

31ST JUDICIAL DISTRICT
**JUVENILE & DOMESTIC RELATIONS
DISTRICT COURT**

9311 Lee Avenue
Manassas, Virginia 20110



**TIME-SAVER
GUIDELINES**

July 2016

Lisa M. Baird, Chief Judge

H. Jan Roltsch-Anoll, Judge

David S. Bailey, Judge

George M. DePolo, Judge

Janice J. Wellington, Judge

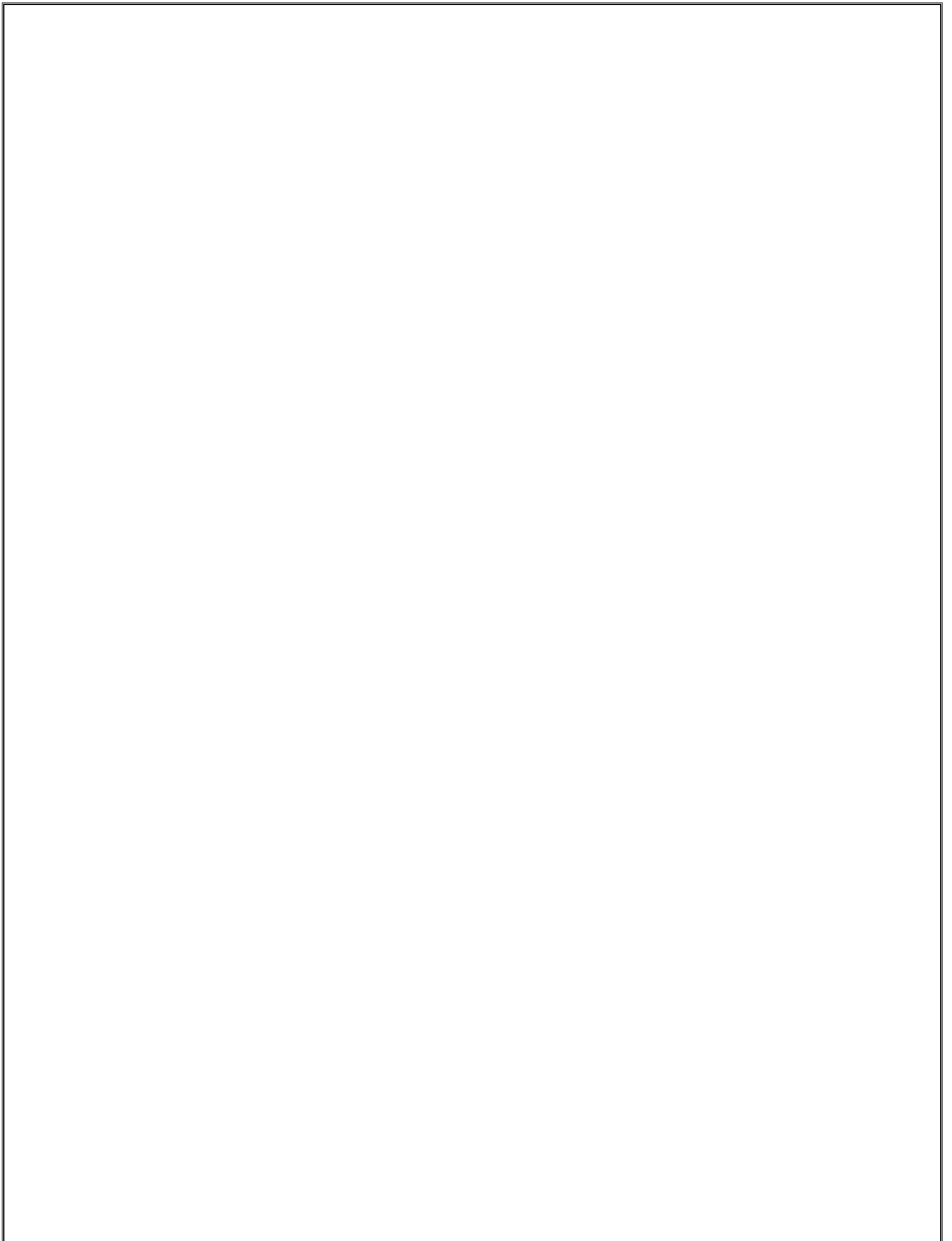


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Mission Statement

To ensure that all disputes are resolved justly, promptly and efficiently. This Court is truly the “court of the people” in that the Court’s main province is to resolve disputes in keeping with the greatest traditions of the Commonwealth of Virginia...liberty, justice, and service.

