

**Prince William County
General District Court
9311 Lee Avenue
Manassas, Virginia 20110
(703) 792-6141**

**TIMESAVER
GUIDELINES**

11/1/21

Acknowledgement

*The Prince William County Bar Association
gratefully acknowledges the contributions of the
Judges of the General District Court
for making the 2021 revisions to the
General District Court Time Savers,
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SECTION I ~ CIVIL PRACTICE GUIDELINES

The following is an overview of the General District Court, Civil Division, together with tips and suggestions for working with the Court as efficiently as possible. The Civil Clerk's Office is located in Room 220, which is on the Second Floor of the Judicial Center. Its hours of operation are Monday through Friday, 8:00 a.m. to 4:00 p.m. The office telephone number is 703-792-6149. The cooperation of the staff of the Clerk's Office can be an invaluable aid to any practicing attorney. Treating the staff with respect and courtesy is the cornerstone of establishing a mutually advantageous relationship and a hallmark of professionalism. You will find the staff of the Clerk's Office eager to serve you.

A. GENERAL DISTRICT COURT CIVIL DOCKET OVERVIEW.

The General District Court hears civil matters at 11:00 a.m. and 1:00 p.m. on Tuesdays, the 1st, 3rd & 5th Wednesdays, and on Thursdays Unlawful Detainer matters filed by counsel are heard on Fridays at 11:00 a.m. and 1:00 p.m. Unlawful Detainers filed by pro se parties are heard on Mondays at 1:00 p.m. The 2nd and 4th Wednesdays are reserved for Small Claims Court which cases are called at 11:00 a.m. for returns and at 1:30 p.m. for trials. The civil dockets are generally divided into the following categories:

1. The Return Docket (11:00 a.m. or 1:00 p.m.):

First returns of all civil cases (Warrants in Debt, Detinue, Motions, etc.) on the *11:00 a.m.* docket are scheduled in Courtroom #1. First returns of all civil cases (Warrants in Debt, Detinue, Motions, etc.) on the *1:00 p.m.* docket are scheduled in Courtrooms #3 or 4 (and occasionally #5). Post-judgment matters are scheduled on Mondays for *11:00 a.m.* in Courtroom #1 and *1:00 p.m.* in Courtrooms # 3 or 4 (typically). {Post Judgment matters shall include garnishments, interrogatories, attachments, motions, rehearing requests, as well as any other issue requiring court review following the entry of judgment.}

2. The Trial Docket (1:30 p.m.):

Trials of civil cases (other than unlawful detainers) and any contested motions that will take longer than five (5) minutes to hear are placed on the Court's 1:30 p.m. docket on Tuesdays, Wednesdays, and on Thursdays in Courtroom #1. **Trials that will take longer than two (2) hours MUST be specially set on the court's docket and the parties must advise the court of the same at the time trial is scheduled on the Return Day.**

3. The Unlawful Detainer Docket:

Unlawful detainer cases without counsel (pro se) are scheduled at 1:00 p.m. on Mondays for first returns. In most cases in which the parties are unrepresented by counsel and the issues are contested the court will refer the case to trained mediators. If mediation

is unsuccessful those cases will be rescheduled for trial on the next available Monday at 1:30 p.m.

All unlawful detainer matters with counsel are scheduled at either 11:00 a.m. or 1:00 p.m. on Fridays for first returns. Trials will be scheduled for the next available Friday at 1:30 p.m.

Prosecution of unlawful detainers upon affidavit, as authorized by the Virginia Code, will require proof in Court of the following:

- a. Original Lease or an affidavit of authenticity for copies of Lease, with late charge, attorney's fee and other relevant provisions highlighted
- b. Applicable Pay or quit notice;
- c. Any necessary Reservation of Rights Notice
- d. A statement of account
- e. **Unlawful Detainer Certification (see form attached in Section III)**
- f. *Ex Parte* Proof. Judgment for unliquidated damages to property cannot be granted without *ex parte* evidence.
- g. Virginia Statement of Tenants Rights and Responsibilities Form, or language within the lease as required by the Code of Virginia.

4. The Small Claims Docket

- a. Small claims cases are heard on the 2nd and 4th Wednesdays at 11:00 a.m. with contested cases heard at 1:30 p.m. Contested cases on the 11:00 a.m. docket may be referred to trained mediators. If possible, cases not successfully resolved by mediation may be tried at the 1:30 p.m. docket that same day.
- b. Counsel wishing to remove a case from the Small Claims Court should appear at the scheduled 11:00 a.m. docket. Any case removed will be set for trial on the 1:30 p.m. docket on a Tuesday, Wednesday or Thursday. Counsel should file a praecipe with the Court as soon as possible and should give notice to the other party that the case will need to be removed to the Civil section of General District Court docket for trial in order to minimize inconvenience to witnesses. The praecipe will need to include counsel's full name, mailing address, email address and phone number.

5. Transurban/Hot Lanes-Red Light Camera Docket

- a. Transurban/Hot Lane dockets are heard every Thursday at 2:05 p.m. in Courtroom 4.
- b. Red Light Camera contested cases are heard one Thursday each month (typically the 3rd) in Courtroom 4 at 1:30 p.m.

B. FILING CIVIL SUITS AND OTHER CIVIL PLEADINGS.

1. Forms Available in the Clerk's Office:

Various standard forms, such as warrants in debt, summons for unlawful detainer, summons for debtor's interrogatories, garnishment forms, affidavits for service on the Secretary of the Commonwealth, the State Corporation Commission, and the Va. DMV are available in the Clerk's office. Forms are also available online through the General District Court's web site (<https://www.vacourts.gov/forms/district/home.html>).

2. Signatures, Service Copies and Proof of Filing:

Please verify that all pleadings have been signed by counsel of record or *pro se* party and contain the appropriate addresses of all parties. If pleadings require service, please provide the correct number of service copies along with the original (1 for each defendant to be served, additional copies if service is pursuant to Section C5 below), together with instructions for forwarding service copies to the appropriate sheriff. A check or checks sufficient to pay all filing and service fees will need to be provided at the same time.

3. Filing and Service Fees:

Please note that checks for all filing fees should be made payable to the *Clerk of the General District Court*. Filing fees are separate and distinct from applicable service fees to the Sheriff, but the Sheriff's service fee may be included in the check made payable to the Clerk of the General District Court. Please verify that all checks are signed. The Clerk's Office will accept personal checks from *pro se* litigants, cash, credit card, money orders, or checks drawn on an attorney's account.

4. Purchased Debt Cases

The defendant should be able to tell from the style of the case, the nature of the account on which he/she has been sued. While it is not necessary to provide the entire chain of title to the account, the style of the case must contain the names of both the present creditor and the original creditor. If the issue of ownership of the account is raised in the course of the proceeding, by pleading, or otherwise, the plaintiff must be prepared to prove its chain of title, and to present, if necessary, all of the assignments which resulted in the ownership of the account, by the ultimate plaintiff in the case.

