Child Support Only

v. _____

Chancery No. _____

Worksheet of: _____

Date: _____

A. GROSS INCOME OF PARTIES

1. Monthly Gross Income of Each Party:
2. Spousal Support Payable Between Parties:
3. Adjustment for Support of "Other Children":
4. Adjusted Gross Income for Support:
5. Combined Gross Income:
6. Each Party's Percent of Combined Income:
7. Number of Children: _____ Ages: _____

Mother	Father
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Income Shares

Spousal Support**Spousal Payor**
☐ Husband
☐ Wife
Custodian
☐ Mother
☐ Father
B. CHILD SUPPORT

1. Schedule Amount for Basic Child Support:
2. Extraordinary Medical/Dental Expenses:
3. Work-related Child Care Costs:
4. Medical Insurance for Child/Children:
5. Total Child Support Need (Sum: 1+2+3+4):

From Support Table

Child Support Need

6. Child Support Obligation of Each Party:
(Total Support Need x Income Share)
7. Direct Payment of Medical Insurance:
8. Each Party's Presumptive Guideline Share:

Mother	Father
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>
<input type="text"/>	<input type="text"/>

Guideline Child Support

9. Guideline Child Support Payable by Non-Custodial Parent:

C. PROPOSED DEVIATIONS FROM GUIDELINE SUPPORT:

1. _____

2. Each Party's Proposed share:

<input type="text"/>	<input type="text"/>
----------------------	----------------------

TOTAL CHILD SUPPORT**D. PROPOSED ADJUSTED CHILD SUPPORT:**

Child Support Payable To

Submitted by: _____

Counsel for: _____

08/25/2001

SPLIT CUSTODY SUPPORT GUIDELINE WORKSHEET

12th, 13th & 14th Judicial Circuit

v. _____

Chancery No. _____

Date: _____

Worksheet of: _____

A. GROSS INCOME OF PARTIES

1. Monthly Gross Income of Each Party:

2. Spousal Support Payable Between Parties:

3. Adjustment for Support of "Other" Children:

4. Adjusted Income for Child Support:

5. Combined Gross Income:

6. Each Party's Percent of Combined Income:

Mother

Father

Spousal Support

Income Shares

B. SUPPORT OBLIGATION OF FATHER

1. Number of children residing with mother:

2. Schedule Amount for Basic Child Support:

3. Work-related childcare costs of mother:

4. Extraordinary Medical Expenses paid by mother:

5. Health Insurance paid by mother:

6. Sum 2+3+4+5 = Total Support:

7. Total Support x Father's Income Share:

From Support Table

Mother's Support Need

Father's Support Obligation

C. SUPPORT OBLIGATION OF MOTHER

1. Number of children residing with father:

2. Schedule Amount for Basic Child Support:

3. Work-related childcare costs of father:

4. Extraordinary Medical Expenses paid by father:

5. Health Insurance paid by father:

6. Sum 2+3+4+5 = Total Support:

7. Total Support x Mother's Income Share:

From Support Table

Father's Support Need

Mother's Support Obligation

D. NET SUPPORT PAYABLE BY ONE PARTY TO OTHER

Net Guideline Child Support To:

Guideline Child Support

E. PROPOSED DEVIATIONS FROM GUIDELINE

Added to Support Paid By:

Mother

Father

F. SUMMARY

1. Each Party's Proposed share:

2. Net proposed adjusted child support:

Mother

Father

Payable To:

Net Child Support

Submitted by: _____

Counsel for: _____

10/23/2001

FORM VI

BEST INTERESTS OF THE CHILD
IN DETERMINING CUSTODY AND/OR VISITATION
Va. Code § 20-124.3

Proffer of

Mother/Father/Other

_____ v. _____

Chancery No. _____

Date:

PURSUANT TO VIRGINIA CODE § 20-124.3, DESCRIBE:

1. Age and physical and mental condition of the child, including the child's changing development needs.

Mother/Father/Other

2. Age and physical and mental condition of each parent:

Mother:

Father:

3. Relationship existing between each parent and child; due considerations to:

a) positive involvement in child's life

Mother:

Father:

Mother/Father/Other

- b) ability to accurately assess and meet the emotional, intellectual and physical needs of child

Mother:

Father:

- 4. Need of child, giving due consideration to other important relationships of the child including
 - a) siblings
 - b) peers
 - c) extended family

Mother/Father/Other

5. a) Role which each parent has played in the upbringing and care of the child

Mother:

Father:

- c) Role which each parent will play in the future in the upbringing and care of the child

Mother:

Father:

Mother/Father/Other

6. a) Propensity of each parent to actively support the child's contact and relationship with the other parent, including whether a parent has unreasonably denied the other parent access to or visitation with the child:

Mother:

Father:

- b) Relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with child

Mother:

Father:

Mother/Father/Other

- c) ability of each parent to cooperate in and resolve disputes regarding matters affecting the child

Mother:

Father:

- 7. The reasonable preference of the child, if Court determines the child to be
 - a) of reasonable intelligence
 - b) understanding
 - c) age
 - d) experiencein order to express such a preference
- 8. Any history of family abuse as that term is defined in § 16.1-228

Mother/Father/Other

9. Other factors necessary and proper:

10. a) If you have custody, what visitation do you think is fair and in the best interests of the child?

b) If you do not have custody, what visitation do you think is fair and in the best interests of the child?

Mother/Father/Other

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this

_____ day of _____, _____.

My commission expires: _____.

Notary Public

VIRGINIA:

IN THE CIRCUIT COURT FOR THE [** CITY / COUNTY **] OF [***]

_____, Social Security # _____ Plaintiff,

v. Case No. _____

_____, Social Security # _____ Defendant.

PENDENTE LITE ORDER

On the ____ day of ____, 200_, came the parties, in person and by counsel, upon the motion's filed herein for *pendente lite* relief, and was argued by counsel.

Accordingly, upon [☐ the evidence presented and the arguments of counsel (or) ☐ the agreement of the parties], it is ORDERED as follows:

- ☐ A. **Custody / Visitation** ☐ *This Order does not contain any provisions related to custody or visitation.*

1. The names and dates of birth of the parties' minor child(ren) is/are as follows:

Child(ren)	Date of Birth
_____	_____
_____	_____
_____	_____
_____	_____

2. Custody is awarded as follows:

- ☐ **Legal Custody.** Legal custody of the parties' minor child(ren) is awarded to:
- ☐ mother ☐ father ☐ joint

- ☐ **Physical Custody.** Physical custody of the parties' minor children is granted to:
- ☐ mother ☐ father ☐ joint

Reasonable and liberal visitation of the parties' minor children is granted to:

- ☐ mother ☐ father

Said visitation shall be as follows:

- ☐ as the parties may mutually agree (*or*)
- ☐ pursuant to the schedule attached hereto. *See page 30.*

3. Pursuant to Virginia Code § 20-103(A),

- ☐ the parties shall attend a qualified parental education seminar or other like programs as approved by this Court on the effects of the separation or divorce on minor children, parenting responsibilities, options for conflict resolution and financial responsibilities. The parties may obtain a list of approved seminars from the Clerk of this Court or on the internet at <http://www.courts.state.va.us/parented/list.html>.
- ☐ The fee, not to exceed \$50.00, shall be paid:
- ☐ by the mother
- ☐ by the father
- ☐ equally by each party
- ☐ the parties need not attend a qualified parental education seminar because there is good cause shown or there is no program reasonably available.