SECTION I – CLERK’S OFFICE OVERVIEW

The following is a general overview of the Juvenile and Domestic Relations District Court Clerk’s Office, together with tips and suggestions for working with the Court as efficiently as possible. 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. The Clerk of Court, Frances Hedrick, and the Chief Deputy Clerk, Joan Hughes, are usually available and can be reached, if necessary, at (703) 792-6160 during regular business hours.

A. CLERK’S OFFICE INFORMATION

The Juvenile and Domestic Relations District Court Clerk’s Office is located on the first floor of the Judicial Center at 9311 Lee Avenue, Manassas, Virginia 20110, directly behind the security entrance. The Clerk’s Office public hours of operation are 8:00 a.m. to 4:00 p.m. Monday through Friday. The general information number for the Clerk’s Office is (703) 792-6160.

B. COURT WEBSITE AND PUBLIC COMPUTER

Attorneys practicing in the 31st Judicial District are encouraged to familiarize themselves, as well as members of their staff who interact with the Clerk’s Office, with two significant resources. For those with Internet access, the Court’s website located at www.pwcgov.org/jdr, provides the most current fees, forms and information. Additionally, Virginia’s Judicial System can be accessed at www.courts.state.va.us. Please refer to www.courts.state.va.us for a complete list of fill out revisable PDF forms that can be completed on line and printed for submission to the court.

Juvenile court records are confidential pursuant to § 16.1-305. No case information, juvenile or adult, is available via the Internet.

There is a public computer in the front office of the Clerk’s Office. Attorneys and the general public can access ADULT CASE INFORMATION ONLY using the computer. Instructions for signing on the computer are posted.

Electronic Docket Monitors are located between courtrooms 1 & 2. Cases are listed in alphabetical name order. Effective October 2012 juvenile cases will **only** be displayed with the 1st initial of the last name and 1st initial of the first name.

A copy of the Rotating Docket Schedule is located at the end of the Time-Saver Guidelines

C. JURISDICTION OF THE COURT

The Juvenile and Domestic Relations (J&DR) District Court has broad jurisdiction over juvenile and domestic relations matters and handles cases including:

- Juvenile traffic violations
- Delinquent Child
 - A child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the Juvenile and Domestic Relations District Court has been terminated under the provisions of § 16.1—269.6.
- Child in need of services [CHINSERV]
 - A juvenile whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child, or a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person.
- Child in need of supervision [CHINSUP]
 - A juvenile who is either (1) habitually, and without justification, absent from school, or (2) runs away from home or a residential care facility, and (1) such conduct presents a clear and substantial danger to the child's life or health, (2) the child or his family is in need of services not currently being received and (3) the intervention of the Court is essential to provide the services needed.
- Adults accused of child abuse or neglect, or of offenses against a juvenile or members of their own family (juvenile or adult)
- Custody, visitation and support
- Admission of minors for inpatient treatment in a mental health facility
- Judicial consent for emergency surgical or medical treatment for a child
- Protective Orders in cases of family abuse
- Protective Orders in cases involving acts of violence, force, threat (juvenile respondent)
- Parental placement adoption consent hearings
- Emancipation of a minor

Juvenile and Domestic Relations District Courts differ from other courts in their responsibility to protect the confidentiality and privacy of juveniles coming before the court. Please refer to Virginia Code § 16.1-241 for a complete description of the types of cases over which the Juvenile and Domestic Relations District Court has jurisdiction.

SECTION II – CIVIL PRACTICE GUIDELINES

A. FILING A CHILD CUSTODY, VISITATION, OR SUPPORT CASE DIRECTLY WITH THE CLERK

Attorneys may file civil proceedings directly with the Clerk's Office. State forms may be used for filing in lieu of attorney prepared pleadings, and can be accessed, as previously stated, at www.courts.state.va.us.

The court requires that custody, visitation, and support issues be filed in SEPARATE PLEADINGS. It is further required that SEPARATE PLEADINGS be filed for each child.

B. FILING FOR FAMILY ABUSE PROTECTIVE ORDER DIRECTLY WITH THE CLERK

A petition for a Protective Order for family abuse, or Protective Order for acts of violence (juvenile respondent) may be filed at the Manassas Court Service Unit Intake Office at 9540 Center Street, Manassas, Virginia 22110. The petition must be filed between 8:00 a.m. and 10:00 a.m. to appear before the court on the same day. If the petition is not filed by 10:00 a.m. the petition will be heard by the court the next day court is in session.

