

**LOUDOUN COUNTY JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT**

TWENTIETH (20th) JUDICIAL DISTRICT OF VIRGINIA

18 East Market Street

Leesburg, Virginia 20176

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**RULES, PROCEDURES AND
BEST PRACTICES OF THE
JUVENILE AND DOMESTIC
RELATIONS DISTRICT COURT
OF LOUDOUN COUNTY**

VIRGINIA:

**IN THE TWENTIETH (20TH) JUDICIAL DISTRICT
LOUDOUN COUNTY JUVENILE AND DOMESTIC RELATIONS
DISTRICT COURT**

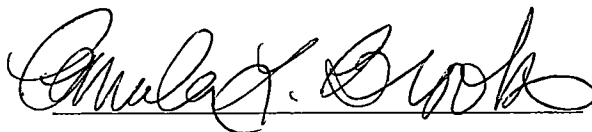
**RULES, PROCEDURES AND BEST PRACTICES OF THE JUVENILE
AND DOMESTIC RELATIONS DISTRICT COURT**

ORDER OF ADOPTION

These Rules, Procedures and Best Practices of the Juvenile and Domestic Relations District Court of Loudoun County (“Local Rules or “LR”) are unanimously adopted by the Judges of the Loudoun County Juvenile and Domestic Relations District Court of the Twentieth (20th) Judicial District pursuant to Rules of the Virginia Supreme Court 1:15, 7A:5 and 7A:15. A copy of these Local Rules, with dates(s) of entry, shall be posted in the Clerk’s Office, filed with the Executive Secretary of the Supreme Court of Virginia, provided to the local bar association, made available to attorneys practicing before this Court, and made available to any citizen appearing before this court. All prior rules of the Juvenile and Domestic Relations District Court (“Court”) not contained herein are revoked.

If any Local Rule herein should conflict with a Rule of the Virginia Supreme Court, the Rule of the Virginia Supreme Court will control. The Rules of the Virginia Supreme Court are hereinafter referenced as “VSCR”

Entered this 13th day of November 2024



PAMELA L. BROOKS, CHIEF JUDGE



RACHEL D. ROBINSON, PRESIDING JUDGE



CHARLES F. KOEHLER, PRESIDING JUDGE

PART A: GENERAL PRACTICE – APPLICABLE TO ALL PROCEEDINGS

1. CLERK'S OFFICE

The Clerk's office is open to the public Monday through Friday from 8:00 a.m. until 4:00 p.m. Any filing submitted after 4:00 p.m. is not deemed filed or received until 8:00 a.m. the following business day. The office telephone number is 703-777-0300, the fax number is 703-771-5039.

The Clerk's Office discharges the duties prescribed by law and the court, to include processing all documents, finances, and information for the court, administering the efficient operations of the court, and keeping all records and accounts of the court. Clerk's Office employees are not permitted to give legal advice to any party but may provide basic information to any individual about court forms, filing requirements, fees, and any other procedural related questions.

2. ACCESS TO COURT FILES

All Juvenile matters are confidential and may only be reviewed by the parties to the proceedings, their attorneys, and Guardians Ad Litem. In delinquency matters, probation officers, professional staff assigned to serve the juvenile and domestic relations district courts; representatives of a public or private agency or department providing supervision or having legal custody of the child or furnishing evaluation or treatment of the child ordered or requested by the court; the attorney for any party, including the attorney for the Commonwealth may all have access to the file once determined eligible by the Clerk's Office.

All adult criminal matters are open to the public. However, certain case files or documents within the case files are confidential or sealed by statute, VSCR or court order (e.g., mental health documents, social history reports, bench notes) and may only be accessed by legal authorized individuals with the permission of the Court or Clerk of Court. Any person who believes he or she is improperly denied access to a sealed document or case file may submit a motion before the court for consideration or docket the request, as appropriate. Child Support and Spousal support case files are confidential and may only be reviewed by the parties to the proceedings, their attorneys, and/or Guardians Ad Litem.

- a. **IN-PERSON REVIEW OF AN OPEN/PENDING CASE FILE:** The requesting individual may utilize our public access terminals and/or submit a completed request to inspect form to the Clerk and the requested file will immediately be made available for review. While being reviewed by the requesting party, a court case file may not leave the Clerk's window area. Once a docket has been worked for court, the file will not be available for review until after the pending court date. Copy requests resulting from inspecting the file will be made at the Clerks discretion. Copy requests are processed in the order in which we receive them and are not guaranteed immediate process.

