

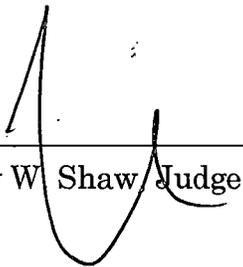
VIRGINIA: IN THE CIRCUIT COURTS FOR THE NINTH JUDICIAL CIRCUIT

In re: LOCAL RULES & PREFERRED PRACTICES IN DOMESTIC RELATIONS CASES

**ORDER ADOPTING LOCAL RULES AND
PREFERRED PRACTICES IN DOMESTIC RELATIONS CASES**

Pursuant to Virginia Code Section 8.01-4 and Rule 1:15 of the Rules of the Virginia Supreme Court, the judges of the Ninth Judicial Circuit unanimously adopt the attached Local Rules and Preferred Practices, having determined they are necessary to promote proper order and decorum of matters before the Ninth Judicial Circuit Courts.

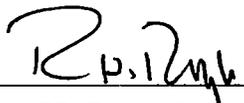
Entered this 2nd day of September, 2025.



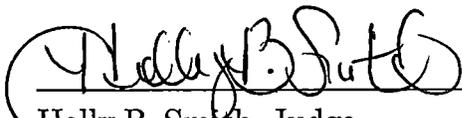
Jeffrey W. Shaw, Judge



B. Elliott Bondurant, Judge



Richard H. Rizk, Judge



Holly B. Smith, Judge



Joshua P. DeFord, Judge

Ninth Judicial Circuit of Virginia

Domestic Relations Local Rules & Preferred Practices

REVISED September, 2025

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1 PART 1: TITLE AND CONSTRUCTION

1.1. Title: These rules are known as the Ninth Judicial Circuit Domestic Relations Local Rules and Preferred Practices (hereinafter “Rules”) and may be cited as “9th Cir. Dom. R.”

1.2. Purpose: The judges of the Ninth Judicial Circuit unanimously adopt these Rules to promote uniformity for practitioners, to assist the parties, counsel, and the Court, and to expedite hearings. In addition, all parties, whether *pro se* (self-represented) or with counsel should have equal access to information governing proceedings before the Court. Over time, numerous matters addressed herein have become local practice or been addressed in guidelines previously issued by the Court. These Rules are therefore promulgated in part to promote equal access to information by all who appear before the Court in domestic cases.

1.3. Applicability: These Rules apply to all parties—including self-represented litigants, attorneys, and any attorney appointed as a guardian *ad litem*—in actions for divorce, spousal support, equitable distribution, or custody and visitation in any Circuit Court in the Ninth Judicial Circuit of Virginia. If a party is acting *pro se*, reference in these rules to “counsel” means self-represented litigants, except where otherwise provided.

1.4. Construction: These Rules are issued pursuant to Virginia Code Section 8.01-4 and Rule 1:15 of the Rules of the Virginia Supreme Court, the Court having determined they are necessary to promote proper order and decorum of matters before the Ninth Judicial Circuit Courts. These Rules are not intended to be exhaustive and may be supplemented by local practice or modified in a particular case at the discretion of the presiding judge.

2 **PART 2: GENERAL PROVISIONS**

2.1. **Sanctions**: Failure to follow any of these Rules may result in sanctions at the discretion of the presiding judge.

2.2. **Motions Practice**: Counsel must confer with each other and *pro se* parties to decrease, in every way possible the filing of unnecessary motions, and to narrow the issues to be decided by the court. Absent binding authority to the contrary, a duty to confer to resolve a dispute without court action—whether imposed by the Rules of the Supreme Court or by order—will be interpreted to require consultation in person or by telephone to explore the possibility of resolving or narrowing the matters in controversy.

2.3. **Exhibits**: Documents filed with the Court pursuant to these Rules or otherwise—including proffers, income/expense statements, and depositions—are not evidence until properly admitted at a hearing. Counsel must confer regarding evidentiary exhibits to avoid the admission of identical or otherwise duplicative documents.