The plaintiff's counsel, on the return date, shall be in possession of sufficient documentation of the claim, to enable the defendant to recognize the nature of the obligation, and the manner in which the balance claimed was determined.

At a minimum, the plaintiff should be prepared to present an invoice from the original creditor, on the creditor's billing form, or some other documentation by any creditor in the chain showing actual usage, in the case of a credit card account. If the defendant claims not to be the correct debtor, or not to have any account or dealings with the original creditor, the plaintiff must be able to produce documentation showing that the defendant signed a contract, used the credit card in question, or in some other manner was the party that contracted with the original credit grantor.

Pleadings must provide the basis for the claim (contract, card usage, note or other document signed by the defendant), a breakdown of debits and credits, showing how the

balance was determined, and appropriate documentation to support the claim. If charges from the original creditor include interest at a rate in excess of the judgment rate, fees, such as over limit charges, or other charges that do not reflect purchase or cash advances, the creditor must document the rules and regulations to which the debtor agreed to be bound, either by written agreement, or by card or account usage. If documentation is not sufficient, judgment will not be granted, even if the defendant fails to respond to the Bill of Particulars.

5. Self Help

The Supreme Court of Virginia has a self-help site at <http://selfhelp.vacourts.gov/>

C. SERVICE OF PROCESS

Please note: the following is a general overview of the Clerk’s Office procedures relating to the service of process. Service requirements are statutorily mandated and attorneys and parties should satisfy themselves that all service requirements applicable to any particular case have been met.

1. In-County Service:

In general, original process to be served by the Sheriff of Prince William County will be forwarded to the Sheriff’s Department within 48-72 hours following the filing of the pleadings.

2. Out-of-County Service:

The Clerk’s Office processes any pleadings that must be served by the Sheriff of another county or city and forwards the pleadings to the Sheriff of the indicated jurisdiction. Counsel, or any *pro se* party, is responsible for identifying on the pleading the jurisdiction in which service is to be performed.

3. Private Process Service:

When filing pleadings to be served by private process, counsel or any *pro se* party, should advise the Clerk’s Office if private process service is desired. The Clerk's Office will notify counsel or the party when the process is ready for pick-up.

4. Checking Service:

The status of service returns can be determined by checking the files in the Clerk’s Office during regular business hours. Counsel, or any *pro se* party, are reminded that files are not available for review after 10:15 a.m. on the morning such a file is on any of the Court’s dockets for that day.

5. Out of State/Secretary of Commonwealth/State Corporation Commission/DMV service:

When serving a defendant who is out of state or requires service through the Secretary of the Commonwealth (Secretary), Department of Motor Vehicles (DMV) or

State Corporation Commission (SCC), please be advised that the first return date will need to be scheduled a *minimum* of eight (8) weeks past the filing date. Fees and copies are as follows:

State Corporation Commission

Original plus two (2) copies of the Affidavit
Original plus two (2) copies of the filing to be served
Check made payable to SCC for \$30.00
Applicable filing fee payable to the Court

Secretary of the Commonwealth

Original SOC affidavit plus two (2) copies
Original plus two (2) copies of the filing to be served
Completed green cards for certified mailing and
Envelope addressed to person being served w/ no postage
Check made payable to the SOC for \$28.00
Applicable filing fee payable to the Court

Department of Motor Vehicles

Original DMV affidavit plus three (3) copies
Original plus three (3) copies of the filing to be served
Check made payable to the DMV for \$28.00
Applicable filing fee payable to the Court

6. Alias Summons:

Please remember that when requesting the issuance of an alias summons, the Sheriff's fee, as well as the appropriate number of copies of the pleading to be served, must accompany a copy of the alias summons request. If the alias is to be served by private process, only the service copy(ies) needed are required.

D. REVIEWING CIVIL GENERAL DISTRICT COURT FILES.

1. Review of Case Files:

Counsel, or any *pro se* party, are encouraged to review their files for service information either the day before the scheduled court date or before 10:15 a.m. on the morning of Court. It is essential to the orderly progression of the docket that counsel, or any *pro se* party, (1) know the status of service of process of each case on his or her docket, (2) be prepared to request an action that is consistent with the service status, and (3) know the order of the cases to be called by the court.

2. Location:

All active civil General District Court files available for review are located in the Clerk's Office in Room 220. In addition to having the style of the case and the case number when asking for a file, Counsel, or any *pro se* party, should also know on what date the matter is scheduled to be in Court. Counsel, or any *pro se* party, should note that the files of cases set for Court on any particular day will not be available for review after 10:15 a.m. on the scheduled court date.

3. Removal/Copies:

Files *may not be removed* from the Clerk's Office by attorneys or by any party for any reason. Removal of files is a Class 6 Felony. All copies must be made by the Clerk's staff in the Clerk's Office. The Clerk handles the forwarding of all files to Chambers.

4. Copy/Certification Fees:

No counsel, or any pro se party, shall remove **any** document from the Court file. Counsel, or any *pro se* party, who want copies should place paper clips on the relevant pages and return the entire file to a clerk. A fee of \$1.00 for the first and second copies and fifty cents (50¢) per each page thereafter is charged for all copies made in the Clerk's Office.

E. CONTINUANCE GUIDELINES FOR CIVIL MATTERS.

In accordance with Rule 7A:14 of the Rules of the Supreme Court of Virginia and in keeping with the spirit of the recommendations of the Judicial Council of Virginia as to the "Adoption and Implementation of Case Processing Time Standards," the General District Court of Prince William County adheres to the following guidelines:

1. Cases on the Civil Return Docket:

a. Uncontested Cases:

If the warrant in debt is uncontested on the Return Date, then the Court may enter judgment on the affidavit if the damages are liquidated or upon the taking of *ex parte* proof if unliquidated damages have been claimed.

PLEASE NOTE THAT CONTINUANCES WILL ONLY BE ALLOWED FOR GOOD CAUSE SHOWN AND SHOULD BE SCHEDULED WITHIN SIXTY (60) DAYS FROM THE ORIGINAL RETURN DATE.

b. Contested Cases:

If the defendant appears on the first return date and contests the case and both parties are ready for trial, the case *may* be heard on that day at the discretion of the Court, either at the end of the 11:00 a.m. docket or at the end of the 1:30 p.m. docket.

If the defendant appears on the first return date and contests the case and either one party or the other is unable to proceed to trial that day, or if, in the court's discretion, a separate date is needed for trial, the case will be set for trial on a Tuesday, Wednesday or on a Thursday at the 1:30 p.m. docket.

PLEASE NOTE THAT TRIAL DATES WILL BE SCHEDULED WITHIN SIXTY (60) DAYS OF THE RETURN DATE, ABSENT EXTRAORDINARY CIRCUMSTANCES.