4. Pursuant to Virginia Code Section 20-124.5, either party intending to relocate and/or change his or her address must give the Court and the other party thirty (30) days advance written notice.

☐ **B. Spousal Support**

☐ *This Order does not contain any provisions related to spousal support.*

1. Spousal support is awarded to:

☐ wife

☐ husband

2. Spousal support shall be payable by the opposing party in the following amount and with the following frequency:

Amount: \$ _____ per month

Frequency: ☐ weekly
☐ bi-weekly
☐ monthly
☐ other _____

3. Spousal support shall be payable commencing on _____ and shall be payable:

☐ for a period of _____ days (or)
☐ until further order of this Court.

4. Attached hereto is a notice advising the parties of the provisions of Virginia Code § 20-107.1 (H). See pp. 27-29.

☐ **C. Child Support**

☐ *This Order does not contain any provisions related to child support.*

1. Child support is awarded to:

☐ mother

☐ father

2. Child support shall be payable by the opposing party in the following amount and with the following frequency:

Amount: \$ _____ per month

Frequency: ☐ weekly
☐ bi-weekly
☐ monthly
☐ other _____

3. Child support shall be payable commencing on _____ and shall be payable for each child until the child reaches the age of eighteen, and shall continue to be paid for a child who is: (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever occurs first.
4. **Extraordinary Medical Expenses.** Extraordinary medical expenses for the parties' minor children are payable as follows:
- ☐ The support amount set forth above [☐ does / ☐ does not] include any payment for extraordinary medical expenses to be paid by or reimbursed to a party pursuant to subsection D and G 3(b) of § 20-108.2.
 - ☐ In addition to the support amount set forth above, [☐ mother / ☐ father] shall pay or reimburse to [☐ mother / ☐ father], for the extraordinary medical expenses of the parties' minor children as follows:

_____.
5. The child support set forth herein was determined by:
- ☐ the agreement of the parties [☐ see guideline worksheet attached hereto.]
 - ☐ the Court pursuant to: [☐ see guideline worksheet attached hereto.]

- ☐ the presumptive amount set forth in Virginia Code § 20-108.2
- ☐ as a deviation from the presumptive amount set forth in Virginia Code § 20-108.2 for the reasons set forth in the written findings attached hereto.

6. Attached hereto is a notice advising the parties of the provisions of Virginia Code § 20-60.3.

See page 30.

- ☐ **D. Income Deduction Order** ☐ *This Order does not contain any provisions related to an income deduction order.*

1. Pursuant to Virginia Code §20-79.2, support amounts set forth above shall be:

- ☐ payable by an Income Deduction Order entered contemporaneously herewith, and incorporated herein, directing that the payment of support shall be withheld from the income of [☐ mother / ☐ father] and said payments shall be forwarded by the employer to the Department of Child Support Enforcement.
- ☐ paid directly to the recipient, the requirement of an Income Deduction Order being waived...
 - ☐ for good cause shown
 - ☐ by agreement of the parties.

- ☐ **E. Health Care Coverage** ☐ *this Order does not contain any provisions related to health care coverage because it is not available at a reasonable cost. Virginia Code § 20-60.3 (7) (a).*

1. Health care insurance coverage for the parties' minor child(ren) shall be provided by:

- ☐ mother
- ☐ father

2. Health care insurance coverage for the opposing spouse shall be provided by:

☐ mother

☐ father

3. The health care insurance coverage being provided pursuant to this provision is as follows:

Insurance Carrier(s): _____

Policy No(s): _____

☐ **F. Support Arrearages**

☐ *This Order does not contain any provisions related to support arrearages.*

1. The [☐ mother / ☐ father] is in arrears as follows:

☐ no support arrearage exists as of the date of this hearing.

☐ the amount of the arrearage is \$ _____ as of the date of this hearing. Said arrearage is owed to the opposing party for the period from _____ to _____ and shall be repaid at the rate of \$ _____ per [☐ week / ☐ bi-weekly / ☐ month] in addition to the regular support as set forth above until paid in full. Arrearages shall accrue interest at the judgment rate per annum on the unpaid balance from the date each payment of support was first due until paid in full. Payments of support shall be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages.

☐ **G. Other Pendente Lite Provisions**

☐ *This Order does not contain any other pendente lite provisions.*

☐ The [☐ wife / ☐ husband] is awarded exclusive use and possession of the marital residence at _____.

- ☐ The [☐ wife / ☐ husband] shall pay to [☐ wife / ☐ husband] the sum of \$_____ as preliminary [☐ attorney's fees and costs / ☐ expert fees] on or before _____.
- ☐ Neither party shall sell, transfer, encumber, dispose of or otherwise dissipate any marital asset or any part-marital/part-separate asset during the pendency of this action.
- ☐ The [wife] is awarded exclusive use and possession of the following property:
_____.
- ☐ The [husband] is awarded exclusive use and possession of the following property:
_____.
- ☐ A guardian *ad litem* shall be appointed to represent the interests of the parties' minor child(ren). _____, a discreet and competent attorney at law, is hereby appointed to serve as the child(ren)'s guardian *ad litem*. The Court will allocate the fees between the parties by further Order of the Court.
- ☐ A neutral custody evaluator shall be appointed to evaluate the parties and the parties' minor child(ren) and shall provide a written report to the Court at least ten (10) days prior to any custody hearing. _____ is hereby appointed to serve as the custody evaluator. See Virginia Code § 20-124.2. The Court will allocate the fees between the parties by further Order of the Court.

☐ Miscellaneous Provisions:

☐

ENTER: / / .

Judge

Child Support (Spousal Support if applicable)

Notices to Parties Pursuant to Virginia Code § 20-60.3 and § 20.107.1 (H)

1. Support payments may be withheld as they become due, pursuant to Virginia Code § 20-79.1 or § 20-79.2, from income as defined in Virginia Code § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1.
2. Support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2.
3. The names and dates of birth of each child to whom a duty of support is owed.

Child's Name

Date of Birth

4. A petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in Virginia Code § 63.2-1937 upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more. Such authorizations are held by:

☐ mother (specify license _____)

☐ father (specify license _____)

☐ neither party has such license.
5. The amount of periodic support expressed in fixed sums, along with the payment interval, the date payments are due, and the date the first payment is due.

