

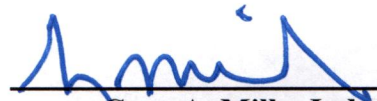
VIRGINIA: IN THE CIRCUIT COURT FOR THE CITY OF NEWPORT NEWS

ORDER

In an effort to assist the Court and counsel and to expedite *pendente lite* hearings, the Court adopts the Seventh Judicial Circuit of Virginia Domestic Relations Trial Instructions & Forms for Equitable Distribution, Spousal Support, and Contested Custody/Visitation, Revised October 2018.

The Court also repeals Local Rule 98-1 concerning *Pendente Lite* Orders and Local Rule 98-2 concerning Orders to Meet and Confer.

ENTERED this 6 day of Nov 2018



Gary A. Mills, Judge

SEVENTH JUDICIAL CIRCUIT OF VIRGINIA

DOMESTIC RELATIONS TRIAL INSTRUCTIONS & FORMS

Equitable Distribution

Spousal Support

Contested Custody/Visitation

REVISED October 2018

SEVENTH JUDICIAL CIRCUIT OF VIRGINIA
DOMESTIC RELATIONS TRIAL INSTRUCTIONS & FORMS

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PENDENTE LITE HEARINGS SEVENTH JUDICIAL CIRCUIT

In an effort to assist the Court and counsel and to expedite *pendente lite* hearings, the Court has adopted the following instructions and forms that are applicable to each divorce case in which *pendente lite* hearings are scheduled. The scheduling of a *pendente lite* hearing shall not be delayed by the filing of a demurrer, and, whenever possible, both matters shall be heard at the same time. A *pendente lite* hearing normally is not scheduled until 21 days after service of a complaint for divorce except in cases where an emergency exists, such as when family members are in danger.

- A. The Court will expect, where possible, that parties bring with them to *pendente lite* hearings appropriate documentation supporting the amount of present income which they claim is earned by either or both of the parties (e.g., pay slips, monthly profit/loss statements, etc.). If a party claims that the current income of one of the parties should be determined by averaging income earned over a number of months, documentation should be produced, where possible, for each of those months, and an accounting of the calculations involved should accompany those documents.
- B. A current income/expense statement shall be prepared by each party when either party intends to request a deviation from guideline support. The Court requires that a standard income/expense statement similar to the attached income/expense form be used.
- C. Counsel for each party is to be responsible for bringing to the hearing a completed Seventh Circuit *Pendente Lite* Guidelines Worksheet, and model *pendente lite* order as printed completed with the statistical information peculiar to this case. The Court applies the Seventh Circuit support formula including child support, spousal support, and family debt adjustment for *pendente lite* purposes with a deviation for good cause shown by clear and convincing evidence. The child support portion shall utilize the applicable regular, shared custody or split custody guideline. If the parties reach an accord and desire to have a consent order entered, the model order shall also be implemented.
- D. The family debt adjustment, as used in the Seventh Circuit support formula, shall include only each party's reasonable housing expense (such as the mortgage and any line of credit secured by the marital residence and/or rent as applicable) and reasonable vehicle expense to the extent such debt is paid by a party.
- E. Best Interest Proffers for support and/or child custody/visitation are not required to be submitted to the Court in relation to a *pendente lite* hearing, at which support and/or child custody/visitation are not expected to be contested. In a *pendente lite* hearing where custody and visitation are expected to be contested, the Court generally will be inclined to maintain the status quo pending a full evidentiary hearing. Accordingly, the Best Interest Proffers for a contested *pendente lite* hearing should particularly focus on the role each parent has played in the upbringing and care of the child(ren) and why a change should be made prior to a full evidentiary hearing.
- F. All documents shall be exchanged between counsel at the earliest possible time, but no later than five (5) business days before the hearing with copies being provided to the Court at the same time.
- G. After the hearing, counsel will be required to complete the model *pendente lite* order as printed with the Court's orders, endorse it appropriately, and leave the completed order with the Judge's staff or forward it to the court as soon as possible, but no later than 30 days. By leave of court, an alternate order form may be used.