- b. **IN-PERSON REVIEW OF CLOSED CASE FILE:** The requesting individual may utilize our public access terminals and/or submit a completed request to inspect form to the Clerk and the requested file will immediately be made available for review. Copy requests resulting from inspecting the file will be made at the Clerks discretion. Copy requests are processed in the order in which we receive them and are not guaranteed immediate process.

3. **COPIES**

Requests for copies are processed the order in which we receive them. All copy requests must be submitted in writing and paid for prior to pick up or mail out. Cases cannot be copied on the court date until the case has been processed after the court session has ended. No copy will be certified unless specifically requested. Litigants may also view case files via our public access terminals and print copies straight from their file.

4. **EMERGENCY MOTIONS**

Any filing that seeks immediate court action or variance from the procedures set forth herein should be appropriately labeled and identified in writing as an "Emergency". Any filing labeled or identified as an Emergency will be received by the Clerk but not docketed and be brought to the attention of an available Judge forthwith. The reviewing Judge will assess the filing on its face and determine if such matter qualifies as an emergency and is otherwise entitled to exemption from the procedures herein or other priority treatment.

5. **MOTIONS, GENERALLY**

- a. Unless exempted by statute, a copy of any motion filed with the court is subject to VSCR 1:12 and must be provided to the opposing party at the time of filing.
- b. **STANDARD MOTIONS:** All motion requests for court action may be placed on the next business day's docket by a party providing advance written notice to both the Court and the opposing party, unless otherwise stated herein or by statute. The motion must be filed by 12:00 p.m. for the day of filing to be counted toward the notice requirement. Examples of such motions are **BAIL/BOND MOTIONS, MOTIONS TO ADVANCE/PLEA ENTRY (all plea paperwork must be completed prior to filing), MOTIONS TO WITHDRAW, AND MOTIONS TO CONTINUE.** Motions that are required to be filed on the civil motions docket are excluded. Nothing herein prevents counsel from filing further in advance.

6. APPEARANCE OF LEGAL COUNSEL

Entering a Notice of Appearance, appearing in court on behalf of a defendant or the signing of any pleading by an attorney on behalf of a party is deemed an appearance of counsel. When an attorney or law firm has already entered an appearance as counsel of record on behalf of a party, or if counsel has already been appointed for a party, the Court will not recognize or act upon a filing by a different attorney or law firm unless and until a properly executed **Order of Substitution of Counsel** has been entered by the court. This also means that any counsel of record remains counsel of record, with all related duties and obligations, unless and until an order of substitution is entered by the Court or counsel is otherwise granted leave to withdraw. See VSCR 7A:3. **The court requires a written notice of appearance or pleading for all matters criminal and civil.**

7. CIVIL PRACTICES

- a. **CUSTODY/VISITATION INITIAL PETITIONS:** There is a \$25.00 filing fee for initial petitions pertaining to custody and visitation. *Cross petitions for initial determination of custody and visitation will also require a filing fee of \$25.00.* Each CHILD is assigned a separate juvenile base case number; therefore, a separate petition must be filed for each child. Each matter (i.e., custody and visitation) is assigned a separate sub-number, requiring that you file separate petitions for custody and for visitation for each child. **Petitions are filed in Re: child's name and not Petitioner versus Respondent.** Each filing requires one copy for the file and one for each party needing to be served plus a date stamped copy. If you do not provide enough copies at time of filing, your filing will be rejected. All petitions must include all identifying information of the parties and most importantly current addresses. This will ensure proper service of the parties.

EXAMPLE: You have one child, and you are filing for custody and visitation – you file two original petitions (one for custody and one for visitation). Additional service copies of each petition to be provided by the filing party. A date stamp copy also must be provided. The Court will not be responsible for the cost of copies. **All petitions for Custody or Visitation must include the UCCJEA Affidavit, (DC-620) or incorporate the affidavit language within pleading. If the affidavit language is incorporated into the pleading, then the pleading must be sworn to by the petitioner.**

- One child, one original petition for custody and 3 copies, one original petition for visitation and 3 copies with a total of 6 copies in addition to the original
- Three (3) children and you are filing for custody and visitation – you file six (6) original petitions (three for custody and three for visitation) with a total of 18 copies in addition to the original petitions.

- b. CUSTODY/VISITATION/SUPPORT MOTIONS TO AMEND or MODIFY:** If a case has been established in the J&DR Court and you are seeking to amend an existing order, custody, visitation, or support, you may file a Motion to Amend. Whenever and wherever possible, you should attach a copy of the original order. Additionally, in the motion to amend, you should state what the latest order of the court says, what you wish to amend, and the reason(s) why you wish to amend the order. You do not, however, need to file a new petition. All motions to modify must include all identifying information of the parties and most importantly current addresses. This will ensure proper service of the parties.