2. Cases on the Trial Docket:

All parties shall report to Court at 1:30 p.m. on the scheduled trial date. Unless otherwise designated all parties shall report to Courtroom #1 where the trial docket will be called. All parties and witnesses shall appear on time. Cases will be called and some cases may be transferred from Courtroom #1 to one of the other courtrooms for trial.

a. How a Continuance May Be Obtained by Agreement:

There are three methods by which a trial may be continued by consent:

(1) One or both of the attorneys or parties may appear in open Court to make the Motion, and a date will be scheduled with leave of Court; or

(2) Either attorney or party may file a written Praecipe in the Clerk's Office. The Praecipe must be filed in the Clerk's Office no less than five (5) business days prior to the scheduled trial date. The Praecipe shall state the new court date which date shall have been obtained from the clerk, shall state that the continuance is agreed among all parties and shall have been mailed to all parties; or

(3) The parties may submit an Agreed Order to the Court at least three days prior to the originally scheduled trial date. The Order must state the new trial date which date has been obtained from the clerk.

b. Contested Motions for Continuance:

In the event one party objects to the Motion to Continue, then the moving party must appear in Court on or before the trial date for a hearing on the Motion to Continue. Filing, service, and hearing requirements are governed by the Rules of the Supreme Court of Virginia.

3. Cases on the Unlawful Detainer Docket:

If a defendant appears on the first return date and disputes the plaintiff's claim, the court will determine whether the case should proceed to trial on that date, or be set on another date for trial. Unlawful Detainer actions have priority by statute, so the following guidelines are generally adhered to:

a. Provided the docket has availability, if the plaintiff has checked the block indicating the case will be heard on the return date, then the case may be heard on that date unless the Plaintiff agrees to a continuance. If the plaintiff has checked the block indicating another date will be set for trial, then the case will generally

be continued for trial in accordance with section (b) below unless both parties agree otherwise.

b. Absent consent by the Plaintiff, continuances for trial will generally be brief—one or two weeks. Trials are set for the 1:30 p.m. docket on Mondays (pro se) or Fridays (with counsel).

c. Continuances of cases under the Landlord-Tenant Act, where the issue is non-payment of rent, may be conditioned on the Defendant's posting of a bond.

d. Information on Tenant's Assertions may be obtained from the clerk's office or the website for the Supreme Court of Virginia.

F. INCIDENTS OF CIVIL TRIAL.

1. Subpoenas:

Subpoenas must be prepared by counsel or by *pro se* litigants. The Clerks will **not** prepare subpoenas, but will send blank forms to a party in response to a letter requesting subpoenas.

a. How Obtained:

Witness subpoenas may be made on forms available in the Clerk's Office or online at www.vacourts.gov. (See Form DC-325 and Form DC-336) Similarly, the Clerk's Office has forms available for subpoenas *duces tecum*. A specific list of documents being requested must be provided.

b. Attorney-Issued Subpoenas:

Many civil witness and document subpoenas may also be attorney-issued in compliance with the provisions of the Virginia Code and the Virginia Rules. An attorney-issued summons must be on a form approved by the Virginia Supreme Court, which forms are available in the Clerk's Office. (See Form DC-497 and Form DC-498). A copy of the summons and, if the summons is to be served by the Sheriff, payment for all service fees, must be mailed or delivered to the Clerk's Office on the date of issuance by the attorney, together with a certificate of service. Attorney-issued subpoenas to be transmitted by Sheriff's Service must be accompanied by a transmittal sheet containing all pertinent information. Counsel should also consult the Virginia Code and applicable rules for specific information relating to attorney-issued subpoenas.

c. Timing:

Attorneys/parties are encouraged to file witness subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party. As a general rule, counsel/party requesting witness subpoenas

must allow at least fourteen (14) days for processing and service within the jurisdiction, in addition to the time necessary to provide the recipient with proper and timely notice. Similarly, document subpoenas should be filed far enough in advance to allow reasonable time for processing and service, as well as a sufficient time period for compliance in accordance with the Virginia Rules.

Please take into consideration that the paperwork for subpoenas to be served outside of Prince William County, the City of Manassas or the City of Manassas Park must be forwarded directly to the appropriate jurisdiction in which the service is to be accomplished. Each party making such a request should be familiar with the procedures of the Sheriff's Office in the foreign jurisdiction. As such, service outside of Prince William County, the City of Manassas or the City of Manassas Park almost certainly takes more time than service within. Counsel/parties should plan accordingly.

d. Fees:

The Sheriff's fee for each service should be included with the filing. If the subpoena is to be served by private process, please note this with the subpoena request at the time it is filed.

2. Court Reporters:

The Court does not provide a court reporter for any civil matter. The litigant who chooses to hire a court reporter must bear the cost thereof absent an agreement to the contrary.

3. Interpreters/Translators:

Litigants must notify the Court if any interpreters or translators will be needed. For trials, a court certified interpreter will be required. Requests for interpreters/translators must be made in writing, at least ten (10) days before trial with the Clerk's office in Room 220. Please use the form attached in Section III (available in the Clerk's office).

4. Available Equipment/Remote Hearing:

Each General District Courtroom has a dry marker board. Consult the bailiff for availability of markers. Counsel or parties must provide any other items. Television monitors are available in each courtroom for media presentations.

A party may make a request to appear (or have a witness appear) remotely for trial or hearing (remote hearings are conducted on the Webex platform, unless the judge approves a different arrangement). Such request must be made at least 10 days (or as soon as possible) prior to trial using the Request form found in the Clerk's office or the courtroom. Parties must discuss the request prior to filing the same with the court AND must provide written notice of the request to the opposing party. A judge will make a ruling on the request and notify the parties of the same as soon as possible prior to trial.

5. Courtroom Etiquette:

Parties are expected to be in Courtroom #1 ready to proceed by 1:30 p.m. on the trial date. The trial docket begins at 1:30 p.m., or as soon thereafter as is possible, with the Judge calling the docket to obtain time estimates from parties/counsel. Time estimates are used to prioritize cases. The Judge in Courtroom #1 may transfer matters to other courtrooms for hearing, depending upon the availability of other judges. Accordingly, after your case has been called for a time estimate, please remain in or close to Courtroom #1 even when other cases are being heard as other courtrooms may become available at any time.

All persons are expected to stand when addressing the Court.

G. POST JUDGMENT PROCEEDINGS.

1. Debtor's Interrogatories:

A judgment creditor's right to conduct debtor's interrogatories is governed by the Virginia Code and parties are advised to review the statute to determine authority to proceed.

Returns on debtor's interrogatories are called on the 11:00 a.m. or 1:00 p.m. Monday Return Docket. After the case is called, the Court will instruct the debtor to wait for the judgment creditor or his counsel in the hallway. Interrogatories are conducted in the General District Court hallway unless the circumstances require the parties to proceed in open court. The Court will swear the debtor on counsel's request.