CONTESTED CUSTODY/VISITATION HEARINGS

- A. Prior to considering contested custody or visitation matters (except for *pendente lite* or emergency hearings), the Court may require an order of referral to a parent education seminar, an order providing for mediation, and, if mediation is unsuccessful, the Court may then order home studies and parental evaluations. In all contested custody or visitation hearings, except for emergency hearings, the parties are to complete the best interests of the child proffer, exchange it at least five (5) days prior to the hearing, and provide a copy to the Court.
- B. If an emergency exists, such as where family members are in danger, the Court will consider scheduling an emergency hearing without the requirements set forth above. However, the moving party, or his or her counsel, shall file with the court a motion accompanied by an affidavit under oath stating the facts which establish the emergency. If the motion is granted, copies of a Notice, the Motion, and the Affidavit shall be served upon the adverse party no later than five (5) days prior to the hearing. Depending upon the circumstances and the ruling of the Court, the adverse party will be provided reasonable accommodations if he or she requests a rehearing of the Court's decision.
- C. If a guardian *ad litem* is appointed, then pursuant to the Judicial Council Approved Performance Standards for Guardians *ad Litem* for Children, the basis for the guardian's recommendations may be presented to the court. This summary may be written or oral. If written, copies of the summary should be provided to the other parties and their counsel at least five (5) days prior to the hearing unless otherwise directed by the court.

ORE TENUS EQUITABLE DISTRIBUTION HEARINGS SEVENTH JUDICIAL CIRCUIT

The Court is willing to make an effort to hear equitable distribution matters *ore tenus* if the parties comply with the following:

1. A pre-hearing conference is to be scheduled with the Court. Each of the parties is to complete the appropriate forms. Each party will be bound by the information contained in his or her completed forms. For simplicity and continuity, the Court requires that the attached or similar forms be used. It is important that the parties calculate the totals of the marital, mixed, and separate property where provided on the forms.
2. The parties are to exchange the completed forms with copies to the Court no later than seven (7) days before the pre-hearing conference. After reviewing the Defendant's forms, the Plaintiff's counsel shall prepare a "universal inventory" or an alternative document which identifies the contested issues between the parties. Said document shall be forwarded to the Court and Defendant's counsel no later than two (2) days before the pre-hearing conference.
3. The parties and counsel are to be present for the pre-hearing conference and be prepared to discuss and refine the issues.

4. At the conclusion of the pre-hearing conference, the Court will determine whether to hear or refer the matter to a judge *pro tem* or judicial settlement conference for determination of equitable distribution. An *ore tenus* equitable distribution hearing will run a maximum of three hours unless more time is granted by the Court. Counsel and the parties shall bring their calendars to the pre-hearing conference.

The transcripts of any Depositions shall be submitted to the Court at least five (5) days in advance of the Equitable Distribution hearing.

PERMANENT SPOUSAL SUPPORT

After equitable distribution, if a hearing is required for the award of permanent spousal support, the parties shall complete the pertinent Section 20-107.1 proffer and current income and expense statement, exchange the same between the parties and provide copies to the Court at least five (5) days before the hearing. **The transcripts of any Depositions shall be submitted to the Court at least five (5) days in advance of the Permanent Spousal Support hearing.**

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

Proffer of
[Name of Client]
Mother/Father/Other

_____ vs. _____
Case 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:

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:

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

Mother:

Father:

4. Needs of child, giving due consideration to other important relationships of child including:

- a) Siblings:**

- b) Peers:**

- c) Extended family:**

- d) Additional information – needs of child:**

5. Role which each parent:

a) has played in the upbringing and care of child:

Mother:

Father:

b) will play in the future in the upbringing and care of child:

Mother:

Father:

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

Mother:

Father:

7. Relative willingness and demonstrated ability of each parent:

a) to maintain a close and continuing relationship with child:

Mother:

Father:

b) to cooperate in and resolve disputes regarding matters affecting child:

Mother:

Father:

8. The reasonable preference of child, if Court determines child to be

a) of reasonable intelligence,

b) understanding,

c) age, and

d) experience

in order to express such a preference:

9. Any history of family abuse as that term is defined in § 16.1-228 or sexual abuse:

10. Other factors necessary and proper:

11. What visitation do you think is fair and in the best interests of child:

a) If you have custody?

b) If you do not have custody?