The current amount of periodic **child support** is as follows:

Child Support: _____

Payment Interval: _____

Date First Payment Due: _____

Child Support (Spousal Support if applicable) (continued)

The current amount of periodic **spousal support** is as follows:

Spousal Support: _____
Payment Interval: _____
Date First Payment Due: _____

6. If support arrearages exist, state whom the arrearage is owed, the amount of the arrearage, the period of time for which arrearage is calculated and a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages.

An arrearage exists in the amount of \$_____ for the period of _____(date).

7. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.
8. The Department of Social Services may, pursuant to Chapter 19 of Title 63.2 (§ 63.2-1900 et seq.) of the Code of Virginia and in accordance with Virginia Code § 20-108.2 and Virginia Code § 63.2-1921, initiate a review of the amount of support ordered by any court.
9. The parties shall give each other, the Court and, if support is being paid through the Department of Social Services, the Department, at least thirty (30) days advance written notice of any change of address and any change of telephone number within thirty (30) days after the change.
10. Each party shall keep the Court and, if support is being paid through the Department of Social Services, the Department, informed of the name, address and telephone number of his or her current employer.
11. See Paragraph E of this Order regarding Health Insurance notices.
12. The Department of Social Services may initiate a review of the amount of support ordered by any court.
13. The following information is provided for each parent of the minor child(ren):

	Father	Mother
Name:	_____	_____
Date of Birth:	_____	_____
Soc. Sec. No.:	_____	_____
*Home Address:	_____	_____

Child Support (Spousal Support if applicable) (continued)

Mailing Address: _____
(if different) _____
Telephone No.: _____
*Employer: _____
*Work Address: _____

Work Telephone: _____
Driver's License: _____

* Not included if Protective Order has been entered and the Court determines to delete this information pursuant to Virginia Code § 20-107.1 (H) (1).

FORM VII

VISITATION ADDENDUM TO PENDENTE LITE ORDER

Visitation Schedule of [☐ Mother / ☐ Father]

- ☐ Weekend schedule. Every other weekend from _____ on ☐ Thursday ☐ Friday ☐ Saturday until _____ on ☐ Saturday ☐ Sunday ☐ Monday.

- ☐ If the mother's / father's regularly scheduled weekend is followed by or preceded by a school holiday, the weekend shall be extended to encompass that holiday.

- ☐ Weekday schedule.

- ☐ Evening. ☐ Every ☐ Every other _____ from _____ until _____

- ☐ Overnight. ☐ Every ☐ Every other _____ from _____ until the following morning at _____

- ☐ Christmas Vacation.

- ☐ Divide Christmas Break. The mother / father shall have Christmas visitation as follows:

- | | | |
|-------------------------------------|---------------------------------------|--|
| <input type="checkbox"/> odd years | <input type="checkbox"/> "first part" | <input type="checkbox"/> "second part" |
| <input type="checkbox"/> even years | <input type="checkbox"/> "first part" | <input type="checkbox"/> "second part" |
| <input type="checkbox"/> every year | <input type="checkbox"/> "first part" | <input type="checkbox"/> "second part" |

"First part" is defined as...

From

- ☐ day school lets out at _____
☐ day after school lets out at _____
☐ December _____ at _____

Until

- ☐ Christmas Eve at _____
☐ Christmas Day at _____
☐ December _____ at _____

"Second part" is defined as...

From

- ☐ Christmas Eve at _____
☐ Christmas Day at _____
☐ December _____ at _____

Until

- ☐ day school starts at _____
☐ day before school starts at _____
☐ December _____ at _____
☐ January _____ at _____

- ☐ *Other.* The mother / father shall have Christmas visitation as follows:

☐ odd years from December ____ at ____ until December / January ____ at ____

☐ even years from December ____ at ____ until December / January ____ at ____

☐ every year from December ____ at ____ until December / January ____ at ____

- ☐ *Jewish Holidays:*

Rosh Hashanah from ____ to ____ in odd/even years.

Yom Kippur from ____ to ____ in odd/even years.

Hanukkah from ____ to ____ in odd/even years.

- ☐ Other holidays of importance to the parties:

- ☐ *Father's Day / Mother's Day.* The minor child(ren) shall be with father on Father's Day and mother on Mother's Day, regardless of the regular visitation schedule.

- ☐ *Thanksgiving.* The mother / father shall have Thanksgiving visitation as follows:

In ☐ odd years ☐ even years ☐ every year

From ____ on ☐ Wednesday ☐ Thursday ☐ Friday ☐ Saturday until ____ on ☐ Thursday ☐ Friday ☐ Saturday ☐ Sunday ☐ Monday

- ☐ The minor child(ren) shall be with the other parent during these times in the alternating year.

- ☐ *Spring Break.* The mother / father shall have visitation during the child(ren)'s Spring Break as follows:

☐ *Entire Break* in ☐ odd years ☐ even years ☐ every year

- ☐ *Part of Break* as follows:

<input type="checkbox"/> odd years	<input type="checkbox"/> "first part"	<input type="checkbox"/> "second part"
<input type="checkbox"/> even years	<input type="checkbox"/> "first part"	<input type="checkbox"/> "second part"
<input type="checkbox"/> every year	<input type="checkbox"/> "first part"	<input type="checkbox"/> "second part"

"First part" is defined as...

From

- ☐ day school lets out at _____
- ☐ day after school lets out at _____
- ☐ _____ at _____

Until

- ☐ Wednesday at _____
- ☐ _____ at _____

"Second part" is defined as...

From

- ☐ Wednesday at _____
- ☐ _____ at _____

Until

- ☐ day school starts at _____
- ☐ day before school starts at _____
- ☐ _____ at _____

- ☐ Other Holidays. The mother / father shall have visitation during the following holidays:

- | | | | | |
|-----------------|------------------------------------|-------------------------------------|---|---|
| New Years Day | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | <input type="checkbox"/> part of Christmas |
| Valentine's Day | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | |
| Easter | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | <input type="checkbox"/> part of Spring Break |
| Memorial Day | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | |
| July 4th | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | |
| Labor Day | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | |
| Halloween | <input type="checkbox"/> odd years | <input type="checkbox"/> even years | <input type="checkbox"/> regular schedule | |

- ☐ Summer. The mother / father shall have visitation during the summer as follows:

- ☐ up to _____ weeks during the summer
- ☐ up to _____ weeks during the summer to be taken in no more than two (2) consecutive weeks with at least one (1) week in between
- ☐ from _____ until _____
- ☐ summer visitation shall pre-empt the regular visitation when in conflict
- ☐ the parties shall meet no later than _____ of each year to coordinate summer visits
- ☐ other _____

- ☐ Conflicts Between Regular and Holiday Visitation. The holiday schedule shall take precedence over the regular schedule.