These motions are evidentiary in nature. They will not be scheduled on the civil motions docket. All motions to modify will be set for next available first return status conference.

All cases (whether initial determination or modification) are ordered to take the Parenting Educational Class. However, if a party has taken the Parenting Education Class within the last 24 months, then the party will not be required to take it again. Parties are required to submit the certificate of completion of the class to the court for verification.

Subsequent motions to modify previously established court orders for custody, visitation and child support follow the same rules as initial petitions. A separate original motion **MUST** be filed for custody and visitation with additional service copies. Co-mingled motions will not be accepted.

- c. CHILD SUPPORT:** There is no filing fee for Child Support cases. They are filed in the names of the parents and are indexed under the name of the respondent/payor. The child(ren) name(s) is/are not included in the style of the case. **CAUTION:** If you have a change of custody which will result in a change of who will be paying the support and who will be receiving support, you **MUST FILE** a new petition on behalf of the person receiving the support in addition to a motion to modify support.
- d. SPOUSAL SUPPORT:** There is a \$12.00 filing fee for initial petitions for spousal support. Child support and spousal support must be filed as separate petitions, they cannot be co-mingled.

8. MEDIATION REFERRAL

All cases (whether initial cases or motions to amend) filed by **pro se litigants** are automatically ordered into a mediation evaluation session and are assigned a date to meet with a certified mediator. That date is at least 30 days prior to the date the case is scheduled for a first-return or status hearing. Cases are automatically exempted out of the mediation process that meet the below criteria:

- a. There is an ACTIVE Protective Order
- b. A party's whereabouts are unknown (Order of Publication)
- c. The goal is to terminate support
- d. There is a party outside of the continental United States
- e. There is a party that is incarcerated
- f. There is a petition for Paternity
- g. There is a third-party request and parent (s) are deceased or incarcerated.
- h. Motions for show cause

9. CIVIL MOTIONS DOCKET

Civil motions or other pre-trial non-evidentiary motion requests for court action in a civil case may be placed on the civil motions docket by a party providing at least (7) days advance written notice to both the Court and the opposing party, unless otherwise stated herein or by statute. The motion must be filed by 12:00 p.m. for the day of filing to be counted toward the notice requirement. You must notice your motion for the correct Judges' civil motions docket, or your motion will be rejected. The correct Judge is the one who is already presiding over the case. If you do not know which Judge, you may need to call the clerk's office to inquire. Judge Brooks-courtroom 1A-Thursdays @ 9:00 a.m., Judge Robinson-courtroom-1B-Wednesdays @ 9:00 a.m., Judge Koehler-courtroom-1C-Mondays @ 9:00 a.m. NOTE: Only non-evidentiary motions will be heard on motions day. Examples of non-evidentiary motions are motions to compel discovery, motions to appoint Guardians *ad Litem*, motions to allow discovery. Counsel shall prepare and bring a proposed order to court.

10. FIRST RETURN/STATUS HEARING CIVIL

After a case has been filed and processed, it will be assigned a "first return" date (always on a Tuesday) all parties will be notified by summons or notice of hearing. The court will only address agreed upon matters or matters that can be resolved in the allotted 20 minutes at this hearing date. If the matter is contested and discovery is requested, the judge will enter a pre-trial order and set a pre-trial conference. A trial date will be scheduled at the pre-trial conference if all discovery is complete, any motions to compel have been resolved, and the parties have made a good faith effort to resolve the case. If those criteria are not met, the court will schedule a subsequent pre-trial conference. Attorneys and parties are expected to make a good faith effort to resolve the case. With cases involving pro se litigants, the court will attempt to resolve the issues at the first return date, send the parties to mediation, if they have not already participated in mediation or set the matter for a hearing.

11. PENDENTE LITE HEARINGS

The court will consider requests for *pendente lite* hearings in visitation and child support cases only. These cases will be scheduled by the Court upon proper motion for a *pendente lite* hearing. *Pendente lite* motions requesting a hearing may:

1. Be noticed for the first return status date or
2. Be placed on the civil motions docket for scheduling on a PL docket.

Pendente lite hearings will be scheduled for a maximum of 30 minutes per family. All evidence will be presented by proffer only.

Absent an emergency (as deemed by the Court), the physical custody of the child will not be changed by the Court *pendente lite*.