STATE OF VIRGINIA
CITY/COUNTY OF _____

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

Notary Public

Best Interests § 20-124.3

Mother/Father/Other

_____ v. _____
 Civil No. _____ Date _____
 Monthly Income and Expenses of _____

Employed by _____ _____ City & State _____ _____ Occupation _____ Pay Period _____ Next Payday _____ Annual Salary _____ # of Exemptions _____	Children in Household Name _____ D.O.B. _____ _____ _____ _____ _____ _____
--	---

Household Expenses

- Mortgage (PITI) or Rent _____
- Real Estate Property Taxes _____
- Personal Property Tax _____
- Homeowner's Insurance _____
- Repairs/Maintenance _____
- Furniture/Furnishings _____
- Electricity _____
- Gas/Heating Oil _____
- Water/Sewer _____
- Telephone _____
- Trash Collection _____
- Cable TV _____
- Groceries _____
- Meals Out _____
- Automobile Expenses**
- Automobile Payment _____
- Gasoline _____
- Auto Repair/Maintenance _____
- Auto Insurance _____
- Tags/Inspection, etc. _____
- Clothing**
- New (excluding children) _____
- Cleaning/Laundry _____
- Uniforms _____
- Miscellaneous**
- Medical/Health Care _____
- Dental Expenses _____
- Dues - Professional/Social Associations _____
- Homeowner's Association _____
- Gifts (Christmas, Birthday) _____
- Church/Charity _____
- Entertainment/Hobbies _____
- Vacations _____
- Personal Grooming _____
- Newspapers/Publications _____
- Other Insurance _____
- Other: _____

LESS: Income Taxes - Federal _____
 State _____
 Medicare/FICA _____
 Health Insurance _____
 Life Insurance _____
 Required Retirement _____
 Average MONTHLY NET PAY _____
 Pendente Lite Spousal Support _____
 Other Income _____
 Child Support _____
 MONTHLY NET INCOME _____

LIQUID ASSETS ON HAND

Cash/Checking/Savings _____
 Other Liquid Assets _____
 TOTAL LIQUID ASSETS _____

I certify that the income stated above is correct.

 State of Virginia; City/County of _____
 Subscribed and sworn to before me this ____ day of _____

 Notary Public

Children Expenses

- Child care _____
- School Tuition _____
- Lunch Money _____
- School Supplies _____
- Lessons/Sports _____
- New Clothing _____
- Personal Grooming _____
- Other - Allowances _____

Other Debts	Balance	Monthly Payment	Last 2
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W
	\$	\$	H/W

TOTALS PER MONTH

Subtotal Expenses _____
 Subtotal Debt Payments _____
TOTAL EXPENSES _____
TOTAL NET INCOME _____
BALANCE _____

Average GROSS PAY PER MONTH _____

Debt Schedule – Fixed and Other Debt

	Creditor	Debtor (H, W, J)	Marital/ Separate	Monthly Payment	Balance at Separation	Amt. Paid Since Separated	Present Balance	Who Paid	Husband Wants % or \$	Wife Wants % or \$
1										
2										
3										
4										
5										
6										
7										
8										
9										
10										
11										
12										
13										

Total Marital Debt \$ _____ Husband-Separate \$ _____ Wife-Separate \$ _____

Civil No. _____ Submitted by: _____

Seventh Circuit *Pendente Lite* Guidelines Worksheet

Style _____ v. _____

Civil No. _____

A. Basic Information

(NOTE: All numbers are per month)

	Mother/ Wife	Father/ Husband
1. Monthly gross income	\$ _____	\$ _____
2. Combined gross income \$ _____	_____ %	_____ %
3. Number of children _____		
4. Mortgage/Rent	\$ _____	\$ _____
5. Car payments	\$ _____	\$ _____
6. Work-related childcare	\$ _____	\$ _____
7. Healthcare premium for children	\$ _____	\$ _____
8. Basic guideline child support \$ _____		