FORM VIII

Written Findings Justifying a Deviation from the Statutory Guideline Amount Set Forth in Virginia Code § 20-108.2

The application of the guidelines set forth in Virginia Code § 20-108.2 would be unjust or inappropriate based upon the relevant evidence presented as to the following factors affecting the obligation, the ability of each party to provide child support and the best interests of the minor child(ren) for the following reasons:

_____ pursuant to the following statutory factors:

- ☐ Actual monetary support for other family members or former family members;
- ☐ Arrangements regarding custody of the children;
- ☐ Imputed income to a party who is voluntarily unemployed or voluntarily under-employed; provided that income may not be imputed to the custodial parent when a child is not in school, child care services are not available and the cost of such child care services are not included in the computation;
- ☐ Debts of either party arising during the marriage for the benefit of the child;
- ☐ Debts incurred for production of income;
- ☐ Direct payments ordered by the court for health care coverage, maintaining life insurance coverage pursuant to subsection D, education expenses, or other court-ordered direct payments for the benefit of the child and costs related to the provision of health care coverage pursuant to subdivision 7 of §20-60.3;
- ☐ Extraordinary capital gains such as capital gains resulting from the sale of the marital abode;
- ☐ Age, physical and mental condition of the child or children, including extraordinary medical or dental expenses, and child-care expenses;
- ☐ Independent financial resources, if any, of the child or children;
- ☐ Standard of living for the family established during the marriage;
- ☐ Earning capacity, obligations and needs, and financial resources of each parent;
- ☐ Education and training of the parties and the ability and opportunity of the parties to secure such education and training;
- ☐ Contributions, monetary and nonmonetary, of each party to the well-being of the family;
- ☐ Provisions made with regard to the marital property under §20-107.3;
- ☐ Tax consequences to the parties regarding claims for dependent children and child care expenses;
- ☐ A written agreement between the parties which includes the amount of child support;
- ☐ A pendente lite decree, which includes the amount of child support, agreed to by both parties or by counsel for the parties; and
- ☐ Such other factors, including tax consequences to each party, as are necessary to consider the equities for the parents and children.

VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF CHESTERFIELD

_____, **Plaintiff,**

v. **Chancery No.:** _____

_____, **Defendant.**

PAYROLL DEDUCTION ORDER

On the ____ day of _____, 200_, came the parties, in person and by counsel, pursuant to wife's / husband's request for payroll deduction from the wife / husband, and was argued by counsel.

Accordingly, it is hereby ORDERED as follows:

A. That _____ employer, _____ shall deduct support for the children of the parties from amounts due to _____ in the amount of _____ (\$ _____) per pay period for payments toward an arrearage of _____ plus interest at 9% per annum until paid in full and _____ shall forward funds directly to the payee, _____ at _____.

Pursuant to Section 20-79.3 of the Code of Virginia, the following information is provided:

1. The name and correct social security number of the obligor are as follows:

Obligor:
Soc. Sec. No.

2. The name and correct address of the payee are as follows:

Payee:

Address:

3. The employer shall withhold and pay out of the disposable earnings of the obligor a single monetary amount of (\$ _____), plus the 9% per annum interest on that section which represents payment of the arrearage, for each regular pay period of the obligor, subject to the provisions set forth above in paragraph A. When the arrearage set forth is paid in full the employer shall withhold and payout of the disposable earnings of the obligor a single monetary amount of _____ for each regular pay period of the obligor for so long as the obligor is obligated to pay spousal support.

4. Payment to the payee may be made by check.

5. The payroll deduction shall begin with the next regular pay period of the obligor following service of the order on the employer.

6. Payment shall be made at regular intervals consistent with the pay periods of the obligor.

7. The maximum percentage under Virginia Code § 34-29 which may be withheld from the obligor's disposable earnings is sixty-five (65%).

8. The support withholdings of this Order shall have priority for the duration of this Order in the event the maximum total deduction permitted at any time by Virginia Code § 34-29 is insufficient to fully cover both.

9. A fee of Five and 00/100 Dollars (\$5.00) for each reply and remittance on account of the obligor may be charged by the employer and withheld from the obligor's earnings in addition to the support amount being withheld.

10. This Order is binding upon the employer and the obligor and withholding is to continue until further notice by order of this Court or the obligor is no longer employed, whichever occurs first.

11. This Order shall have priority over any other types of liens created by state law against such earnings, except that if there is more than one court or administrative order for withholding for support against the obligor, the employer must honor the terms of the earliest received order and subsequent orders shall be honored in the order of receipt to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under Virginia Code § 34-29 as specified in the order being honored.

12. The obligor's rights are protected pursuant to Virginia Code § 63.2-1924. No employer shall discharge any employee, take disciplinary action against an employee, or refuse to employ a person by reason of the fact that his earnings have been made subject to a deduction. An employer who discharges or takes disciplinary action against an employee, or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than One Thousand and 00/100 Dollars (\$1,000.00).

13. The address to which the withholding is to be sent is as follows:

14. The employer shall be liable for payments which he fails to withhold or mail as specified in this Order.

15. The employer shall remit payments on each regular pay date of the obligor directly to the payee provided the employer has not received notice that the payee is receiving child support services as defined in Virginia Code §63.2-1924 to 63.2-1925 through the Division of Child Support Enforcement, ("DCSE").

16. The employer shall be deemed to have complied with this Order by mailing on each regular pay date of the obligor to the payee or, DCSE if so notified, by first class mail, the amount required to be deducted.

17. Payments pursuant to this Order shall serve as full acquittance of the employer under any contract of employment.

18. Any employer who fails to timely withhold payments pursuant to this Order shall be liable for any amount not timely withheld.

19. The obligor will pay directly to payee until these payments are deducted from obligor's paychecks.

It is hereby further ORDERED that the Clerk of this Court shall issue a certified copy of this Order to _____, employer or future employer (See § 20-79.1 (c)).

ENTER: / /

Judge

VIRGINIA:

IN THE CIRCUIT COURT OF THE _____ OF _____

Plaintiff

v.

Chancery No. _____

Defendant

DOMESTIC RELATIONS PRE-TRIAL ORDER

This matter has been set for trial on _____, 200__, at _____
_____. The length of trial is expected to require no more than _____. The
Court **ORDERS** as follows:

The matters to be tried shall be one or more of the following:

_____ Grounds for Divorce	_____ Custody
_____ Child Support	_____ Support
_____ Equitable Distribution	_____ Other
_____ Fees & Costs	

1. Sixty (60) days prior to trial is the deadline for completion of all discovery by the parties. The term "completion of discovery" shall require that discovery requests be propounded in such time as to require a timely response on or before the date established as the last day for discovery permitted by this order. This date may not be changed by agreement of counsel unless the Court so orders by written order of the Court.
2. If requested in discovery, the party of whom the request is made shall disclose experts _____ weeks prior to the discovery cut-off including

any opinions required by Rule 4:1 of the Supreme Court of Virginia. If more than two (2) experts are to be disclosed by either party, such party must disclose such experts _____ weeks prior to the discovery cut-off including opinions as aforesaid.