Counsel **IS** expected to know the status of service when the debtor's interrogatory summons is called in Court so that counsel may request a disposition that is within the power of the Court to grant. In the event that a defendant who has been served with a summons to answer interrogatories fails to appear, the Court, upon request, will grant the plaintiff one (1) continuance for the issuance of a "Show Cause Summons" or "Capias" against the defendant. The plaintiff must prepare the Show Cause Summons or Capias and file it with sufficient time to allow for processing and service before the new court date. If the plaintiff fails to issue the Show Cause Summons or Capias in time to allow for processing and service before the new court date and/or the defendant fails to appear on that date, the Court, upon request, will grant the plaintiff *ONE (1) CONTINUANCE ONLY* for an Alias Show Cause Summons or Capias.

THE CLERK'S OFFICE STRONGLY RECOMMENDS THAT PLAINTIFFS ALLOW SIX (6) to EIGHT (8) WEEKS BETWEEN THE FILING DATE OF A SHOW CAUSE SUMMONS OR CAPIAS AND THE RETURN DATE TO ALLOW TIME FOR THE PROCESSING AND SERVICE OF THE PLEADING.

2. Garnishments:

A judgment creditor's right to conduct wage, bank, and any other garnishment action is governed by the Virginia Code. Counsel and *pro se* parties, are urged to review the applicable Virginia Code to determine a client's authority to proceed. Returns on garnishments are called on the 11:00 a.m. or 1:00 p.m. Monday Return Docket, as well as a Wednesday 1:00 pm Return Docket.

Counsel is expected to know status of service when the garnishment return is called in Court so that counsel requests a disposition that it is within the power of the Court to grant. In the event that the Garnishee is served but fails to file an Answer, the Court, upon request, will grant the plaintiff a continuance for good cause to obtain an Answer. If the Garnishee fails to file an Answer by the continuance date, the plaintiff must either proceed with a Show Cause Summons against the Garnishee or dismiss the Garnishment. Prior to obtaining a judgment against the Garnishee for failing to file an Answer, the Plaintiff must provide *ex parte* evidence of the Garnishee's obligation to the judgment debtor and have proper service against the Garnishee, as required by statute. The judgment creditor, or counsel, will be required to sign the Garnishment Summons form in court on the return date in order to receive any garnishment funds that have been received by the Court.

3. Abstracts of Judgment:

Counsel or parties should allow ten (10) days after the entry of judgment before filing a written request for an Abstract of Judgment. The written request must be accompanied by a self-addressed, stamped envelope for the transmission of the Abstract to counsel.

Please be advised that the successful plaintiff or counter-plaintiff is responsible for docketing any General District Court judgment among the records of the Circuit Court of Prince William County or any other jurisdiction. Judgments entered in the General District Court are not automatically docketed in the Circuit Court or elsewhere.

4. Notice of Satisfaction/Release of Judgment:

Code of Virginia § 16.1-94.01 requires a judgment creditor to give written notice of satisfaction within 30 days of receipt.. It is not enough to advise the Court verbally that the judgment is paid. It must be marked released/satisfied within thirty (30) days of payment. A praecipe, or Form DC-458, is available online at www.vacourts.gov will suffice.

5. Writ of Fi Fa Requests

Please see Levy Information at pages 27-28

H. PRELIMINARY & PERMANENT PROTECTIVE ORDERS

Applications for Preliminary Protective Orders (PPO) will not be accepted by the clerk's office unless the application is accompanied by an affidavit in support of the request for protection. Computer terminals are also available outside of the Criminal Clerk's office for completion of all forms necessary to request issuance of a PPO. If

an attorney notes an appearance, the attorney must file a praecipe including a time estimate for the hearing.

Hearings on Final Protective Orders shall be scheduled within fifteen (15) days of the date of entry of the PPO and a trial shall be conducted on said hearing date provided the Respondent has been served, and unless the Respondent requests a continuance. Protective Order hearings are generally scheduled for times between 11:00 am and 12:00 p.m.

SECTION II ~ TRAFFIC AND CRIMINAL PRACTICE GUIDELINES

The following is a general overview of the General District Court, Traffic and Criminal Division, together with tips and suggestions for working with the Court as efficiently as possible. The Clerk's Office for the Traffic and Criminal Division is located in Room 230, which is on the Second Floor of the Courthouse. Its hours of operation are Monday through Friday, 8:00 a.m. to 4:00 p.m. The Office telephone number is 703-792-6141. The cooperation of the staff of the Clerk's Office can be an invaluable aid to any practicing attorney. Treating the staff with respect and courtesy is the cornerstone of establishing a mutually advantageous relationship and a hallmark of professionalism. The Clerk's Office is eager to serve you.

A. GENERAL DISTRICT COURT TRAFFIC/CRIMINAL DOCKET OVERVIEW.

1. The 9:00 a.m. "Catch-All" Docket

The Court conducts a 9:00 a.m. docket in Courtroom #6 for out-of-jail arraignments, discovery motions, other pre-trial motions, sentencings and deferred dispositions. This courtroom also hears "walk-in" matters until 4:00 p.m. daily.

The Court hears requests for appointment of counsel, continuance requests, and other motions on this docket. Motions greater than 20 minutes must be specially scheduled on the Court's docket, preferably for an afternoon time after 1:00 p.m. or may be specially scheduled with the judge scheduled to hear the motion.

Additionally, in all felony cases and Class 1 and Class 2 misdemeanors, the defendant will be required to appear in court at 9:00 a.m. to be advised of his or her right to counsel (this is universally, if imprecisely, referred to as an "arraignment"). If the defendant has retained counsel prior to the first appearance (or arraignment), counsel may enter an appearance, either in person, or by praecipe, at or prior to the first appearance. In that case, the defendant is not required to appear at the first appearance and counsel may set the next hearing date by providing availability on at least two (2) of the officer's next court dates in which case the court will schedule the hearing on the next available date.

Please see Section III (A) Flow Chart for further details.

2. The 9:30 a.m. in-jail arraignment Docket

Defendants who have been arrested, and have not posted bail, are arraigned via video conferencing in Courtroom 2. All bail and similar motions of in-jail defendants are heard at 9:30 a.m. via video conferencing. If an attorney outside of the Public Defender's Office is appointed for an in-jail defendant during the 9:30 a.m. in-jail arraignment Docket the attorney will be notified by email and by telephone that same day of his or her appointment. Court appointed counsel are expected to see the defendant in the Adult Detention Center within 48 hours of appointment and to file a bail motion if appropriate. The Public Defender's Office will routinely request bond on behalf of Defendants' at the arraignment and any decision denying bail at that time is without prejudice so that counsel may still file a bail motion for consideration by the court on a subsequent date.

Counsel is encouraged to contact the Prince William County Office of Criminal Justice Services (OCJS) Pretrial Supervision Program ahead of filing a bail motion if interested in having their client evaluated for Intensive Pretrial Supervision. Counsel does NOT need prior approval of the Court to request for their client to be evaluated for the Intensive Pretrial Program.

3. The 9:00 Traffic Dockets

General District Courtrooms 3, 4 and 5 have traffic dockets at 9:00 a.m. daily.

