

VIRGINIA BEACH CIRCUIT COURT ANNULMENT PROCEDURES

Notice to Pro Se party

If you are proceeding without an attorney, you are responsible for preparing all appropriate legal documents to be submitted to the court. The clerk's office does not have forms to fill out for your complaint and final decree.

Applicability. These procedures apply to a suit for annulment under Virginia Code § 20-89.1.

Filing & Service of Suit

1. File the complaint or suit for annulment, along with a completed VS-4 form, and Privacy Addendum Va. Code § 20-121.03, in the clerk's office.
2. Pursuant to § 20-99.2 serve the complaint on the defendant by any of the methods specified in Va. Code § 8.01-296, or the defendant may accept service pursuant to § 20-99.1:1, or by an order of publication pursuant to § 20-104.

Scheduling for Hearing before Court in a Contested Annulment

1. After the time to answer has passed or the defendant has answered and/or filed a waiver, counsel may:
 - File and serve the *Praecipe in a Civil Action*. Docket call is held on the first Monday of each month unless a holiday then on Tuesday. For docket call dates see the Circuit Court Calendar on the Circuit Court Web site.
 - All counsel may agree to a trial date and secure approval of the court by a telephone call to the judges' office at 757-385-4502. Once the court has approved the trial date by telephone, counsel must complete the Certificate of Setting Agreed Trial Date Outside of Docket Call. This Form is provided in a fillable format on the Court's website. Counsel must immediately submit such Certificate by facsimile to the court. Do not send by mail.
2. The *Virginia Beach Annulment Pretrial Order* is required.

Scheduling for Hearing before Court in an Uncontested Annulment

Definition: A suit for annulment is "uncontested" when (i) the defendant has filed an answer admitting all allegations of the complaint, (ii) the defendant is in default under Rule 3:19, or (iii) the parties have entered into an agreement that resolves all issues, and (iv) the hearing before the court will take less than 1 hour.

1. The hearing on an annulment that is uncontested can be set on the Duty Judge Docket after the final decree of annulment has been submitted and approved by a law clerk. When

submitting the final decree attach a cover letter stating that you are seeking an uncontested annulment hearing and are submitting the final decree for review by a law clerk. After approval, you will be sent notice by the law clerk that the matter may be set on the duty judge docket.

2. If required by law, the non-moving party must be served with notice of the hearing and a copy of the proposed final decree. Notice must be served 7 days prior to the hearing date; and a copy or the original of the proof of service must be filed at least 5 days prior to the hearing date. The original proof of service must be brought to the hearing if it is not filed earlier (Virginia Code § 20-99).
3. A pretrial order is not required.

Hearing before the Court

If all issues are uncontested, the moving party must be prepared to present evidence to support the allegations in the Compliant through the testimony of the moving party and a corroborating witness (Pursuant to § 20-99 (1) no annulment of a marriage shall be granted on the uncorroborated testimony of the parties or either of them).

If service was made by order of publication, a court reporter is required at the annulment hearing. The plaintiff is responsible for making arrangements for a court reporter to be present.

The final decree must be submitted in advance for review.

Developed August 14, 2006.

Revised Dates: January 19, 2007; September 12, 2008 and November 4, 2008.