3. All demurrers, special pleas, motions to transfer venue, motions for summary judgment, or any motions which could dispose of the case before trial shall be filed and scheduled for a hearing by the Court not later than _____ days prior to the trial date or shall be deemed waived.
4. All motions to amend pleadings shall be filed and heard by the Court _____ days prior to the trial date.
5. Not later than thirty (30) days before trial, counsel shall serve on other counsel a list of witnesses expected to be called and a list of exhibits intended to be introduced. Witnesses and exhibits not so identified shall not be called or introduced at trial. Copies of exhibits shall be supplied to counsel or made available for examination at the same time the list is served. Exhibits not objected to will be deemed admitted. Objections to exhibits, other than their relevance, must be filed with the Court and opposing counsel not later than fourteen (14) days before trial; otherwise, the exhibits, if relevant, shall stand admitted into evidence. The Court discourages blanket objections.
 - a. Content of Exhibits
 - i. Documentary exhibits shall consist of only that material which is relevant to the case and not the entire document.

- ii. Graphic exhibits such as photographs, diagrams, charts, etc., shall be submitted in size no larger than 8-1/2 x 11 sheet of paper in order to assure a manageable record and to minimize the impact of file storage upon the clerk.
6. Within thirty (30) days of the date of entry of this order, counsel for all parties shall inform the Court in writing that the dispute resolution process has been explained to his or her client as noted in §8.01-576.4 – 8.01-576.12 of the Code of Virginia of 1950, as amended, and whether or not he or she objects to a referral on behalf of his or her client.
7. If counsel request and the Court concurs, the parties are ordered to appear at a final pre-trial conference on _____, 200__, at _____, and counsel shall bring the exhibits to be used at trial per paragraph 5 for review by the Court and for discussion of issues to be tried. In addition, counsel shall bring the completed forms provided by the Court on all matters in issue (custody, child support, spousal support, equitable distribution). These forms shall be exchanged with opposing counsel not less than five (5) business days prior to the second pre-trial conference. At this final pre-trial conference, the parties and counsel are to be present and are to be prepared to discuss and refine the issues and to reach stipulations.
8. In all cases counsel shall file with the Court and with opposing counsel not later than fourteen (14) days prior to trial all completed forms provided by the Court, including each party's proposed scheme of distribution.

9. Not later than 7 days prior to trial counsel shall jointly file a certification that the attorneys and their clients personally attended and participated in a conference in which a good faith effort was made to resolve all issues in dispute. The certificate shall list the issues resolved and those that remain for resolution at trial.
10. Failure to comply with any provisions of this Order by any party may result in limitation or exclusion of evidence, and/or claims, and may result in an award of attorney fees and any other appropriate sanction.

Enter: / /

Judge

FORM IX
SPOUSAL SUPPORT FACTORS

§20-107.1 PROFFER OF _____
CHANCERY NO. _____

- A. STATE THE CIRCUMSTANCES AND FACTORS WHICH CONTRIBUTED TO THE DISSOLUTION OF THE MARRIAGE AND THE GROUNDS FOR DIVORCE.
- B. IF YOU ARE REQUESTING AN AWARD OF SPOUSAL SUPPORT:
1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order.
 2. State whether you are requesting that the court reserve your right to receive spousal support in the future.
- C. IF YOUR SPOUSE IS REQUESTING AN AWARD OF SPOUSAL SUPPORT:
1. State the amount of support you believe the court should award and state whether the award should be in the form of periodic payments for a defined duration, periodic payments for an undefined duration, a lump sum or a combination thereof. If you believe the award should be for a defined duration, state the length of the duration that you are requesting the court to order; OR
 2. State why no spousal support should be awarded.

Husband/Wife

D. PURSUANT TO VIRGINIA CODE SECTION § 20-107.1(E) DESCRIBE:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature.
(You may attach the income and expense statement and other relevant exhibits from §20-107.2 Proffers.)
2. The standard of living established during the marriage.
3. The duration of the marriage.
4. The age and physical and mental condition of the parties and any special circumstances of the family.

Husband/Wife

5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home.
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible.
8. The provisions made with regard to the marital property under § 20-107.3. (Attach equitable distribution summary form.

Husband/Wife

9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity.
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability.
11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market.

Husband/Wife

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party.

13. Such other factors, including the tax consequences to each party, as are necessary to consider the equities between the parties.

Husband/Wife

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this
____ day of _____, _____. My commission expires _____.

Notary Public

FORM X
EQUITABLE DISTRIBUTION FACTORS

§20-107.3 PROFFER OF _____
CHANCERY NO. _____

PURSUANT TO VIRGINIA CODE 20-107.3 (E), DESCRIBE:

1. My contributions, monetary and nonmonetary, to the well-being of the family.

2. My contributions, monetary and nonmonetary, in the acquisition and care and maintenance of the marital property of the parties.

3. The duration of the marriage.

4. My age and physical and mental condition.

Husband/Wife

5. The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivisions (1), (3) or (6) of §20-91 or §20-95.
6. How and when specific items of the marital property were acquired. SEE ATTACHED PROPERTY INVENTORY AND PENSION SCHEDULES.
7. The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities. SEE DEBT SCHEDULE AND PROPERTY INVENTORY.
8. The liquid or nonliquid character of all marital property. PLEASE SUMMARIZE FROM SCHEDULES.
9. My tax consequences.

Husband/Wife

10. Such other factors as may be necessary for the Court to consider in order to arrive at a fair and equitable monetary award.

Husband/Wife

STATE OF VIRGINIA
CITY/COUNTY OF _____

Subscribed and sworn to before me by _____ this
____ day of _____, _____. My commission expires _____.

Notary Public

PERSONAL INFORMATION SCHEDULE and FACTORS FOR EQUITABLE DISTRIBUTION

Disclosure Of: _____ Style: _____

Date: _____ Chancery No. _____

Personal Information for	Husband	(Notes)	Wife	(Notes)
Name:				
Age:				
Education:				
Occupation:				
Employer:				
Rank/Grade/Level:				
		(Notes)		(Notes)
Number of years employed in past five years:				
Total annual earned income last calendar year:				
Average monthly earned income past six months:				
during last year (interest, dividends, etc.)				

Children of Parties

First Name	Age	Residence

Significant Dates

Marriage date:
Separation date:
Date of filing of B/C:
Date of final hearing:

Factors to be Considered in Division of Marital Property

(Address specifically the relevant factors set forth in §20-107.3.E.1.-11.)

This party wishes the Court to consider the following factors, which he/she intends to establish by credible evidence, in the Court making a monetary award most favorable to him/her.