B. Spousal Support

1. Payor spouse's monthly gross income	\$ _____
2. Payee spouse's monthly gross income	\$ _____
3. Payor spouse's gross income x 30% (28% with children)	\$ _____
4. Payee spouse's monthly gross income x 58% (50% if no children)	\$ _____
5. Guideline monthly spousal support (B3 minus B4; if negative number, support is zero)	\$ _____

C. Child Support

1. Payor spouse's gross income (B1) less spousal support (B5) and percentage of combined gross income (C1 ÷ A2)	\$ _____	_____ %
2. Payee spouse's gross income (B2) plus spousal support (B5) and percentage of combined gross income (C2 ÷ A2)	\$ _____	_____ %
3. Basic child support	\$ _____	
4. Cash medical expenses	\$ _____	
5. Work-related childcare costs	\$ _____	
6. Health insurance premium for children	\$ _____	\$ _____
	Mother/ Wife	Father/ Husband
7. Child support obligation of each party	\$ _____	\$ _____
8. Direct payment of health insurance by payor	\$ _____	\$ _____
9. Presumptive guideline share	\$ _____	\$ _____

10. Guideline child support payable by noncustodial parent _____ to _____ \$_____
11. Proposed adjustments to guideline support
 _____ \$_____(W) \$_____(H)
12. Each party's proposed share \$_____(W) \$_____(H)
13. Proposed adjusted child support \$_____

D. Adjustments for Family Debt

1. Total family debt (A4 + A5) \$_____
2. Husband's portion of family debt (amount he pays) \$_____
3. Wife's portion of family debt (amount she pays) \$_____
4. Adjusted gross income
- a. Husband's gross income after payment/receipt of spousal support and child support (A1 ± B5 ± C10) \$_____
 - b. Wife's gross income after payment/receipt of spousal support and child support (A1 ± B5 ± C10) \$_____
 - c. Husband's percentage of adjusted gross income (D4a ÷ A2) _____%
 - d. Wife's percentage of adjusted gross income (D4b ÷ A2) _____%
5. Family debt pro-ration
- a. Husband (D4c) _____ x (D1) _____ = \$_____
 - b. Wife (D4d) _____ x (D1) _____ = \$_____
6. Family debt adjustment
- a. Husband (D5a) _____ - (D2) _____ = \$_____
 - b. Wife (D5b) _____ - (D3) _____ = \$_____

E. Summary	Spousal Support	H to/from W	\$_____
	Child Support	H to/from W	\$_____
	Family Debt Adjustment *	H to/from W	\$_____
	Net Payment	H to/from W	\$_____

I certify that the factual information provided above is correct.

COMMONWEALTH OF VIRGINIA _____

City/County of _____, to-wit:

Sworn and subscribed to by _____ this ____ day of _____, 20__.

_____ My Commission expires: _____

Notary Public

* Contributions toward family debt shall be deemed in the nature of support.

NOTE: This completed worksheet shall be filed with the Court with a copy to the other party five (5) business days in advance of the *pendente lite* hearing.

PROPERTY INVENTORY

Property Item	Date of Purchase	Date of Valuation	Title H, W, Joint	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
REAL PROPERTY												
1												
2												
3												
4												
PERSONAL PROPERTY A. Motor Vehicles, Boats, Trailers												
1												
2												
3												
4												
5												
6												
B. Stocks, Bonds, and Other Investments												
1												
2												
3												
4												
5												
6												
7												
8												

Total Marital Equity \$ _____

Husband—Separate \$ _____

Wife—Separate \$ _____

Submitted by: _____ Civil No: _____

PROPERTY INVENTORY—continued

	Property Item	Date of Purchase	Date of Valuation	Title H, W, Joint	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
	C. Appraised Jewelry, Antiques, or Valuable Collections												
1													
2													
3													
4													
5													
6													
7													
8													
9													
10													
	D. Savings Accounts												
1													
2													
3													
4													
	E. Life Insurance (cash value)												
1													
2													
3													
4													
5													

Total Marital Equity \$ _____

Husband—Separate \$ _____

Wife—Separate \$ _____

Submitted by: _____ Civil No: _____

PROPERTY INVENTORY—continued

	Property Item	Date of Purchase	Date of Valuation	Title H, W, Joint	Marital	Mixed	Separate	Debt or Lien Monthly Payment	Income or Yield	Value or Equity	Husband Wants % or \$	Wife Wants % or \$	Court Findings
	F. Household Furnishings in Dispute												
1													
2													
3													
4													
	G. Other												
1													
2													
3													
4													

Pension Schedule

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

Marital Share Formula – Number of months of pension accrual during marriage divided by the total number of months of pension accrual.