2.4. **Notices of Hearings**: All hearings must be properly noticed according to local practice and Rule 4:15(b) of the Rules of the Virginia Supreme Court. Every Notice of Hearing must include the amount of time that has been allotted by the Court.

3 **PART 3: PENDENTE LITE HEARINGS**

General Provisions

3.1. **Scheduling**: The scheduling of a *pendente lite* hearing should not be delayed by the filing of a demurrer, and whenever possible, both matters should be heard at the same time. A *pendente lite* hearing may not be scheduled until 21 days after service of a complaint for divorce except in cases where an emergency exists as determined by the presiding judge.

3.2. **Notice**: Timely notice of hearing should be filed in accordance with these Rules, local practice, and Virginia Supreme Court Rule 4:15(b). Such notice should include (i) the time that has been allotted by the Court for the hearing pursuant to Rule 2.4, (ii) whether the party intends to request a deviation from the Ninth Circuit Guidelines

established pursuant to Rule 3.5 below, and (iii) due dates for any required documents to be filed and exchanged.

3.3. Agreements: Notwithstanding the Ninth Circuit formula generally applied, the parties may submit a Consent Order if an agreement is reached regarding *pendente lite* issues.

3.4. Order Duration: Any *pendente lite* order entered by the Court will remain in effect until such time as both spousal and child support are determined in final hearings.

Guidelines Applied

3.5. Formula: For *pendente lite* purposes, the Court applies the Ninth Circuit support formula, including child support, spousal support, and family debt adjustment, with a deviation for good cause shown by clear and convincing evidence. The Ninth Circuit support formula is consistent with the formulas set forth in Virginia Code Sections 20-103(G) and 20-108.2. See Sample *Pendente Lite* Worksheet attached as Appendix C.

3.6. Debt Adjustment: The family debt adjustment as used in the Ninth Circuit support formula will 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 unless by clear and convincing evidence a deviation is justified.

Documents Required

3.7. Income/Expense Statements: Each party should prepare a current income/expense statement only when either party intends to request a deviation from the Ninth Circuit support formula. When an income/expense statement is required, each party must use a standard income/expense statement like the one attached as Appendix A.

3.8. Guidelines Worksheet: Each party should prepare and bring to the *pendente lite* hearing a completed Ninth Circuit *Pendente Lite* Guidelines Worksheet. A blank worksheet is attached as Appendix C. The child support portion should utilize the applicable regular, shared custody, or split custody guideline.

3.9. Income Documentation: Each party should prepare and bring to the *pendente lite* hearing appropriate documentation supporting the amount of present income 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 current income should be determined by averaging income over multiple months, then documentation should be produced, where possible, for each of those months, along with an accounting of the calculations involved.

3.10. Best Interest Proffers: Best interest proffers are required for *pendente lite* hearings only when support and/or child custody/visitation will be contested. In such hearings, the Court generally will be inclined to maintain the status quo pending a full evidentiary hearing.

3.11. Exchange and Filing: All required documents must be exchanged between counsel and filed with the Court at the earliest possible time, but no later than **ten (10) days** before the hearing.

4 PART 4: CONTESTED CUSTODY OR VISITATION HEARINGS

General Provisions

4.1. Parent Education Seminar: Prior to considering contested custody or visitation matters, except for *pendente lite* or emergency hearings, the Court will require proof of a parent education seminar pursuant to statute. The Court may also order home studies and parental evaluations.

4.2. Best Interest Proffers: For all contested custody or visitation hearings, except for emergency hearings, the parties must exchange and file with the Court best interests of the child proffers at least **ten (10) days** prior to the hearing.

4.3. Emergency Hearings: If a party desires to set an emergency hearing without the requirements set forth above, that party, or his or her counsel, must file a Motion for Emergency Hearing accompanied by an affidavit under oath stating the facts that establish the emergency. If an emergency hearing is granted because an emergency exists as determined by the presiding judge, then copies of a Notice, the Motion, and the Affidavit must be served upon the adverse party no later than **ten (10) 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.