The 9:00 a.m. docket is posted on Electronic Boards near the stairway on the second floor. Cases are listed alphabetically according to Defendant's name.

Except for accident cases involving citizen witnesses and unless a continuance is granted, traffic matters generally proceed to trial on the first day they are in court See section B 2(d) below re: accident cases involving citizen witnesses.

4. 10:30 a.m. Dockets

General District Courtrooms 3, 4 and 5 have misdemeanor criminal matters and traffic matters and cases with the Virginia State Police daily at 10:30 a.m.

General District Courtroom 6 has misdemeanor criminal matters daily at 10:30 a.m.

5. The Preliminary Hearing Docket

The Court conducts preliminary hearings beginning at 11:30 a.m., or as soon thereafter as the matters may be heard. Preliminary hearings are held in Courtrooms 3, 4, 5 and 6 on Monday through Friday. See section B 2(d) below for felony cases involving accidents with citizen witnesses. Ancillary misdemeanor or traffic matters are docketed with their associated felony matter on the 11:30 a.m. docket.

6. Blood Draw DUI Dockets

Driving under the Influence charges which involve blood analyses are set for trial at 1:30 p.m. on the 2nd Wednesday of each month. Each Courtroom maintains a list of available Blood Draw Trial dates. Only those cases for which a Blood Draw Certificate Analysis has been filed will be set on the 1:30 p.m. trial docket. Cases set on this trial docket must be ready promptly for trial or plea on the assigned trial date.

7. Divert Status Docket

Cases that have been diverted from the regular docket based upon the need for mental health services prior to proceeding with adjudication are placed upon a special docket, normally heard on the 4th Monday of each month at 1:30 p.m.

8. VASAP Docket

Cases involving alleged VASAP violations shall be heard by the Court each week on Thursday at 1:30 p.m. in courtroom #4. The VASAP representative will be present and counsel (or the defendant) is encouraged to speak with the representative before the start of the docket.

B. CASE PROCESSING TIME STANDARDS, CONTINUANCES, ETC

1. Commonwealth's Attorney/ Other Prosecuting Attorneys

Defense counsel are obligated to notify the proper prosecuting attorney or authority when filing certain pleading and notices.

All felony matters are handled by the Office of the Commonwealth's Attorney. Misdemeanor and Traffic cases from the Virginia State Police, or any other state law enforcement agency, Prince William County Police Department, Manassas City Police Department, and their animal control bureaus are handled by the Office of the Commonwealth's Attorney

Misdemeanor and Traffic matters from the City of Manassas Park Police Department, and the Towns of Dumfries, Haymarket, Occoquan and Quantico Police Departments are handled by other Prosecuting Attorneys. The contact information for each of these Prosecuting Attorneys can be obtained from the Criminal Clerk's Office in Room 230.

2. Case Processing Time Standards:

In accordance with Rule 7A:14 of the Rules of the Supreme Court of Virginia and in keeping with the spirit of the recommendations of the Judicial Council of Virginia as to the "Adoption and Implementation of Case Processing Time Standards," the General District Court of Prince William County will adhere to the Standards, as set forth below.

a. Misdemeanors/Infractions:

Ninety percent (90 %) of the Court's misdemeanors and traffic infractions should be adjudicated within sixty (60) days from the date of arrest or citation and One Hundred percent (100%) within One hundred and twenty (120) days.

b. Felonies:

Preliminary Hearings should be concluded within sixty (60) days from the date of arrest.

3. Continuance Guidelines:

Necessary continuances will be approved so long as appropriate steps are taken to adequately notify all interested parties so as to minimize inconvenience.

a. Preliminary hearings, Class 1 Misdemeanors, and Class 2 Misdemeanors Without Citizen Witnesses (only witness is law enforcement officer):

(1) Defendant must be represented by counsel or have acknowledged his right to counsel and waived that right by execution of a waiver of rights form or by his appearance at trial without counsel. Defendant can execute the waiver form at his or her assigned initial appearance or on the trial date if no initial appearance has been assigned.

(2) FIRST CONTINUANCE MAY BE OBTAINED upon good cause shown (by defense counsel or *pro se* defendant who has executed an acknowledgement of his or her right to counsel), upon filing and entry of AGREED ORDER (see Section 2 e below), upon motion at trial by counsel, upon agreement of the parties by submitting a yellow sheet to the court on the hearing date or upon appearance of the party or counsel at 9:00 a.m. any day after appropriate notice to the opposing party.

(3) Subsequent continuances may be obtained only by leave of court upon good cause shown. Agreed orders may be submitted for court's consideration (See Section 2 e below), or motion may be made at 9:00 a.m. docket.

b. Class 3 Misdemeanors, Class 4 Misdemeanors and Infractions Without Citizen Witnesses (only witness is law enforcement officer):

(1). A first continuance may be obtained by agreed order (see Section 2 e below), or by filing a completed Request for Continuance form with court or upon in-court motion by counsel or the prosecuting attorney. Forms are available in the Clerk's Office.

(2). A subsequent continuance may be obtained only by leave of court through agreed order or motion set for 9:00 docket—same procedure as in section a above.

c. Preliminary Hearings, Misdemeanors, and Infractions Involving Citizen Victims or Subpoenaed Citizen Witnesses:

(1) If the continuance is requested more than then (10) days before trial, the Court will consider an agreed order that contains certification that witnesses will be notified (see Section 2 e below), or motion may be made at 9:00 a.m. docket after notice to opposing party (**notice to be filed and delivered to opposing counsel no later than 3:00 p.m. on the business day prior to motion**).

(2) If a continuance is requested less than ten (10) days before trial, it will be granted *only* by leave of court on motion at the 9:00 docket when the court is assured that citizen witnesses will be notified of the change to avoid any inconvenience to them.

(3) Continuances requested at time of trial when witnesses are present will be granted only upon showing of good cause by the moving party; good faith showing may consist of exigent circumstances coupled with a bona fide attempt to notify all witnesses prior to trial date.

(a) Parties are urged to communicate by telephone with witnesses to assure appearance or to advise of a continuance. Witnesses must be notified of a continuance as soon as possible to minimize inconvenience to such witnesses. If witnesses report difficulty with a proposed continuance date, it is the responsibility of the moving party to report this to the court for consideration in selecting a new date.

(b) Police officers, magistrates and court personnel are urged to confirm addresses and telephone numbers so as to maximize the ability of parties to communicate with all witnesses and persons involved with cases.

d. Traffic Accident Cases Involving Citizen Witnesses:

Examples of this type of case are citations for failure to yield, following too closely, reckless driving, and driving under the influence.

The witnesses will not be subpoenaed for the first hearing date and will only be subpoenaed if the case is contested. A trial date will then be scheduled if the case is contested or if there will be a need for witnesses in order for the court to properly dispose of the case. Any request for continuance of such a case, and any agreed orders for continuance (see 2 e below), must specify if the request is to continue the

case for first return (no witnesses to be subpoenaed), or for trial (officer to subpoena witnesses).

