

VIRGINIA BEACH CIRCUIT COURT

Procedures for Setting a Contested/Selected Case on Friday Docket for Final Hearing

Applicability and Requirements

- 1.0 Applies to the setting of a final hearing for divorce suits in which (1) the hearing will take no more than one-hour on all the issues [emphasis added] and (2) the moving party is represented by counsel. It also applies to suits which the Court directs to be placed on this docket due to special circumstances.
- 2.0 The one-hour time restriction will be strictly enforced and if not adhered to may result in the case being removed to the trial docket. For issues other than separation in the same house, a judge must approve the request to ensure compliance with time limits.
- 3.0 For the sole issue of “living under the same roof while separated”, a hearing may be set for a 15 minute time slot on the 11:00 AM-12:00 PM docket (approved July 11, 2019).
- 4.0 These matters may be set through the Judges’ Office for a final hearing on Fridays to be heard by the Duty Judge (subject to approval and availability).
- 5.0 If both parties are represented by counsel, then all counsel must agree or counsel may seek approval of the court upon notice to opposing counsel.
- 6.0 If the opposing party is pro se, then the non-moving party must be served with 30-days advance notice of the date, time and location of the final divorce hearing unless the party signed a waiver of all future notice and/or notice of entry of the final decree of divorce. Notice may not be mailed except as provided in Va. Code § 20-99. Notice is not required if the party was served by publication or its equivalent and has not entered an appearance, or if an order has been entered pursuant to § 8.01-319 dispensing with further notice, or pursuant to the provisions of § 20-99(5).
- 7.0 Prior to the hearing, the parents in a divorce case where a child’s support is contested shall attend a parent education seminar pursuant to Virginia Code § 20-103 unless the Court grants an exemption from attendance for good cause shown.

Procedure for Getting Approval to Schedule Final Divorce Hearing

- 8.0 File in the Circuit Court Clerk’s Office a REQUEST FOR A FINAL DIVORCE HEARING ON THE FRIDAY DOCKET (“REQUEST”). This form is available in a fillable format on the circuit court web page at www.vb.gov.com/courts under Court Forms. Upon receiving a REQUEST, the clerk’s office will pull the case file and deliver such to the judge’s office. The REQUEST shall be reviewed by a law clerk and a judge.
- 9.0 After review, the REQUEST will be approved if all requirements have been met. The judicial assistant will fax notification to counsel. If approved, the judicial assistant shall retain the original REQUEST for the setting of the hearing date and return case file to the clerk’s office. If requirements are not met, a rejection notice will be sent along with a Correction Form stating the reasons for the rejection. The judicial assistant will fax such notification to counsel. If rejected, the case file and notices and REQUEST will be returned to the clerk’s office. Counsel must resubmit another REQUEST for review.

Procedure for Setting Hearing Date after Request has been approved

- 10.0 After the REQUEST has been approved: Within 21 days check calendar via “Login to On-Line Docket” located on the Court’s web page at www.vb.gov.com/courts to determine available date and time and then

submit request via email to dutyjudg@vbgov.com to schedule. Failure to contact the court within 21 days shall result in having to resubmit another REQUEST form for review before a hearing date can be set.

11.0 Counsel must provide at least 30-days advance notice of the date, time and location of the final divorce hearing to a non-moving pro se party in accordance with Rule 5.0 above. On the scheduled hearing date, if the pro se party appears and objects the court may require the matter be set on the trial docket.

Procedure if Case Settles Prior to Hearing Date

12.0 If the case is settled prior to the scheduled hearing date, counsel for the moving party must submit a letter by facsimile to the judges' office at 385-5860 to remove the case from the Friday docket. The case should not be left on the docket for the sole purpose of presenting a final decree for entry on the hearing date.

Procedure for Continuance of Scheduled Hearing Date

13.0 Both parties may agree to reschedule a hearing, if needed, by having counsel for the moving party contact the circuit court judges' office at 385-4502 for a new hearing date approved by the judicial assistant and such counsel then submitting a confirmation letter by facsimile to the judges' office at 385-5860 of the new hearing date along with a copy to the other party.

14.0 If the non-moving pro se party requests a continuance, then the non-moving party must first contact opposing counsel to determine if such counsel is agreeable to another hearing date. If not, a conference call must be set up with the duty judge, in which case a continuance order form will be prepared by the judicial assistant for entry by the judge.

Hearing

15.0 Counsel shall present completed worksheets and forms (Monthly Income and Expense Statement of each party, Support Guideline worksheets and Equitable Distribution forms) applicable to the case. Child Support Guideline forms can be completed online and printed for submission to the court from the Supreme Court (JDR court forms) website at www.courts.state.va.us. Equitable distribution forms are available, at a cost, from Virginia Attorneys' Divorce Electronic Reference.

16.0 Counsel must present the evidence and have witnesses to prove the grounds for the divorce and any other relief sought.

17.0 The moving party and a witness must appear in person for the hearing. Cannot proceed by or "hand up" affidavits at a Friday Contested Divorce Docket hearing.

18.0 Counsel for the moving party shall arrange to have a court reporter present unless waived by the court.

19.0 Counsel shall submit a final decree for review by the court after the hearing.