The court hears Protective Order petitions at 1:30 p.m. each day.

An attorney may file a Protective Order petition directly with the Clerk's Office. The Protective Order pleading must meet the content and form of the state form. Information for Protective Order petitions can be accessed at www.courts.state.va.us. The cut-off for filing in the Clerk's Office for same day hearing is 11:00 a.m.

C. SIGNATURES, SERVICE COPIES

Please verify that all pleadings have been signed by counsel of record and contain the appropriate party addresses.

The Clerk's Office is not responsible for making additional copies of pleadings for processing and requires the attorney to file the correct number of copies attached to each original pleading. To determine the correct number of copies, an original and one (1) additional copy is needed for each party to be served. (EXAMPLE – Attorney files a custody pleading and visitation pleading for 1 child and represents the mother of the child. Service is needed on the father and the child - when the child is 12 years of age or older. Therefore, an original and two (2) copies are needed of both the custody petition and the visitation petition. If there are other parties in the pleading, such as a guardian, additional

service copies are needed for service. Note, if the child is younger than 12 years of age no service on the child is required.

Attorney prepared pleadings must meet the content and form of the approved state form. In addition, attorney filed pleadings must make reference to the applicable code sections for purposes of entering the case in the automated case management system (CMS). The code section is a mandated field for case entry and cases cannot be entered if this information is missing in the pleading.

D. FILING AND SERVICE FEES

Please note that checks for all filing fees should be made payable to the Clerk of the Court. Please verify that all checks are signed. The Clerk's Office will accept personal checks from litigants, cash, money orders, or checks drawn on an attorney's account.

A filing fee of \$25.00 is required for the following petitions:

- Petition for Custody
- Petition for Visitation
- Petition for Relief of Custody Filed by Guardian who is not the parent

Only one \$25.00 fee is required for all custody and visitation petitions simultaneously initiated by a single petitioner at the same time.

Subsequent petitions filed at a later time will require the \$25.00 filing fee.

When a summons is returned "not found" and the court cannot move forward with the case for lack of service, the petitioner can request the court to reissue the summons within 3 months of the original court date upon written request of the petitioner who provides additional address information for service of process. No additional filing fees are charged if the reissue is within 3 months of the original court date. After the re-issuance time has expired, petitioner is required to file new petitions and pay required filing fees.

If the petitioner cannot afford to pay the filing fee, the petitioner can request to proceed in *forma pauperis*. If granted by the Court, no filing fee is required. The Pauper's Oath form is available in the Clerk's Office.

E. SCHEDULING A COURT DATE

The Clerk's Office will assign court dates upon the filing of the pleading when filed in person in the Clerk's Office. There is a 3:30 p.m. cut off time for filing in the Clerk's Office. Pleadings received via mail will be processed and the attorney will be notified of the court date. When submitting pleadings through the mail, attorneys are encouraged to provide the Clerk's Office with dates to avoid when scheduling the court date at least 4-8 weeks out.

Court dates cannot be set until the Clerk's Office receives the pleading. Cases will be scheduled based on the first available court date. Civil cases are judge sensitive. Once a judge has been involved in previous proceedings, the case will be scheduled before that judge. Based on the high volume of filings of new cases and the number of cases the court hears each day the earliest court date available for a new case to be scheduled will vary with each filing.

F. SERVICE AND ORDERS OF PUBLICATION

The following is a general overview of Clerk's Office procedures relating to service of process. Service requirements are statutorily mandated and attorneys 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 upon processing 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. The attorney is responsible for identifying on the pleading the jurisdiction in which service is to be performed.

3. Out-of-State Service

The Clerk's Office forwards civil pleadings to parties that reside in another state by certified mail.

4. Private Process Service

When filing pleadings to be served by private process, the attorney should advise the Clerk's Office. The Clerk's Office will notify the attorney when the process is ready for pick-up.

5. Checking Service

The status of service returns can be determined by checking the files in the Clerk's Office during regular business hours, or by contacting the Prince William County Sheriff's Department (703) 792-6070 when service is made in Prince William County. Clerk's Office staff is not permitted to check the status of service at the request of an attorney. The attorney is required to satisfy himself/herself service has been accomplished.

6. Alias Summons

When requesting issuance of alias summons, the appropriate number of copies of the pleading to be served must accompany the alias summons request.