This does not apply to (a) felony charges resulting from an accident involving citizen witnesses, or (b) misdemeanor or traffic charges resulting from an accident involving citizen witnesses, where a felony is also charged. In these situations, the witnesses will be subpoenaed for the first hearing. Examples are as follows:

- (a) Felony DUI/DOS involving an accident with citizen witnesses
- (b) Felony possession of controlled substance, misdemeanor DUI with accident and citizen witnesses-or-Felony possession, DOS, and/or following too closely.

In the above cases the witnesses will be subpoenaed for the preliminary hearing and trial on the first court date.

e. Agreed Orders of Continuance.

The Court will consider entry of agreed orders continuing cases which do not require notice and argument at the 9:00 docket under the foregoing guidelines, and which otherwise meet the Court's criteria for agreed orders as set forth above. Note that the Court requires that any defendant who is incarcerated endorse an agreed continuance order—defense counsel is responsible for determining whether a defendant is incarcerated, and if so, for obtaining the necessary endorsement.

If an agreed order is submitted, counsel is responsible for confirming the availability of the proposed date and checking to be sure that the order has been entered. This can be checked through the Court's website at: www.vacourts.gov. Counsel should bear in mind that there can be several days delay between the time an agreed order is delivered to the Commonwealth's Attorney and the time the entry of the order is posted on the Court's website—review and endorsement by the Commonwealth's Attorney, submission to the Clerk's Office by the Commonwealth's Attorney, pulling case and submission of case and order to a judge, review and entry by a judge, posting by a Clerk, and updating in the computer system, each has the potential for some time lag. Every effort is made by the Court to expedite this process so as to act promptly on orders submitted.

C. MOTIONS.

1. Motions for Discovery:

The Court will generally enter agreed orders of discovery without the necessity of notice and docketing. Motions may also be filed and docketed for an 9:00 docket; these must be filed in the Clerk's Office and served upon the appropriate prosecuting attorney's office no later than 3:00 p.m. two (2) business days preceding the requested hearing date.

2. Appointment of Counsel to Indigent Defendants

The Public Defender's Office will be appointed to represent most indigent defendants. However, in cases of conflict or other unavailability of the Public Defender, or where defendants currently have other court appointed counsel on related matters, the court will appoint outside counsel to represent indigent defendants.

Attorneys who meet the State guidelines to accept court appointment to indigent defendants must abide by **The Standards of Practice of Indigent Defense Counsel** found at: <http://www.vadefenders.org/wp-content/uploads/2018/04/SOP-4-10-18.pdf>

Court appointed attorneys must communicate with their client within 48 hours of the date of appointment. Failure to abide by minimum standards of competent assistance will result in a written letter from the Chief Judge warning of the perceived deficiency and requiring remedial measures to correct the deficiency. Second or subsequent failure to abide by minimum standards of competency will result in suspension from the court appointed attorney list. Failure to abide by minimum standards of competent assistance include but are not limited to:

- i. Failure to communicate with clients in a timely fashion
- ii. Habitual failure to appear in court
- iii. Habitual failure to timely notify the court of the status of a case.
- iv. Failure to secure court permission to substitute counsel.
- v. Failure to secure court permission to excuse a client's appearance in court.

Court appointed counsel may have other attorneys from the same firm appear for pre-trial motions. Court appointed counsel may not substitute any other attorney for trial without prior leave of court. Substitute counsel from the same firm may only substitute in court appointed cases if the new attorney is also on the court appointed list. In some instances, court appointed counsel may have other court appointed counsel (not in their firm) handle preliminary matters on their behalf, with leave of court.

3. Other Motions:

Other motions such as motions for a restricted driver's license, extensions of time to pay fines and costs, and the like, may be filed in the Clerk's Office, and will generally be heard on the same day in Courtroom 6.

D. INCIDENTS OF CRIMINAL TRIAL.

1. Subpoenas:

Subpoena requests must be prepared by counsel or by *pro se* litigants. The Clerks **will** prepare subpoenas **for criminal trials** when the form requesting such a subpoena is correctly completed and filed.

- a. How Obtained:

Witness subpoenas may be made on forms available in the Clerk's Office or on the Court's website: www.vacourts.gov. Similarly, the Clerk's Office has forms available for subpoenas *duces tecum*. A specific list of documents being requested must be provided.

b. Attorney-Issued Subpoenas:

As of July 1, 2007 Virginia law allows for attorney-issued witness subpoenas in criminal and traffic cases. Counsel is responsible for timely filing the names and addresses of subpoenaed witnesses with the Clerk's Office, as required by statute.

c. Timing:

Attorneys are encouraged to file witness subpoenas as far in advance of the hearing date as possible. While the Clerk's Office makes every effort to process requests as expeditiously as possible, as a practical matter, witnesses must be given reasonable notice. This requires advance planning on the part of the requesting party. As a general rule, counsel requesting witness subpoenas must allow at least 14 days *for processing and service*, in addition to the time necessary to provide the recipient with proper notice. Similarly, document subpoenas should be filed far enough in advance to allow reasonable time for processing and service, as well as a sufficient time period for compliance in accordance with the Virginia Rules.

Please take into consideration that the paperwork for subpoenas to be served outside of Prince William County must be forwarded to the appropriate jurisdiction and then go through whatever procedures the Sheriff's Department in the foreign jurisdiction employs. As such, service outside of Prince William County almost certainly takes more time than service within the County. Counsel should plan accordingly and allow more than 30 days.

d. Fees:

There is no fee for filing or serving a criminal witness or document subpoena.

2. Available Equipment/Remote Hearing:

Each General District Courtroom has a dry marker board. Consult the bailiff for availability of markers. Counsel or parties must provide any other items. Television monitors are available in each courtroom for media presentations.

A party may make a request to appear (or have a witness appear) remotely for trial or hearing (remote hearings are conducted on the Webex platform, unless prior approval from the judge for a different platform). Due to constitutional protections and concerns, any approvals by the Court must be with the agreement of the Defendant AND the Commonwealth. Such request must be made at least 10 days (or as soon as possible) prior to trial using the Request form found in the Clerk's office or the courtroom. Parties must discuss the request prior to filing the

same with the court AND must provide written notice of the request to the opposing party. A judge will make a ruling on the request and notify the parties of the same as soon as possible prior to trial.

3. Availability of Counsel at Docket Call

Court will begin as promptly as possible at the docket call times listed in Section A above. Counsel is expected to be in the assigned courtroom and ready to proceed at the docket call. If counsel will be in another courtroom or area at the assigned docket call time, counsel shall place in the file the yellow sheet indicating counsel's location and anticipated arrival so that the court and parties are not trying to locate counsel for the hearing.

4. Interpreters/Translators:

Defense Counsel must notify the Court if any interpreters or translators, besides Spanish, will be needed. For trials, a court certified interpreter will be required. Requests for interpreters/translators must be made in writing, at least ten (10) days before trial with the Clerk's office in Room 230. Please use the form attached in Section III (available in the Clerk's office).