1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	

Submitted by: _____
Counsel for: _____

PROPERTY INVENTORY: _____

V. _____

Chancery No. _____

Property Item	Date of Purchase	Date of Valuation	Title: H, W, Jnt	Classification: Marital, Hybrid, Sep-H, Sep-W	Fair Market Value	Lien	Marital Equity	Separate or Part Separate-Husband	Separate or Part Separate-Wife	Court Findings
---------------	------------------	-------------------	------------------	---	-------------------	------	----------------	-----------------------------------	--------------------------------	----------------

Real Property

1										
2										
3										
4										
5										

Personal Property (Motor Vehicles, Boats, Trailers, etc.)

1										
2										
3										
4										
5										
6										

Stocks, Bonds, Investments, CDs

1										
2										
3										
4										
5										
6										

Tangible Personal Property (Include Jewelry, Antiques, Valuable Collections)

1										
2										
3										
4										
5										

PROPERTY INVENTORY--continued

Property Item	Date of Purchase	Date of Valuation	Title: H, W, Jnt	Classification: Marital, Hybrid, Sep-H, Sep-W	Fair Market Value	Lien	Marital Equity	Separate or Part Separate-Husband	Separate or Part Separate-Wife	Court Findings
---------------	------------------	-------------------	------------------	---	-------------------	------	----------------	-----------------------------------	--------------------------------	----------------

Savings Accounts

1										
2										
3										
4										

Life Insurance Cash Value

1										
2										
3										
4										

Stock Options

1										
2										
3										
4										

IRAS

1										
2										
3										
4										

Retirements: 401Ks, Profit-Sharing, Thrift Savings, SEPS or other Defined Contribution Plans

1										
2										
3										
4										
5										

PROPERTY INVENTORY--continued

Property Item	Date of Purchase	Date of Valuation	Title: H, W, Jnt	Classification: Marital, Hybrid, Sep-H, Sep-W	Fair Market Value	Lien	Marital Equity	Separate or Part Separate-Husband	Separate or Part Separate-Wife	Court Findings
---------------	------------------	-------------------	------------------	---	-------------------	------	----------------	-----------------------------------	--------------------------------	----------------

Business Interests: Corporations, Partnerships, Limited Partnerships, or other entities

1										
2										
3										
4										

Other Property

1										
2										
3										
4										

TOTALS:

Classification	Fair Market Value	Lien	Marital Equity	Separate or Part Separate-Husband	Separate or Part Separate-Wife

PENSION SCHEDULE

H. Description of Pension and Payor	Initial Service Date	Date of Marriage	Date of Separation	Marital Share Formula	Husband Wants % or \$	Wife Wants % or \$	Ordered
1							
2							
3							
4							
5							
6							

DEBT SCHEDULE

	CREDITOR	DEBTOR: H, W OR JT	Marital, Sep or Hybrid	Monthly Payment	Balance: Date of Separation	Balance: Present	Amount Paid by W since Separation	Amount Paid by H since Separation	H OWES	W OWES	Court Findings
1											
2											
3											
4											
5											
6											
7											
8											
9											
10											

PROPOSED DISTRIBUTION OF PROPERTY

STYLE:
Chancery No.

Disclosure Of:

Date:

Property Item	Value	Marital Equity	Separate Equity Husband	Separate Equity Wife	Division of Marital Equity		Notes
					To Wife	To Husband	
Real & Personal Property:							
1.							
2.							
3.							
4.							
5.							
6.							
7.							
8.							
9.							
10.							
11.							
Business Property:							
12.							
13.							
14.							
Pension Schedule:							
15.							
16.							
Debt Schedule:							
17.							
18.							
19.							
20.							
21.							
22.							
23.							
24.							
PROPOSED DISTRIBUTION OF MARITAL PROPERTY:			\$0	\$0	\$0	\$0	

BUYOUT OF ANY SEPARATE INTERESTS:

	To Wife	To Husband
1.		
2.		
3.		
4.		

Balance of Equities after Purchase of Separate Interests:

\$0 \$0

SUBMITTED BY: _____

FORM XIII

Petitioner

v.

Chancery No. _____

Respondent

SHOW CAUSE WORKSHEET

TO BE COMPLETED BY COUNSEL FOR PETITIONER (or party pro se)

1. Petitioner contends that the arrearage as of the date of this hearing is \$_____, representing non-payment or partial payment of support from _____ to _____ in accordance with the accounting attached. This accounting has been supplied to opposing counsel/party.
2. Petitioner seeks the following relief at the hearing: (Place X next to requested relief.)
 - ☐ a) Judgment for the liquidated amount of arrearage;
 - ☐ b) Withholding of contempt finding subject to liquidation of arrearage within _____;
 - ☐ c) Finding of contempt with sanctions withheld pending liquidation of arrearage within _____; (insert time period in b and c)
 - ☐ d) Imposition of the following sanctions other than incarceration: _____
_____;
 - ☐ e) Incarceration under the following terms: _____;
 - ☐ f) Award of attorney's fees/costs in the amount of \$_____;
 - ☐ g) Other _____;

TO BE COMPLETED BY COUNSEL FOR RESPONDENT (or party pro se)

1. Respondent contends: ☐ there is no arrearage OR ☐ the arrearage as of the date of this hearing is \$_____ representing non-payment or partial payment from _____ to _____ in accordance with the accounting attached. This accounting has been supplied to opposing counsel/party.
2. Respondent proposes to liquidate the arrearage as follows: _____
_____.

Counsel for Petitioner

Date

Counsel for Respondent

Date

V I R G I N I A :

IN THE CIRCUIT COURT OF THE [**CITY/COUNTY**] OF [***]

_____, PLAINTIFF,

v. Case No. _____

_____, DEFENDANT.

ORDER TO SHOW CAUSE

This day came the [plaintiff] [defendant], by counsel,
and by leave of Court filed [his] [her] petition, [moving the Court
to reinstate this cause on the docket and] representing to the
Court that the [plaintiff] [defendant] is in violation of the
[Order] [Decree] entered in this cause on _____,
20____, by failing to [pay child support] [pay spousal support]
[pay attorney's fees and costs] and is in arrears of such payments
in the approximate sum of \$_____, or _____

_____.

Accordingly, it is ORDERED that this cause is reinstated
on the docket and set down for hearing before this Court in the
Courthouse at [insert street address of Courthouse] on
_____, 20____, _____ o'clock, _____.m. and that the
[plaintiff] [defendant] shall appear and show cause, if any [he]
[she] can why [he] [she] should not be held in contempt of Court
and fined or imprisoned, or both, for failure to comply with the
[Order] [Decree] entered on _____, 20____, [why
judgment should not be awarded to the [plaintiff] [defendant] for
the amount of [child support] [spousal support] [attorneys' fees

and costs] found to be owing as of the date of the hearing, [and why the (plaintiff) (defendant) should not pay a reasonable amount to the (plaintiff) (defendant) for an attorney's fee for services in this proceeding and the costs].