7. Order of Publication

An order of publication may be entered when an affidavit is filed alleging certain grounds, including but not limited to: non-residency; inability to determine the defendant's location after the use of due-diligence; or inability of the sheriff to make service. The attorney should refer to the statute to determine whether applicable grounds for such service exist.

The Affidavit and Petition for Order of Publication must be prepared by the attorney or *pro se* litigant and filed with the Clerk's Office, along with a cover letter advising the Clerk of the newspaper(s) in which the Order is to be advertised. The form is included in the Appendix and is available in the Clerk's Office, as well as information pertaining to local newspapers and fees for publications. The attorney should attach a check payable to the newspaper. The Clerk's Office will forward the Order of Publication and the payment to the newspaper.

When an Affidavit and Petition for Order of Publication is filed with the Clerk's Office with the initial pleading, the court date will be set at least ten (10) weeks off to meet statutory requirements. If the case is already pending and an Affidavit and Petition for Order of Publication is filed, the case will likely have to be continued and the attorney should initiate a continuance request if the case is not going to be moving forward on the already scheduled court date.

G. CIVIL WITNESS AND DOCUMENT SUBPOENAS

1. Witnesses

Requests for witness subpoenas can be obtained through the Clerk's Office or via the state website www.courts.state.va.us and filed with the Clerk's Office for issuance. Requests for subpoenas must be filed with the Clerk's Office at least ten (10) days prior to the court date. Requests for subpoenas for witnesses not timely filed will not be honored except when authorized by a judge for good cause pursuant to Rules of Court. An original subpoena plus two copies for each individual to be served is required.

Please take into consideration that paperwork for subpoenas to be served outside of Prince William County will take longer to facilitate service of process. The attorney should plan accordingly.

Witness subpoenas are not issued for out-of-state witnesses.

Service fees to the Sheriff are separate and distinct from applicable filing fees to the Clerk of the Court, but the Sheriff's service fee may be included in the check made payable to the

Clerk, so that only one check need be provided. There is a \$12.00 fee for each witness subpoena. The fee is required to be paid to the Clerk's Office at the time of filing the request.

2. Attorney-Issued Subpoenas

Many civil witness and document subpoenas may be attorney-issued in compliance with the provisions of the Virginia Code and the Virginia Rules of Court. An attorney-issued summons must be on a form approved by the Virginia Supreme Court, which forms are available in the Clerk's Office or via the state website www.courts.state.va.us.

The attorney should file with the Clerk's Office a copy of the subpoena with their certificate and check made payable to the Clerk of Court for the Sheriff fees. The attorney should then deliver the subpoenas to the Prince William County Sheriff's Department, or mail them to jurisdictions outside of Prince William County for service. Attorney issued subpoenas being transmitted by Sheriff's service must be accompanied by a transmittal sheet containing all pertinent information. The attorney should consult the Virginia Code and applicable rules for specific information relating to attorney-issued subpoenas.

There is a \$12.00 fee for each attorney-issued witness subpoena. The fee is required to be paid to the Clerk's Office at the time of filing.

3. Subpoenaed Documents/Records

Requests for Subpoenas *duces tecum* to secure records can be obtained through the Clerk's Office or via the state website www.courts.state.va.us. Requests for Subpoenas *duces tecum* must be filed with the Clerk's Office at least fifteen (15) days prior to the court date. Requests for Subpoena *duces tecum* not timely filed will not be honored except when authorized by a judge for good cause pursuant to Rules of Court.

Please take into consideration that paperwork for Subpoena *duces tecum* to be served outside of Prince William County will take longer to facilitate service of process. The attorney should plan accordingly.

There is a \$12.00 fee for each Subpoena *duces tecum*. The fee is required to be paid to the Clerk's Office at the time of filing.

4. Attorney-Issued Subpoena *duces tecum*

An attorney may issue an attorney-issued Subpoena *duces tecum* in compliance with the provisions of the Virginia Code and the Rules of Court. The forms are available through the Clerk's Office, or via the state website www.courts.state.va.us. The same procedures apply as noted under attorney-issued subpoenas. The attorney should consult the Virginia Code and applicable rules for specific information relating to attorney-issued Subpoena *duces tecum*.

There is a \$12.00 fee for each attorney-issued Subpoena *duces tecum*. The fee is required to be paid to the Clerk's Office.