Guardians ad Litem

4.4. Order Appointing Guardian *ad Litem*: Any order appointing a guardian *ad litem* will identify the retainer amount to be paid by each party, and the hourly rate to be charged by the guardian *ad litem*. See Sample Order Appointing Guardian *Ad Litem* attached as Appendix I.

4.5. Guardian *ad Litem* Reports: 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 orally or in writing. If written, copies should be provided to the other parties and their counsel at least **ten (10) days** prior to the hearing unless otherwise directed by the court.

4.6. Final Payment of Guardian *ad Litem*: In any case where a guardian *ad litem* has been appointed, the final custody/visitation order must provide for payment of the guardian *ad litem*, including the division of payment responsibility between the parties.

5 PART 5: EQUITABLE DISTRIBUTION & PERMANENT SPOUSAL SUPPORT

General Provisions

5.1. Requirements for *Ore Tenus* Hearing: The Court will hear equitable distribution matters and spousal support *ore tenus* only if the parties comply with these Rules, including by participating in a Prehearing Conference in compliance with Rules 5.8 through 5.11 or by submitting a Consent Pretrial Order in compliance with Rule 5.12.

5.2. Order of Trial: Unless for good cause shown, the order of trial after grounds of divorce will be equitable distribution; spousal support; then custody, parenting time, and child support.

5.3. Length of Hearing: An *ore tenus* hearing on equitable distribution and permanent spousal support will be a maximum of three hours unless more time is granted by

the Court.

5.4. Judicial Settlement Conference: The Court will require a judicial settlement conference prior to trial unless specifically waived by the presiding judge. The parties and their counsel must appear in person at the settlement conference unless personal appearance is waived by the settlement judge. The Court will also require a scheduling order.

5.5. Establishing Fault: Evidence of fault for contested grounds of divorce will be received only by *de bene esse* depositions, and transcripts must be filed with the Court at least **ten (10) days** before trial. Nothing in this rule will prohibit brief testimony of the parties regarding the statutory factors for spousal support or equitable distribution.

5.6. Motions: Unless for good cause shown, motions *in limine*, motions to compel, and dispositive motions must be noticed and heard before the date of trial.

5.7. Required Documents: The parties must exchange and file with the Court pertinent Section 20-107.1 and 20-107.3 proffers, as well as current income and expense statements, at least **ten (10) days** before the hearing.

Prehearing Conference

5.8. Prehearing Conference Required: Absent a Consent Pretrial Order pursuant to Rule 5.12 below, a Prehearing Conference must be scheduled with the Court.

5.9. Initial Required Forms: Prior to the Prehearing Conference, each party must complete the appropriate forms for equitable distribution and/or permanent spousal support. Each party will be bound by the information contained in his or her completed forms. For simplicity and continuity, the Court requires the parties to use the forms attached as appendices, or at least forms like the ones attached. The parties must exchange and file with the Court the completed forms no later than **ten (10) days** before the Prehearing Conference.

5.10. Universal Inventory: After reviewing the non-moving party's forms submitted pursuant to Rule 5.9, the moving party's counsel must prepare a "universal inventory" or similar document that identifies the contested issues between the parties. The universal inventory must be forwarded to the Court and the non-moving party's counsel no

later than **two (2) business days** before the Prehearing Conference.

5.11. Conduct of Prehearing Conference: The parties and counsel must be present for the Prehearing Conference, with their calendars, and be prepared to discuss and refine the issues. A pretrial order will be prepared and submitted to the Court for entry after the Prehearing Conference. A sample Pretrial Order is attached as Appendix G.