E. PAYMENT OF FINES AND COSTS.

1. Defendant Responsibilities:

A copy of the court's fine, cost, and restitution policy is posted in room 230 of the courthouse.

F. GUILTY PLEAS.

1. Preparation of Plea Forms

In an effort to expedite the handling of those cases involving a plea of guilty and/or a recommendation by the prosecuting attorney of a disposition, a plea form must be prepared for all class 1 and 2 misdemeanor pleas. A separate plea form must be prepared for each class 1 or 2 misdemeanor count for which there will be a guilty plea.

2. Deferred Dispositions

For cases involving a deferred disposition pursuant to Va. Code §19.2-298.02, the appropriate form must be completed which should include the following: terms and conditions of the deferral, time period for deferral, plea of defendant and final disposition. For cases involving other deferred dispositions, a regular plea form can be used as long as all of the relevant information is included therein.

3. Referral Orders

For cases involving a referral to the Virginia Alcohol Safety Action Program (**ASAP**) (driving while under the influence), Local Offenders Program (**LOP**) or the Voluntary Action Center (**VAC**) (any misdemeanor charge whether convicted or not requiring community service under 19.2-354), ***counsel for the Defendant is expected to prepare*** the aforesaid referral order forms or restricted license request form and review the same with his/her client **prior** to the case being called by the court. Forms are available in the Clerk's office and in all courtrooms.

G. TRAFFIC SCHOOL RETURNS

The court no longer conducts hearings for traffic school returns. There is one (1) administrative review date for traffic school each quarter. The Defendant shall be provided with an instruction sheet at the time traffic school is ordered and it will be incumbent upon the Defendant to comply with all requirements (payments and submission of certificate) before the review date. Failure to comply will result in a finding of guilt and appropriate disposition by the court.

GENERAL DISTRICT COURT DOCKETING SCHEDULE

Courtroom 1: 11:00 AM Civil Returns
1:30 PM Civil Trials

SEE ATTACHED **CIVIL DOCKET SCHEDULE** FOR CASE TYPE AND MAXIMUM FILINGS

Courtroom 2: 9:30 AM In Custody Video Arraignments

Courtroom 3: 9:00 AM Traffic Cases/Infractions (RD first returns)—No Commonwealth Attorney
10:30 AM Criminal Docket—criminal cases/Reckless Driving trials with counsel/DOS/No
OL/Trespassing/Trooper cases—Commonwealth Attorney present
11:30 AM Felony Docket—Commonwealth Attorney present
1:00 PM Civil Return Docket (Tuesday, Wednesday, Friday)
1:30 PM Civil Trials (Tuesday, Wednesday, Friday)

Courtroom 4: 9:00 AM Traffic Cases/Infractions (RD first returns)—No Commonwealth Attorney
10:30 AM Criminal Docket—criminal cases/Reckless Driving trials with counsel/DOS/No
OL/Trespassing/Trooper cases—Commonwealth Attorney present
11:30 AM Felony Docket—Commonwealth Attorney present
1:00 PM Civil Return Docket
1:30 PM ASAP RETURNS (Thursdays)
2:10 PM Transurban (Thursdays)

Courtroom 5: 9:00 AM Traffic Cases/Infractions (RD first returns)—No Commonwealth Attorney
10:30 AM Criminal Docket—criminal cases/Reckless Driving trials with counsel/DOS/No
OL/Trespassing/Trooper cases—Commonwealth Attorney present
11:30 AM Felony Docket—Commonwealth Attorney present
1:00 PM Civil Returns
1:30 PM Civil Trials

Courtroom 6: 9:00 AM—10:30 AM Arrestment/Motions/Catch-All Docket

Walk-in-arrestments (noted as an 8:55 am case)/deferrals/SIS returns/Motions/Sentencings

Trial dates to be set in consultation with CA and PD if PD is assigned to the case

CA responsible for notifying officers of court dates

10:30 AM Criminal Docket—criminal cases/Reckless Driving trials with counsel/DOS/No
OL/Trespassing/Trooper cases—Commonwealth Attorney present

11:30 AM Felony Docket—Commonwealth Attorney present

1:30 PM Civil Trials

WALK-INS and PROTECTIVE ORDERS all day (8am-400 pm)

CIVIL DOCKET SCHEDULE

*indicates max # of cases

Monday: Motions/Post-Judgment

11 a.m. Docket Courtroom 1 (*125)

1 p.m. Docket Courtroom 3 (*75)

Unlawful Detainer WOCO Day

1 p.m. Docket Courtroom 1 (*20)

1:30 p.m. Trial Docket Courtroom 1 (subject to change) (*10)

Tuesday: Warrant in Debt Day

11 a.m. Docket Courtroom 1 (*125)

1 p.m. Docket Courtroom 3 (*75) / Courtroom 4 (*75)

1:30 Trial Docket Courtroom 1 (*10)

Wednesday: Small Claims Day – 2ND / 4TH Wednesday

11 a.m. Docket Courtroom 1 (*30)

1:30 p.m. Trial Docket Courtroom 1 (*10)

Motions/Post-Judgment – 1ST / 3RD / 5TH Wednesday

11 a.m. Docket Courtroom 1 (*125)

1 p.m. Docket Courtroom 3 (*75) / Courtroom 4 (*75)

1:30 p.m. Trial Docket Courtroom 1 (*10)

Thursday: Warrant in Debt Day

11 a.m. Docket Courtroom 1 (*125)

1 p.m. Docket Courtroom 3 (*75) / Courtroom 4 (*75)

1:30 Trial Docket Courtroom 1 (*10)

Friday: Unlawful Detainer Day – ATTORNEYS only

11 a.m. Docket Courtroom 1 (*125)

1:00 Docket Courtroom 3 (*75) / Courtroom 4 (*75)

1:30 Trial Docket Courtroom 1 (*10)

**FOREIGN LANGUAGE INTERPRETER REQUEST FORM
FOR THE PRINCE WILLIAM COUNTY JUDICIAL CENTER**

CASE NAME:

LANGUAGE:

COUNTRY:

HEARING DATE:

HEARING TIME:

CASE NUMBER:

ESTIMATED LENGTH OF TIME:

CHARGE:

CODE SECTION:

WILL THE DEFENDANT/RESPONDENT/PLAINTIFF NEED AN INTERPRETER?

HOW MANY WITNESSES WILL NEED AN INTERPRETER?

ATTORNEY'S NAME (IF ANY):

REQUEST SUBMITTED BY:

DATE SUBMITTED:

TELEPHONE NUMBER:

E-MAIL:

ADDITIONAL REQUIREMENTS:

THIS FORM MUST BE SUBMITTED TO THE CLERKS' OFFICE.

Please contact the Clerks' Office immediately to cancel an interpreter request.

VIRGINIA:

IN THE GENERAL DISTRICT COURT FOR PRINCE WILLIAM COUNTY

Plaintiff(s),

Case No: _____

v.