It is further ORDERED that a certified copy of this Order and of the Petition be served forthwith upon the [plaintiff] [defendant] in person.

ENTER: / /

Judge

Style: _____ Case #: _____ Date Started: _____ VS-4: _____ DIVORCE CHECKLIST

Service: Date: _____ Personal _____ Valid? Yes: _____ No: _____
Substitute _____ Waived before Notary _____ Accepted Before Notary _____
Response: _____ Answer _____ X-bill _____ Answer to X-bill _____
Depositions: _____ Notice _____ Scheduled _____ Taken _____ Continued _____
Guardian: _____ Present at Depositions? _____

FORM XIV

1. Date/Place of Marriage _____
2. Age of Parties _____
3. Domiciled/Resident of Virginia - 6 months (one party) _____
4. Armed Forces _____
5. Children: _____
of Marriage _____
6. Venue Pled _____
of Parties and Acknowledged by Father _____
Objection to Venue? _____
7. Date of Separation _____
8. Intent to Separate (Hooker, 215 Va. 415) _____
9. Grounds (20-91):
 - a. Adultery (20-94)
 1. No Cohabitation After Knowledge _____
 2. Within Last Five years _____
 3. Nonprocurance or Convivance _____
 4. Bed & Board Notice _____
 - b. Party convicted of Felony
 1. Confined more than one year _____
 2. No cohabitation after knowledge _____
 - c. Cruelty (reasonable apprehension bodily harm) _____
 - d. Desertion: actual/constructive _____
 - e. 1 Year Separation _____
 - f. 6 Month Separation (PSA No kids) _____
10. Motion to Change Grounds if change from B/C: _____
11. Continuous Separation _____
12. No Probable Reconciliation (Bed & Board Decree) _____
13. Incorporation of PSA (dated: _____) _____
bankruptcy clause? _____ (excluded) _____
14. Restoration of Maiden Name [SEPARATE ORDER] _____

Final Decree: _____ Strikes Matter from Docket _____
_____ Refers Support/Custody Issues to JDR if they were raised _____
_____ Dismisses X-bill if any _____

§ 20-79.2 -- If Child Support, EITHER:

- A. _____ obligee endorses only _____
and _____ good cause for not imposing immediate withholding _____
and _____ language that the obligee therefore waives the need for immediate withholding _____
- OR-
- B. _____ both parties endorse _____
and _____ language that obligor and obligee agree to direct payments of all sums until further order of court _____
- OR-
- C. _____ immediate income withholding provision _____

§ 20-60.3 Orders Involving Child Support ONLY or Child AND Spousal Support

1. Notice that support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to § 20-79.1;
2. Notice that support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2;
3. The names and dates of birth of each child to whom a duty of support is then owed by the person responsible for support;
4. If known, the name, date of birth and social security number of each parent of the child and, if different and if known, the name, date of birth and social security number of the person responsible for support and, unless otherwise ordered, each parent or responsible person's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his or her employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;
5. On and after July 1, 1994, notice that a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of \$ 5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;
6. The amount of periodic support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;
7. a. An order for health care coverage, including the health insurance policy information, for dependent children pursuant to §§ 20-108.1 and 20-108.2 if available at reasonable cost as defined in § 63.2-1900 and a statement as to whether there is an order for health care coverage for a spouse or former spouse; and
b. A statement as to whether any extraordinary medical expenses are to be paid by or reimbursed to a party pursuant to subsection D and subdivision G 3 of § 20-108.2, and if such expenses are ordered, then the provisions as how such payment is to be made;
8. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages;
9. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;
10. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring an obligor to keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, a provision requiring an obligor to keep the court informed of the name, address and telephone number of his current employer;
11. The separate amounts due to each person under the order, unless the court specifically orders a unitary award of child and spousal support due or the order affirms a separation agreement containing provision for such unitary award;
12. Notice that in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law; and
13. Notice that on and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-192.1, initiate a review of the amount of support ordered by any court.

§ 20-124.5 Orders Involving Custody

In any proceeding involving custody or visitation, the court shall include as a condition of any custody or visitation order a requirement that thirty days' advance written notice be given to the court and the other party by any party intending to relocate and of any intended change of address, unless the court, for good cause shown, orders otherwise. The court may require that the notice be in such form and contain such information as it deems proper and necessary under the circumstances of the case.

§ 20-107.1(c) Orders Involving Spousal Support ONLY:

1. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;
2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;
3. A statement as to whether there is an order for health care coverage for a party;
4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;
5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;
6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

APPENDIX i
HISTORY AND BASIS FOR SPOUSAL SUPPORT GUIDELINES

I. Introduction

The goal of the Ad Hoc Committee relating to support guidelines was to review the spousal support guidelines now utilized in other jurisdictions, and to study the actual awards being made locally in the 12th, 13th and 14th Judicial Circuits in order to develop a spousal support guideline compatible with the actual award experience of our local courts. The current spousal support guidelines used in Fairfax County, the City of Harrisonburg, and the 9th Judicial Circuit were reviewed and contacts were made with local attorneys in those jurisdiction to discuss generally the basis upon which the guidelines were made, and the success or issues in their implementation.

It appeared that no jurisdiction had actually reviewed in detail actual case files to develop any data base upon which a meaningful review of any spousal support guideline formula could be made. Accordingly, the ad hoc committee, with the assistance of the judges and their staff, prepared a comprehensive data form and reviewed over 150 actual cases for the period of 2001-2003 where temporary spousal support or a combined spousal/child support issues had actually been litigated and was awarded by the court. The data included approximately 50 case examples from each jurisdiction. The examples ranged from low income cases (under \$1,500 per month for each party; \$1,500-\$4,000 per month for each party), to non income for one party and a wide range of the other party's income (other party income ranging from \$2,500 to \$22,500) and middle to upper income cases (\$4,000+ for each party; \$6,000/\$12,000 for the parties; over \$10,000 for one of the parties). Also noted were the expenses for mortgages and automobile payments where available. Where child support issues were involved, the data base review included the number of children involved, and the costs of day care, health care and extraordinary health costs per the statute.

With this data, a spousal support guideline award was computed based upon the application of the Fairfax, Harrisonburg and 9th Judicial Circuit spousal support guidelines. This applied to both spousal support only cases, and combined spousal support and child support cases. A comparison to the actual awards made in the cases reviewed was then made and analyzed.