Monthly Annuity – Monthly annuity which annuitant would expect if he/she could retire now based on current pay rate/grade and benefit schedule. Set forth age at which paid. *Designate Age to Receive.

Total Marital Equity \$ _____ Husband—Separate \$ _____ Wife—Separate \$ _____

Submitted by: _____ Civil No: _____

§ 20-107.3 PROFFER OF _____
Civil Action Number _____

PURSUANT TO VIRGINIA CODE § 20-107.3, DESCRIBE:

1. My contributions, monetary and nonmonetary, to the well-being of the family.
2. My contributions, monetary and nonmonetary, in the acquisition, care, and maintenance of the marital property of the parties.
3. The duration of the marriage.
4. My age and physical and mental condition.
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.

10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties.

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

 [Name of Client]

STATE OF VIRGINIA

City/County of _____

Subscribed and sworn to before me by [Name of Client] this _____ day of
 _____, _____.

 [Name of Client]

My commission expires: _____

Notary registration number: _____

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 you 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 your spouse 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.

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 § 20-107.3 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.

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.*)

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.

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 and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce, as are necessary to consider the equities between the parties.

[Name of Client]

STATE OF VIRGINIA

City/County of _____

Subscribed and sworn to before me by _____ this _____
day of _____, _____.

My commission expires: _____.

Notary Public

§ 20-107.1 (Factor 8)
EQUITABLE DISTRIBUTION SUMMARY

v.

	Husband Marital Property		Wife Marital Property		Income Produced ±	Husband Debt Allocated	Wife Debt Allocated
	\$ _____	_____ %	\$ _____	_____ %		Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
Real Property	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
Personal Property	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
A. Motor Vehicles, Boats, Trailers	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
B. Stocks, Bonds, and Other Investments	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
C. Appraised Jewelry, Antiques, or Valuable Collections	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
D. Savings Accounts	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
E. Life Insurance (Cash Value)	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
F. Household Furnishings	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
G. Other	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
H. Pensions	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Per Mo. \$ _____ Total \$ _____	Per Mo. \$ _____ Total \$ _____
TOTAL	\$ _____	_____ %	\$ _____	_____ %	\$ _____	Total Per Mo. \$ _____ Total Balance \$ _____	Total Per Mo. \$ _____ Total Balance \$ _____

, Plaintiff,

v.

Case No. _____

, Defendant.

PENDENTE LITE ORDER

(child support; spousal and child support)

THIS DAY came Plaintiff, with without counsel, and Defendant, with without counsel, pursuant to notice properly served by agreement, and the Court having heard evidence *ore tenus* and by stipulation and proffer, hereby orders as follows:

Pursuant to Virginia Code § 20-103:

NAME	DATE OF BIRTH	RELATIONSHIP	SSN (last 4 digits)
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

are entitled to support from Plaintiff Defendant.

Custody of the said child(ren) is awarded to Plaintiff Defendant, **OR**

both parties jointly, with primary physical custody to Plaintiff Defendant,

with reasonable rights of visitation upon reasonable notice reserved unto Plaintiff Defendant. **OR**

as set forth in Exhibit _____ attached hereto and made a part hereof.

As a condition of custody or visitation, thirty days advance written notice must be given to the Court and the other party by any party intending to relocate and of any intended change of address.

It is further ADJUDGED, ORDERED, and DECREED:

Plaintiff Defendant is to pay to the Plaintiff Defendant the sum of \$_____ per month for the support and maintenance for the infant child or children. The sum of \$_____ is assessed for any full and partial months between the effective date and the date the first monthly payment is due.

The first monthly payment shall be due on the first day of the month of _____, 20__ and is due on the first day of the month thereafter. **OR**

The parties agree that payments may be made by the payor party to coincide with such payor's paychecks, with payments in the amount of \$_____ to begin on _____, 20__ and to continue on the ___ day of each week/month thereafter.

