



Short Circuits



Practice tips from the Circuit Court

By: Amy H. Jones
Staff Attorney

NEW FRIDAY DOCKET FOR “CONTESTED SUPPORT ONLY” DIVORCES;

New divorce program to begin Feb. 1

For a number of years now, the court has had two programs in place to have a judge hear a divorce (as opposed to a commissioner): hearing requests for wholly uncontested divorces, and trial dates for contested divorces. However, certain cases do not fit well in either program, i.e., those where only one limited issue is contested, or where the other side is *pro se* and is ignoring the matter but counsel wants a determination of support or the like. These types of cases cannot proceed on the uncontested docket, and it does not make sense to impose all of the contested divorce requirements on them. Over the years the numbers of these cases have grown, and in response to requests from counsel the court has developed an alternative program for them.

Beginning Feb. 1, certain divorces may be set for hearing with the duty judge on Fridays roughly from 10:00 to 2:00, with a break for lunch. The detailed requirements are included with this newsletter, and will be posted on the court’s web site, www.vbqov.com/courts. In order to qualify for this docket, the matter must meet the following

general criteria: (1) the entire case will only take one hour to hear; (2) only child and/or spousal support are at issue, except that all issues may be addressed, subject to jurisdictional limitations, if the opposing party has not responded or notice has been dispensed with by court order; and (3) the statutory separation period has been satisfied.

The mechanics of setting one of these hearings are roughly similar to uncontested hearing requests. First, counsel must submit a “Request for Contested Final Divorce Hearing on the Friday Docket” form, available on the court’s web site. Only the form needs to be submitted; no proposed final decree is required. Although we all probably dislike forms, **you must use this form if you want to get your case on this docket!** This form, along with the Hearing Request form, materially affects how files are channeled through the court and reviewed. The law clerks and I already spend a fair amount of time trying to determine how to process files where attorneys fail to use the uncontested Hearing Request Form. Once the new program begins, it will be almost impossible for us to process properly files submitted without the correct form. So, it is equally important not

just to use “a” form, but to use the correct form for the procedure you are attempting to use.

The law clerks and I will review the file to see if it is in proper form and appears ready to be heard. The request will either be approved or rejected, and if rejected a Correction Form will be sent stating what corrections are needed. If the request is approved, one of the judicial assistants will fax notice to counsel. Counsel can then contact the duty judge docket clerk to select a trial date. If both parties are represented by counsel, the trial date must be agreed to by all counsel. If the opposing party is pro se, then he or she must be served with notice of the trial date in accordance with § 20-99. The notice requirement is excused only if a waiver has been signed, an order to proceed without further notice has been entered, or there is no personal jurisdiction over the opposing party. Any required notice must be provided thirty days before the trial date.

At the hearing, counsel must present completed support guidelines worksheets, along with any other applicable required worksheets. A court reporter must also be present. As required by § 20-103, if child support is at issue the parties must attend a parent education seminar, unless excused by court order. The form Parent Education Seminar Order on the court’s web site must be submitted if this requirement applies.

Finally, a very critical point is that **the new Friday docket cannot**

be used for uncontested divorces.

You cannot submit an uncontested divorce to be set on a Friday. Further, if you have a case properly set on the Friday docket and it settles, you must remove it. You cannot leave it on solely to conduct an uncontested divorce hearing. Removal is required because of the limited number of hearing times available, in order to prevent clogging this special docket and causing unnecessary delays.

As an additional reminder, this is the only way divorces should be set for final hearing on a Friday. They should not be set on the regular Friday motions docket, as there are no provisions permitting such hearings.