A clear pattern evolved from the committee's review of these cases, their actual awards as made by the local courts, and the comparison to the guidelines used in other jurisdictions. In spousal support only cases, the local awards generally exceeded those that would be made by the implementation of the Fairfax and Harrisonburg awards. The local awards exceeded the other 2 jurisdictions by a range of 10-50% generally. Where those awards were made, Fairfax was lower than the Harrisonburg awards, generally due to the different formulas used in said jurisdictions for such cases (Fairfax: 30%- 50% of gross incomes; Harrisonburg: 30%- 40% of gross incomes). The 9th Circuit awards were closer to those made in our area, to the extent sufficient mortgage and automobile data could be obtained from the data base, which is used as a "debt adjustment" in the 9th Circuit.

In many cases, where no award whatsoever would have been made for spousal support only cases in the Fairfax and Harrisonburg, our local courts often made modest spousal support awards, which is assumed in discussions to reflect a consideration of housing or other major debt

considerations. Thus, it was clear from the analysis that in order to develop a guideline amount that would more closely follow the actual experience of our local courts, one of two options would need to be considered. First, a percentage guideline that would increase the awards to more accurately reflect the real awards being made. This would in essence increase the award from the other 2 jurisdictions. Second, a consideration of the 9th Judicial Circuit model based upon debt adjustments.

After considerable discussion of the committee and court, it was decided that for ease of administration as a temporary guideline only, and because the goal was to develop a sound formula based upon the actual award experience of our courts, a straight percentage guideline methodology was preferable to the more complex debt adjustment method of the 9th Circuit. In order to adopt such a formula to increase the award to a more compatible number, a formula of 30% of the gross income of the payor less 30% of the gross income of the payee was suggested for adoption.

The implementation of this formula and its fairness can be seen by its application to the following case example which is representative of the pattern seen above. In a recent Henrico County spousal support only case, wife had income of \$1,644 per month and husband had income of \$4,000 per month. Wife's house payment was the sum of \$820.00 per month and the actual award made was in the sum of \$820 per month, with husband ordered to pay said house payment. The Fairfax guideline would result in an award of \$378.00, Harrisonburg would result in \$542.00, while the 9th Circuit award would be \$788.00. Using the proposed percentage formula set forth above, the guideline award would result in an award of \$707 per month, which the committee felt was fair and within a reasonable range of the actual award made. In another case example from the Chesterfield Circuit Court, very typical of the pattern where the incomes are not substantially different, wife had income of \$1,651 and husband had income of \$2,275. An award of \$725.00 was ordered. All three other guidelines would have resulted in a "0" award based upon the differences of income. The application of local guideline would result in an award of \$197.00 which again the committee felt more appropriate than no award at all and compatible with the numerous other case examples reviewed in the data base. A final example is another Chesterfield case. Where wife's income was \$2,240 per month and husband's was \$6,770, the actual award made was the sum of \$1,309 per month. The Fairfax guideline would result in an award of \$911, the Harrisonburg award \$1,135.00, and the 9th Circuit (without mortgage data) was \$776.00. The application of our local guideline would result in an award of \$1,359.00, much more compatible with the actual award made.

On the other hand, where there was a combined spousal and child support issue before the court, due to the varying spousal support threshold formulas used by Fairfax and Harrisonburg and the 9th Circuit, generally the awards made by the application of the Fairfax formula resulted in higher spousal awards, slightly lower child support awards, but a higher combined award. These combined awards were more consistent and compatible to the combined awards made by the local courts in the review of the data base for spousal/child support cases. A typical example comes from the Richmond Circuit Court. Where the wife's income was \$1,500 and the husband's income was \$5,160 and there was one child, the award actually made was \$424 spousal support and \$620 child support, for a combined award of \$1,044 per month. The Fairfax award would be \$575.00 for spousal support and \$567 for child support, or an award of \$1,142 per month, which is well within the range of the actual award made.

Thus, it was the recommendation of the committee that for combined spousal and child support cases, that the current Fairfax guidelines would be used. The formula for such an award calculates the initial spousal support award based upon 28% of the payor's gross income, less 58% of the payee's gross income. The amount of each party's gross income for child support purposes is then adjusted pursuant to the statute by adding the spousal support to one parent and deducting the amount from the other parent prior to applying the child support guidelines under §20-108.1 and 108.2. This is consistent with the current statute and the holding in Frazer v. Frazer, 23 Va. App. 358 (1996).

2. Purpose and Authority of Spousal Support Guideline

The spousal support guideline is being adopted to make support cases more consistent and to assist counsel and parties in settling cases by knowing better what results might be expected in court. The guideline does not have the authority of a statutory mandate nor is it presumptively correct as a matter of law, nor does it require a written justification from the court to deviate from the guideline, unlike child support awards. The guideline is considered to be mainly useful for *pendente lite* support, since other factors such as marital fault, the length of marriage, the equitable distribution of property and other statutory factors may indicate a different result for a permanent spousal support or modification hearing. Generally, it is intended for use only at the temporary order stage of the proceedings and is not intended to be given weight at the time of the permanent support hearing. For high income families, the spousal support guideline may not be a reasonable indication of the appropriate support, and in these higher income cases, it may be more appropriate to consider the actual needs of the payee in establishing proper support.

GUIDELINES & PRACTICES: 12th, 13th & 14th CIRCUITS

GENERAL SUMMARY TIME LINE OF PRACTICES & PROCEDURES DOMESTIC RELATIONS CASES

Where parties are:

- a) Eligible for Final Decree AND
- b) Are At Issue



STEP 1 STEP 2

Where Parties:	STEP 1	STEP 2
a) Agree Upon Trial Date + b) Case is less than 4 hrs + c) Pre-trial order Agreed	→ 10 Days From date parties are at issue: Obtain Trial Date from Court	→ 10 Days After trial date set: File: Pre-Trial Order



Where Parties:	→ 10 Days	→ 30 Days	→ 10 Days	After entry of Pre-Trial Order, follow STEPS and Deadlines set forth in STEPS 3, 4, 5, 6 and 7 below
a) Do Not Agree on Trial Date OR b) Case is over 4 hrs OR c) Parties Do Not Agree on Pre-Trial Order	From date Parties are at Issue: Obtain Date for Hearing to Schedule Trial Date & Pre-Trial Conference	From date Parties are at Issue: Hearing/Pre-Trial Conference Date	From date of Pre-Trial Conference. If Pre-trial Order not entered at Pre-Trial Conference, then File: Pre-Trial Order	



STEP 3 STEP 4 STEP 5 STEP 6 STEP 7

STEP 3	STEP 4	STEP 5	STEP 6	STEP 7
→ 30 Days from date of Pre-trial Order: Submit: Dispute Resolution info	60 Days ← Prior to Trial: Deadline for Completion of All Discovery	30 Days ← Prior to Trial: Submit: Witness List Exhibit List	14 Days ← Prior to Trial: Submit: Objections to Evidence And ED Scheme And any other Forms Settlement Conference	→ 120 Days To be set within 120 days from date trial date obtained by agreement or by pre-trial hearing TRIAL DATE