Payments shall continue to be paid until the child reaches the age of eighteen or until further order of this Court. Said support shall continue to be paid for any child over the age of eighteen 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 such child reaches the age of nineteen (19) or graduates from high school, whichever first.

The presumptive amount of child support which would result from the application of the Child Support Guidelines and marked Exhibit _____ is \$_____.

The child support ordered herein is not pursuant to the Guidelines provided in § 20-108.2 because the application of the Guidelines would be unjust or inappropriate in this case as determined by relevant evidence pertaining to the factors set forth in § 20-108.1:

the amount of child support has been agreed upon by the parties;

other: _____.

Plaintiff Defendant is to pay to the Plaintiff Defendant the sum of \$ _____, per month for temporary spousal support and maintenance. Said payments are to begin _____ and shall continue on the _____ day of each month thereafter until further order of this Court.

Pursuant to Virginia Code § 20-108.1 D., Plaintiff Defendant

shall maintain all existing life insurance policies owned by that party insuring the life of either party or

Pursuant to Virginia Code § 20-108.1 D and § 20-103 (A)(ix), Plaintiff Defendant shall maintain the following life insurance policies: _____; and name _____ as the beneficiary of said policies. The premium(s) for said policies shall be billed to _____ and the premium costs shall be allocated _____% to Plaintiff and _____% to Defendant.

shall designate the child(ren) of the parties as the beneficiary of all \$ _____ of such life insurance for so long as the party so ordered has a statutory obligation to pay child support for the child(ren).

Pursuant to Virginia Code § 20-108.1 E., Plaintiff Defendant shall execute all appropriate tax forms or waivers to grant to Plaintiff Defendant the right to take the income tax dependence exemption parties for federal and state income tax purposes for the current tax year and all future years, for (#) child/ren **OR** all children of the parties.

Pursuant to Virginia Code § 20-79.2:

Support payments are to be made by Income Withholding Order.

By agreement of the parties, as shown by their endorsement to this Order, support payments are to be made by the payor directly to the payee without an Income Withholding Order.

Good cause has been shown for not imposing immediate withholding and income deduction.

Plaintiff Defendant is to have the temporary exclusive possession of the marital home located at _____, and the contents thereof,

except as follows: _____.

Plaintiff Defendant is to pay the mortgage payment (including taxes and insurance) on the marital home until further order of this Court.

Plaintiff Defendant shall pay \$ _____ attorney's fees to counsel for Plaintiff Defendant.

Both parties are hereby enjoined and restrained from bothering or harassing each other in any oppressive fashion.

Both parties are hereby enjoined and restrained from disposing of or dissipating the marital assets without permission of the other party.

Each party intending a change of address shall give thirty (30) days' advance written notice of such change to the Court and the other party, pursuant to Section 20-124.5 of the Code of Virginia, 1950 as amended. Unless otherwise provided in this Order, this notice shall contain the child's full name, the case numbers, the party's new telephone number(s), the new street address and, if applicable, the party's new mailing address. Unless otherwise provided in this Order, the notice shall be mailed by first-class mail or hand delivered to this Court and to the other party.

Pursuant to Section 20-124.6 of the Code of Virginia, 1950 as amended, both parties shall have complete access to the academic, medical, hospital and other health records of said children.

Pursuant to Virginia Code § 20-60.3:

1. If known, the name, date of birth, and last four digits of the social security number of each parent of the child and, unless otherwise ordered, each parent'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 are as follows:

MOTHER

FATHER

Name:

Name:

Date of Birth:

Date of Birth:

SSN (last 4 digits): XXX-XX-

SSN (last 4 digits): XXX-XX-

Driver's License #:

Driver's License #:

Current Address & Residence Telephone

Current Address & Residence Telephone:

Employer Name, Address, & Telephone:

Employer Name, Address, & Telephone:

A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to the Plaintiff Defendant need not be disclosed.

2. No provision for health care coverage is ordered **OR**

Health care coverage is not available at a reasonable cost for children

Plaintiff Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

Plaintiff Defendant is required to maintain health care coverage for dependent children pursuant to §§ 20-108.1 and 20.108.2. The name of the health care plan is _____; and the policy number is _____.