5.12. Consent Pretrial Order: The parties may avoid attending a Prehearing Conference only by submitting a properly endorsed Consent Pretrial Order pursuant to this Rule. Prior to submitting such an order, each party must complete the appropriate forms for equitable distribution and/or permanent spousal support, and those forms must be attached to any Consent Pretrial Order proposed by the parties. A sample Pretrial Order is attached as Appendix G.

Appendices

Appendix A

Sample Income/Expense Worksheet

Income and Expense Worksheet

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

Employed by _____ City & State _____ Occupation _____ Pay Period _____ Next Payday _____ Annual Salary _____ # 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: _____

Average GROSS PAY PER MONTH	_____
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

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

Other Debts	Bal.	Mo. Pmt.	Last 2
_____	\$	\$	H/W
_____	\$	\$	H/W
_____	\$	\$	H/W
_____	\$	\$	H/W

TOTALS PER MONTH

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

Appendix B

Sample Debt Schedule

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: _____

Appendix C

Sample *Pendente Lite* Guidelines Worksheet

Ninth Circuit Pendente Lite Guideline 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 26% (27% with no 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	\$ _____	\$ _____

I certify that the factual information provided above is correct.

Party

COMMONWEALTH OF VIRGINIA

City/County of _____, to-wit:

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

Notary Public

My Commission expires: _____

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

NOTE: This completed worksheet must be filed with the Court with a copy to the other party ten (10) days in advance of the *pendente lite* hearing.

Appendix D

Sample Property Inventory

PROPERTY INVENTORY

Property Item	Date of Purchase	Date of Valuation	Title H, W, Jnt	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, Jnt	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, Jnt	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: _____

Appendix E

Sample § 20-107.3 Proffer

§ 20-107.3 PROFFER OF
[NAME OF CLIENT]
Civil Action Number [CASE NUMBER]

PURSUANT TO VIRGINIA CODE § 20-107.3, DESCRIBE:

1. The contributions, monetary and nonmonetary, of each party to the well-being of the family.

2. The contributions, monetary and nonmonetary, of each party in the acquisition and care and maintenance of such marital property of the parties.

3. The duration of the marriage.

4. The ages and physical and mental condition of the parties.

5. The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivision A (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. The tax consequences to each party.

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.

Signature of Party

STATE OF VIRGINIA

City/County of _____

Subscribed and sworn to before me, the undersigned notary public, by _____ this
_____ day of _____, _____.

Notary Public

My commission expires: _____

Notary registration number: _____

Appendix F

Sample § 20-107.1 Proffer

§ 20-107.1 PROFFER OF
[NAME OF CLIENT]
Civil Action Number [CASE 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 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.

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.

Signature of Party

STATE OF VIRGINIA

City/County of _____

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

My commission expires: _____.

Notary Public

Appendix G

Sample Pretrial Order

PRETRIAL ORDER

THIS CAUSE CAME the ____ day of _____, 20__ upon a pretrial hearing with Plaintiff (hereinafter “Husband/Wife”) and Defendant (hereinafter “Husband/Wife”) present with counsel.

UPON CONSIDERATION WHEREOF and for good cause shown, the following is ADJUDGED, ORDERED, and DECREED:

1. Grounds of Divorce:
2. Date of Separation:
3. Custody and Parenting Time:
4. Child Support:
5. Spousal Support:
6. Equitable Distribution:
 - a. Real Property:
 - i.
 - ii.
 - b. Vehicles:
 - i.
 - ii.
 - c. Retirement Accounts and Pensions:
 - i.
 - ii.
 - iii.
 - d. Non-Retirement Investment Accounts:
 - i.
 - ii.
 - e. Bank Accounts:

i.

ii.

f. Life Insurance:

i.

ii.

g. Personal Property:

i.

ii.

7. Marital Debts:

a.

b.

8. Attorney Fees and Costs:

9. Settlement Conference: The parties must attend a Judicial Settlement Conference with the

Honorable _____ on _____, 20__ at __:___ a.m./p.m. at

_____.

10. Trial: The final trial in this matter is scheduled for _____, 20__

at __:___ a.m./p.m. for _____ hours.