Address of Detained Property:

Defendant(s).

CERTIFICATION FOR EVICTION PROCEEDINGS

I, _____, the undersigned, [] **Landlord** [] **Agent of Landlord**
PRINT NAME

[] **Attorney for Landlord**, hereby affirm the information marked below as true and correct and made based on my own personal knowledge:

(AFFIANT MUST MARK **ONE** OF THE THREE APPLICABLE BOXES BELOW:)

1. The legal action filed with this certification relates to a non-residential (e.g., commercial) tenancy.

OR

2. The legal action filed with this certification relates to a residential tenancy but involves:
(1) a breach of lease other than non-payment of rent (NOTICE MUST BE OTHER THAN 14 DAY PAY OR QUIT, AND DOES NOT INCLUDE NON-PAYMENT OF RENT AS CAUSE); (2) non-renewal of lease; or (3) does **NOT** involve a Lease.

OR

3. The legal action filed with this certification relates to a **residential tenancy** for non-payment of rent,

AND: (AFFIANT MUST MARK **ONE** OF THE TWO **BOLDED** APPLICABLE BOXES BELOW:)

I am, or the landlord I represent is, the owner of five (5) OR MORE dwelling units, or has a ten (10) percent ownership interest in five (5) OR MORE dwelling units:

A. I have offered the tenant written notice informing the tenant of the total amount due and owed and informing the tenant that, if the tenant provides a signed statement certifying that the tenant has experienced expenses or a loss of income due to the declared state of emergency, the tenant may enter into a payment plan and amortize the amount owed over the lesser of six months or the remainder of lease term, and the tenant has:

Failed to pay rent in full, and insufficient payments have been received by me from any of the rental assistance programs;

Refused or failed to enter into a payment plan or arrangement;

Failed to pay any installment required by the payment plan or arrangement entered into within 14 days of the due date any rent that becomes due under the payment plan after such plan becomes effective, and no payments have been received by me from any of the rental assistance programs;

AND

B. I have provided fourteen (14) day notice of the intent to obtain possession of the premises.

ADDITIONALLY, I HEREBY CERTIFY I have notified the tenant of the availability of rental assistance through the Virginia rental assistance programs, AND

- I applied for such assistance on tenant's behalf, OR
- The tenant communicated that they are applying for rental assistance so that I did not need to apply on the tenant's behalf, OR
- The tenant refuses to apply for and refuses to cooperate with Landlord's application for such assistance.

OR

I am, or the landlord I represent, the owner of four (4) OR LESS dwelling units:

I have provided the tenant a fourteen (14) day notice of the intent to obtain possession, AND

ADDITIONALLY, I HEREBY CERTIFY I have notified the tenant of the availability of rental assistance through the Virginia rental assistance programs, AND

- I applied for such assistance on tenant's behalf, OR
- The tenant communicated that they are applying for rental assistance so that I did not need to apply on the tenant's behalf, OR
- The tenant refuses to apply for and refuses to cooperate with Landlord's application for such assistance.

AND

I further certify that the Tenant has been provided with a copy of the Tenant's Rights & Responsibilities in accordance with Va. Code §55.1-1204 (for leases dated 7/1/20 & after).

I understand further proof of the assertions made herein will be required at trial.

Signature

Printed Name of Landlord/Agent/Attorney

Date: _____

Levy on Property in The Hands of the Judgment Debtor:

A levy on personal property means that the property levied may be sold or disposed of by the judgment creditor to satisfy the judgment of the court, if not satisfied by other means.

Procedures for execution by levy include:

- Form DC-467, Writ of Fieri facias is filed along with district court form DC-407, NOTICE TO DEBTOR – HOW TO CLAIM EXEMPTIONS/REQUEST FOR HEARING - EXEMPTION CLAIM, the clerk's office collects sheriff's fees (Va. Code § 17.1-272) and forwards it to the sheriff. Va. Code § 8.01-501. Only a sheriff, high constable or treasurer may levy upon property. Va. Code § 8.01-293.

- The sheriff levies on the property of the judgment debtor and if the judgment creditor posted an indemnifying bond with the sheriff, seizes the particular items of personal property noted in the writ of fieri facias, and serves a copy of the writ on the judgment debtor or other responsible person at the premises. Va. Code § 8.01-487.1.

- The judgment debtor may at this time decide to pay the debt and may do so within the ninety-day life of the execution and ask that the judgment creditor recall the writ to stop the sheriff's sale, or

- a. regain possession or obtain a release of the lien by posting a district court form DC-470, FORTHCOMING BOND, or

- b. return the district court form DC-407, NOTICE TO DEBTOR - HOW TO CLAIM EXEMPTIONS/REQUEST FOR HEARING - EXEMPTION CLAIM whereupon the clerk schedules a hearing on the claim within ten business days from receiving the request and notifies the parties And sheriff of the date, time, place of the hearing plus, the exemption being claimed.

If the judge determines that the exemption claim is valid, the clerk gives a copy of the order to the parties. Otherwise, no copy is provided.

- The sheriff sells the levied property if the judgment debtor does not pay off the debt and the judgment creditor has posted an indemnifying bond.

- The executed writ is returned with the net proceeds and the proceeds of the sale are disbursed to the judgment creditor by the sheriff. The return shall account for the property seized and sold, the disbursement of funds, and the service of process on the judgment debtor or other responsible person at the premises.

DC-467 - WRIT OF FIERI FACIAS POLICY

PLEASE BE ADVISED OF THE FOLLOWING PROCEDURES WHEN FILING A WRIT OF FIERI FACIAS:

In the case where no levy is being requested and the associated box is marked on the form (DC-467), a private process server may perform service on the judgment debtor.

In the case where levy on property is being requested and the associated box is marked on the form (DC-467), service can only be performed by a sheriff, high constable for the City of Norfolk or Virginia Beach, or a treasurer per Virginia Code 8.01-293 (B) noted below:

*B. Notwithstanding any other provision of law (i) only a sheriff or high constable may execute an order or writ of possession for personal, real or mixed property, including a writ of eviction arising out of an action in unlawful entry and detainer or ejectment; (ii) any sheriff, high constable or law-enforcement officer as defined in § [9.1-101](#) of the Code of Virginia may serve any *capias* or show cause order; and (iii) only a sheriff, the high constable for the City of Norfolk or Virginia Beach or a treasurer may levy upon property.*

The appropriate service fees would be collected at the time of filing, if requesting levy on property.

Once the Court has processed the filing and a clerk has issued service, we will forward to your private process server in the case of no levy being requested or forward to the sheriff, high constable, or treasurer in the case of levy on property being requested. If you wish that the defendant receives any additional documentation with the service copy, please file the original with the Court. Any document(s) attached to the original filing should also be provided to be attached to the defendant's service copy. Documents should not be attached to any filing after being issued by a clerk.

Thank you for your time and attention to these procedures for filing and issuance of the DC-467 Writ of Fieri Facias.