Plaintiff shall pay ____% and Defendant shall pay ____% of any unreimbursed medical and dental bills, and shall include but not be limited to eyeglasses, prescription medication, prosthesis and mental health services whether provided by a social worker, psychologist, psychiatrist or counselor, incurred for the child(ren) commencing _____.

Plaintiff Defendant shall pay reimburse to Plaintiff Defendant unreimbursed medical and dental bills pursuant to subsection D and subsection G3 of § 20-108.2 in the following manner:

_____.

3. There are no child or spousal support arrearages at this time. **OR**

Child support arrearages exist as of _____ in the sum of \$ _____ covering the period of _____. Plaintiff Defendant is to pay \$ _____ to the Plaintiff Defendant \$ _____ per month beginning on _____ until said arrearage is paid in full.

Spousal support arrearages exist as of _____ in the sum of \$ _____ covering the period of _____. Plaintiff Defendant is to pay \$ _____ to the Plaintiff Defendant \$ _____ per month beginning on _____ until said arrearage is paid in full.

If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

4. 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.

5. Support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 *et seq.*) of Title 63.2 without further amendments to this order upon application for services with the Department of Social Services.

6. Notice is hereby given 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, or recreational activity issued by the Commonwealth to a parent responsible for support as provided in § 63.2-1937 upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more.

(A) Plaintiff does not currently hold such an authorization. **OR**

Plaintiff does hold such an authorization and is licensed as a: _____.

(B) Defendant does not currently hold such an authorization. **OR**

Defendant does hold such an authorization and is licensed as a: _____.

7. 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 of Social Services, 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.

8. If child support payments are ordered to be paid through 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/her 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/her current employer.

9. If child support payments are ordered to be paid through the Department of Social Services, a provision requiring the party obligated to provide health care coverage to keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, a provision requiring the party obligated to provide health care coverage to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

10. The support obligation ordered herein, as it becomes due and unpaid, creates a judgment by operation of law.

11. 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 63.2-1921, initiate a review of the amount of support ordered by any court.

o Other provisions

* (SEE INFORMATION CONTAINED IN A SEPARATE CONFIDENTIAL ADDENDUM WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDER.)

Enter: _____

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

	, Plaintiff,)	
)	
v.)	Civil No. _____
)	
	, Defendant.)	

PENDENTE LITE ORDER
(no minor children)

THIS DAY came Plaintiff, with without counsel, and Defendant, with without counsel, pursuant to notice properly served by agreement, and the court having heard evidence *ore tenus* and by stipulation and proffer, hereby orders as follows:

Pursuant to Virginia Code § 20-103:

Plaintiff Defendant is to pay to the Plaintiff Defendant the sum of \$_____, per month for spousal support and maintenance. Said payments are to begin _____ and shall continue on the ____ day of each month thereafter until further order of this Court, or until the death of either party;

Plaintiff Defendant is to have the temporary exclusive possession of the marital home located at _____, and the contents thereof.,

except as follows: _____

Plaintiff Defendant is to pay the mortgage payment (including taxes and insurance) on the marital home until further order of this Court.

Plaintiff Defendant shall pay \$_____ attorney's fees to counsel for Plaintiff Defendant.

Both parties are hereby enjoined and restrained from bothering or harassing each other in any oppressive fashion.

Both parties are hereby enjoined and restrained from disposing of or dissipating the marital assets without permission of the other party.

Pursuant to Virginia Code § 20-107.1:

1. If known, name, date of birth, and social security number of each party and, unless otherwise ordered, each party's residential address, and if different, mailing address, residential and employer telephone number, driver's license number, and name and address of his/her employer:

Plaintiff

Defendant

Name:

Name:

Date of Birth:

Date of Birth:

SSN: (last 4) XXX-XX-

SSN: (last 4) XXX-XX-

Driver's License #: *

Driver's License #: *

Current Address & Residence Telephone:

Current Address & Residence Telephone:

Plaintiff

Defendant

Employer Name, Address & Telephone:

Employer Name, Address & Telephone:

A protective order has been issued or the court finds reason to believe that a party is at risk of physical or emotional harm from the other party, and therefore the above information pertaining to Plaintiff Defendant need not be disclosed.