ENTERED on this _____ day of _____, 20__.

JUDGE

I ASK FOR THIS:

HAVE SEEN:

Appendix H

Sample § 20-124.3 Proffer

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

Mother/Father

In Re: _____

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 or caregiver 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 the child including

a) siblings:

b) peers:

c) extended family:

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

Mother:

Father:

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

Mother:

Father:

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

Mother:

Father:

7. (a) **Relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with child.**

Mother:

Father:

- b) **Ability of each parent to cooperate in and resolve disputes regarding matters affecting the child**

Mother:

Father:

8. **The reasonable preference of the child, if the Court determines the child to be of reasonable intelligence, understanding, age and experience in order to express such a preference.**

9. **Any history of family abuse as that term is defined in Virginia Code §16.1-228.**

10. **Other factors necessary and proper:**

11. 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 interest of the child?**

Mother/Father

STATE OF VIRGINIA

City/County of _____, to wit:

Subscribed and sworn to before me this ____ day of _____, 20__ by
_____.

Notary Public

My Commission expires: _____

Appendix I

Sample Order Appointing Guardian *Ad Litem*

VIRGINIA: IN THE CIRCUIT COURT FOR _____

_____,

Plaintiff,

v.

Case No.: _____

_____,

Defendant.

ORDER FOR APPOINTMENT OF GUARDIAN *AD LITEM*

CAME THIS DAY, the _____, by counsel, and having previously filed a Motion for Appointment of a Guardian *ad Litem* for the minor child(ren) of the parties, in accordance with § 16.1-266 of the Code of Virginia, 1950, and the Court finding there is good cause for the same, it is therefore

ADJUDGED, ORDERED AND DECREED that _____, a discreet and competent Attorney at Law, is appointed to serve as the Guardian *ad Litem* for the minor child(ren) of the parties.

The Guardian *ad Litem* appointed to represent the child(ren) will have access to the following persons and documents without further Order of the Court.

- A. The child(ren)
- B. Parties to the proceeding
- C. Court Appointed Special Advocate (CASA), local department of social services and court services unit worker in the case, and school personnel involved with the child(ren).

Upon presentation of this order by the Guardian *ad litem*, the Guardian *ad Litem* will have access to any records relating to the children held by any state or local agency, department,

authority or institution who must permit the Guardian *ad Litem* to inspect and obtain copies of such records without the consent of the child(ren) or the parents.

Specifically, such Guardian *ad Litem* will have full legal authority to communicate with school staff, including but not limited to teachers, counselors, and school principals and have full legal authority to inspect and obtain copies of school records without the consent of the child(ren) or the parents.

Specifically, such Guardian *ad Litem* will have the full legal authority to communicate with and have access to records of any hospital, physician or other health or mental health provider who maintains custody of information governed by the Health Insurance Portability and Accountability Act (HIPAA), and said Guardian *ad Litem* will be considered the "personal representative" for health care disclosure under HIPAA with access to Protected Health Information (PHI). Such providers must permit the Guardian *ad Litem* to inspect and obtain copies of such records without the consent of the child(ren) or the parents. Upon the request of a Guardian *ad Litem*, a mental health provider must make himself available to conduct a review and interpretation of the treatment records which are specifically related to the investigation.

Each party must pay _____ an advance retainer in the amount of \$_____ within _____ days of entry of this order. The hourly rate is set at \$_____/hour. All fees and costs for services rendered by the Guardian *ad litem* beyond the initial retainer will be paid *pro rata* with Plaintiff paying _____% and Defendant paying _____% or in accordance with further order of this Court.

The Guardian *ad Litem* may submit further requests for funds. The parties hereby reserve final apportionment of the cost of the Guardian *ad Litem* to be determined by the Court.

Such appointment will continue until further Order of this Court

ENTERED this ____ day of _____, 202__.

JUDGE

I ASK FOR THIS:

SEEN AND _____:
