

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Complainant

v.

CHANCERY NO. _____

Defendant

UNCONTESTED ISSUES FORM

We hereby represent: (Initial all that apply)

_____ **that there are no custody or visitation issues for the Court to determine in this case; and,**

_____ **that all financial issues in this case, including all property, spousal support and child support are uncontested.**

TODAY'S DATE: _____

Counsel of Record for Complainant

Counsel of Record for Defendant

Address: _____

Address: _____

Phone #: _____

Phone #: _____

E-mail: _____

E-mail: _____

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Complainant)
)
)
vs.) **Chancery No.**
)

Respondent)
)
)

MEDIATION ORDER

On _____, the parties appeared before this Court on the issue of child custody and visitation.

The Court finds that it is in the best interest of the child/children that the parents enter into mediation in order to resolve the disputes before the Court. Accordingly, it is **ORDERED** that the parties and children are referred to mediation to mediate a settlement agreement for custody and visitation. The mediator will determine to what extent the child's/children's participation will be helpful to the process.

It is further **ORDERED** that the parties work in a positive manner to reach a mutual agreement on custody and visitation. Communications in connection with the mediation program are confidential in accordance with 8.01-581.22 of the 1950 Code of Virginia, as amended. A mediation agreement will become an order in this case. Parties shall have counsel review the mediation agreement. Counsel are excluded from the mediation sessions unless explicitly invited by the mediator.

It is further **ORDERED** that a settlement agreement or progress report be submitted to this Court no later than _____.

ENTERED on _____, ~~2001~~ 2003

Counsel for Complainant

JUDGE

Counsel for Respondent

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
Complainant)	
)	
vs.)	Chancery No.
)	
_____)	
Respondent)	
)	

PARENT EDUCATION ORDER

On _____, the parties appeared before this Court on the issue of child custody and visitation; and it appearing to the Court that custody or visitation is contested; accordingly, in accordance with Section 20-103 of the 1950 Code of Virginia, as amended, it is

ORDERED that the parties hereto attend an educational seminar or other like program conducted by a qualified person or organization approved by the Virginia Supreme Court, on the effects of the separation or divorce on minor children, parenting responsibilities, options for conflict resolution, and financial responsibilities; provided that the fee charged a party for participation in such a program shall be based on the party's ability to pay, and further provided that no fee in excess of fifty dollars may be charged; and it is further

ORDERED that other than statements or admissions by a party admitting criminal activity or child abuse or neglect, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding; and it is further

ORDERED that the parties provide this Court with written proof of attendance at the aforesaid program within thirty (30) days of entry of this Order.

ENTERED on _____, ~~2001~~ 2003

JUDGE

Counsel for Complainant

Counsel for Respondent

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

Complainant)
)
)
vs.) **Chancery No.**
)

Respondent)

STATUS CONFERENCE ORDER

The Status Conference was held with respect to custody and visitation on _____.

After discussing the issues presented; it is **ORDERED** that:

- A. The time limitations for discovery and for identification of experts are as follows:

Experts must be identified on or before _____ days prior to trial.
All discovery without exception shall be completed 30 days prior to trial.

- B. A Stipulation Conference among counsel/pro se parties will be held on _____.
Counsel/pro se parties must exchange a custody fact sheet at the Stipulation Conference.

C. The Trial date is _____.

D. Estimated trial time is _____.

ENTERED on _____.

Counsel for Complainant

JUDGE

Counsel for Respondent

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
Complainant)	
)	
versus)	In Chancery No. _____
)	
_____)	
Defendant)	

DOMESTIC RELATIONS CASE SCHEDULING ORDER

THE SCHEDULING CONFERENCE was held _____.

After discussing the various issues presented, it was **ORDERED**:

I. Trial

The trial date is set for _____, 200____, without a jury, for hearing on entry of a Final Decree of Divorce, and resolution of any equitable distribution, spousal and child support issues. The estimated length of the trial is _____.

II. Discovery

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

matters set forth in the motion with opposing counsel of record.

III. Designation of Experts

If requested in discovery, each party's experts shall be identified on or before 60 days before trial. If requested in discovery, all experts responsive to matters raised in the opposing party's designation (Counter-Experts) shall be identified on or before thirty (30) days before trial. If requested, all information discoverable under Rule 4:1 (b) (4) (A) (i) of the Rules of the Supreme Court of Virginia shall be provided in each such identification of expert witnesses or the expert will not ordinarily be permitted to express any non-disclosed opinions at trial. The foregoing deadlines shall not relieve a party of the obligation to respond to discovery requests within the time periods set forth in the Rules of the Supreme Court of Virginia, including, in particular, the duty to supplement or amend prior responses pursuant to Rule 4:1 (e).

IV. Dispositive Motions

All dispositive motions shall be presented to the court for hearing as far in advance of the trial date as practical. All counsel of record are encouraged to bring on for hearing all demurrers, special pleas, motions for summary judgment or other dispositive motions not more than sixty (60) days after being filed.

V. Exhibit and Witness List

Counsel of record shall exchange fifteen (15) days before trial a list specifically identifying each exhibit to be introduced at trial, copies of any exhibits not previously supplied in discovery, and a list of witnesses proposed to be introduced at trial. The lists of exhibits and witnesses shall be filed with the Clerk of the Court simultaneously therewith but the exhibits shall **not** then be filed. Any exhibit or witness not so identified and filed will not be received in evidence, except in rebuttal or for impeachment or unless the admission of such exhibit or testimony of the witness would cause no surprise or prejudice to the opposing party and the failure to list the exhibit or witness was through inadvertence. Any objections to exhibits or witnesses shall state the legal reasons therefor except on relevancy grounds, and shall be filed with the Clerk of the Court and a copy delivered to opposing counsel of record at least five (5) days before trial or the objections will be deemed waived, absent leave of court for good cause shown.

VI. Commissioners in Chancery

All issues regarding lack of residence or domicile, contested grounds for divorce and factors and circumstances contributing to the dissolution of the marriage shall be heard by a Commissioner in Chancery, and all such proceedings shall be governed by this Court's General Decree Relating to Use of Commissioner's in Chancery in Divorce Matters dated March 11, 1996, which is incorporated herein by reference. Failure to make a timely request for appointment of a Commissioner is deemed a waiver of the right to present evidence regarding fault (as set out in the Decree referred to above), including evidence of factors and circumstances and negative non-monetary contributions. All evidence regarding the financial effects of marital fault presented to

the Commissioner shall be heard by the Court *ore tenus* as part of the equitable distribution hearing.

VII. Pretrial Conferences

Pursuant to Rule 4:13 of the Rules of the Supreme Court of Virginia, when requested by any party or upon its own motion, the court may order a pretrial conference wherein motions *in limine*, settlement discussions or other pretrial motions which may aid in the disposition of this action can be heard.

VIII. Neutral Case Evaluation

All cases involving issues of equitable distribution may be referred to a Neutral Case Evaluator. The Court may appoint an NCE who will serve at no charge to the parties. The parties may also inform the Court that they have agreed upon an NCE who has agreed to serve. If the parties wish to select the NCE, they may do so *provided* they file an NCE Praecipe notifying the court 1) of the identity of the agreed upon NCE; 2) that the selected NCE agrees to the appointment; and 3) that they agree on arrangements for compensation of the NCE. The parties are required to file a statement of the case with the NCE 5 days in advance of the NCE conference. All such statements, as well as any communications made in course of the NCE session(s), shall be confidential pursuant to Va. Code §8.01-576.9. The initial NCE conference shall be no later than 20 days before trial. The NCE will file a completion certificate with the Court indicating that a conference has been held and whether an agreement has been reached.

IX. Motions in Limine

Absent leave of court, any motion *in limine* that requires argument exceeding 5 minutes shall be duly noticed and heard before the day of trial. Motions for an alternate evaluation date may be heard on a Motion's Day prior to trial through use, when appropriate, of the Court's Briefing Schedule.

X. Witness Subpoenas

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

XI. Continuances

Continuances will only be granted by the court for good cause shown.

XII. Deposition Transcripts to be Used at Trial

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

XIII. Waiver or Modification of Terms of Order

Upon motion, the time limits and prohibitions contained in this order may be waived or modified by leave of court for good cause shown.

ENTERED this _____ day of _____, 200____.

JUDGE

Counsel for Complainant

Counsel for Defendant

VIRGINIA:

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Complainant

v.

CHANCERY NO. _____

Defendant

NCE (NEUTRAL CASE EVALUATOR) REQUEST FORM

We hereby represent that the approximate incomes (no party is bound by this representation at trial):

Complainant Income: _____

Defendant Income: _____

The approximate marital estate is: _____

TODAY'S DATE: _____

Counsel of Record for Complainant

Counsel of Record for Defendant

Address: _____

Address: _____

Phone #: _____

Phone #: _____

E-mail: _____

E-mail: _____