2. No provision for health care coverage is ordered. **OR**

Plaintiff Defendant is required to maintain spouse on hospitalization coverage until entry of a Final Decree of Divorce.

3. There are no spousal support arrearages at this time. **OR**

Spousal support arrearages exist as of _____ in the sum of \$_____ covering the period of _____. Plaintiff Defendant is to pay \$_____ to the Plaintiff Defendant \$_____ per month beginning on _____ until said arrearage is paid in full.

4. If support arrearages accumulate, all payments are to be credited to current support obligations first, with any payment in excess of the current obligations applied to arrearages. All support arrearages are subject to interest at the legal rate until fully paid.

5. 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. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

Other provisions:

_____.

* (SEE INFORMATION CONTAINED IN A SEPARATE CONFIDENTIAL ADDENDUM WHICH IS INCORPORATED BY REFERENCE INTO THIS ORDER.)

Enter: _____

Judge

Have Seen:

Counsel for Plaintiff

Plaintiff

Counsel for Defendant

Defendant

VIRGINIA: IN THE NEWPORT NEWS CIRCUIT COURT

_____, Complainant,
v. _____, Respondent. Civil No. _____

ORDER OF REFERRAL TO PARENT EDUCATION SEMINAR

Pursuant to § 20-103, _____ and _____, parents of a child or children whose custody, visitation or support is contested OR uncontested and the Court finds good cause, are ordered to attend and complete an educational seminar or other like program conducted by a qualified person or organization approved by the Court, on the effects of separation or divorce on minor children, parenting responsibilities, options for conflict resolution and financial responsibilities to be completed by _____ .
(date)

A list of alternative parent education programs available in this community with contact information is provided as part of this order.

Based on a parent's ability to pay, each parent shall be responsible for paying a fee of no more than \$50.00 (fifty dollars) for the seminar. **The fee is payable to the program.**

Other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement by a party in such seminar or program shall be admissible into evidence in any subsequent proceedings.

The Court requires a certificate of completion to be filed by each parent within seven (7) days after the above referenced date.

IT IS THE PARTIES' RESPONSIBILITY TO CONTACT THE PROGRAM.

 _____ and _____, are exempt from attendance at the parent education seminar for good cause shown as follows:

ENTER: _____

Judge

PENINSULA MEDIATION CENTER

48 West Queens Way
Hampton, VA 23669
(757) 722-1228

presented at: 2244 Executive Drive
Hampton, VA

EASTERN STATE AND PENINSULA MEDIATION CENTER

VIRGINIA COOPERATIVE EXTENSION SERVICE

Doris B. Heath
P. O. Box 69
Toano, VA 23168
(757) 566-1367
(757) 566-8413 (fax)

_____, Plaintiff

v.

Civil Case No. _____

_____, Defendant

MOTION AND ORDER TO RESTORE NAME

THIS DAY came the Plaintiff Defendant _____
 with without counsel, and moved the Court to allow the use of a former name or maiden name upon entry of a Final Decree of Divorce. Plaintiff Defendant's current address is: _____, ; that said change is not sought for a fraudulent purpose or would otherwise infringe on the rights of others, that _____ is not presently incarcerated or a probationer with any court, and has never previously changed her name except by marriage.

AND it appearing to the Court that it is proper to do so, the Court ORDERS that the Motion of the Plaintiff Defendant be granted and the former name or maiden name of the Plaintiff Defendant, _____, is hereby restored to _____, and that the Clerk of this Court shall forthwith spread this Order upon the current deed book of his/her office, indexing the Order in both the name of _____ and _____; and shall otherwise comply with all provisions of § 20-121.4 of the Code of Virginia 1950, as amended; and

It is hereby further ORDERED that this Order be entered forthwith and this cause be continued removed from the docket of this Court.

ENTER this ____ day of _____, 20__.

Judge

We ask for this:

 Plaintiff Defendant

Counsel for Plaintiff Defendant

Have seen:

Plaintiff Defendant

Counsel for Plaintiff Defendant