H. MEDIATION

Pursuant to § 20-124.4, the courts are required to refer parents or persons with a legitimate interest in custody and visitation dispute cases to a no-cost dispute resolution evaluation. The evaluation is conducted by the Office of Dispute Resolution located at 9309 Center Street, Manassas, VA 20110, (703) 792-4753. The purpose of the evaluation is for the Office of Dispute Resolution to screen cases, educate parties about the court process and the mediation process and make appropriate recommendations and referrals. The dispute resolution orientation occurs prior to the first court date, which is the preliminary hearing. Attorney filed pleadings are not automatically forwarded to the Office of Dispute Resolution for purposes of scheduling an orientation, unless specifically requested by the attorney, but may be referred by the judge at the preliminary hearing.

I. COURT APPEARANCES IN CIVIL MATTERS

1. Preliminary Hearing

The first court date set in a civil matter is the PRELIMINARY HEARING. In accordance with the J&DR District Court schedule, each preliminary hearing is scheduled for 7 minutes. The purpose of the preliminary hearing is to determine if the case is going to be agreed, mediated, or contested. Based on the court's findings: (1) an order may be entered if there is an agreement between the parties, or if the other party has been properly served with notice and is not present in court, (2) a referral to the Office of Dispute Resolution can occur, or (3) if the case is going to be contested the court will schedule a Pretrial Conference hearing, issue a Preliminary Hearing Order, and upon request may appoint a guardian *ad litem*, order home studies, and authorize discovery.

2. Pretrial Conference

The Pretrial Conference will be scheduled at 4:00pm, on a date at least 14 weeks away if home studies are ordered. Each Pretrial Conference is scheduled for 15 minutes. The pretrial conference is for the purpose of narrowing down the issues that will be contested. The Preliminary Hearing Order requires certain information to be provided to the court in writing three (3) days prior to the Pretrial Conference court date, with copies being provided to all parties. The court may entertain other matters and issue other orders at the preliminary hearing. If represented by counsel, parties may be excused from appearing at the Pretrial Conference.

At the pretrial conference hearing, if it is determined the case is going to be contested and all preliminary orders have been satisfied [e.g. home studies and psychological evaluations are completed] the court will schedule the earliest available trial date and time for the matter to be heard on the court's contested docket.

J. FILING A PATERNITY OR SUPPORT PETITION APART FROM CUSTODY/VISITATION

When filing a paternity or support petition directly with the Clerk's Office an original petition and two (2) additional copies are needed for service. Forms are available in the Clerk's Office or via the state website www.courts.state.va.us. The previously noted procedures relating to service of process are applicable to paternity and support petitions, with the following exception: there is a \$12.00 Sheriff's fee required for spousal support petitions and paternity petitions.

The first court date set for a new paternity or support case is the Preliminary Hearing in accordance with the court docket schedule. If the Division of Child Support Enforcement (DCSE) is involved in a support case at the time of filing, the first court date will be set for a preliminary hearing in the DCSE docket in accordance with the court docket schedule. At the preliminary hearing the court may entertain other matters and enter additional orders and will set a trial date.

Child support is calculated according to child support guidelines (See Virginia Code § 20-108.2). Child Support Guideline forms are available in the Clerk's Office or via the state website at www.courts.state.va.us.

Some child support cases are brought before the Court by the Division of Child Support Enforcement.

K. MOTIONS TO AMEND – CUSTODY, VISITATION, SUPPORT

Motions to amend are filed directly with the Clerk's Office. There is no filing fees required for a motion to amend. In lieu of filing an attorney prepared pleading, the following forms are available in the Clerk's Office:

- Motion to Amend Custody
- Motion to Amend Visitation
- Motion to Amend Child/Spousal Support

The court requires SEPARATE MOTIONS to be filed with respect to custody, visitation, and support issues. It is further required that SEPARATE MOTIONS be filed for each child.

The Clerk's Office will assign a court date when the motion is filed in person in the Clerk's Office. When filing via the mail system, attorneys are encouraged to provide the Clerk's Office with their unavailable dates to avoid the Clerk's Office scheduling the court date on a date the attorney will not be available. Generally the court date is scheduled 4-8 weeks out. Unless otherwise requested by the attorney, the Clerk's Office will forward the motion for service to the appropriate Sheriff's Department.

There are no Sheriff service fees required.

Refer to (Section G) regarding civil witness and document subpoenas.

Custody, visitation, and support cases are judge sensitive and motions will be scheduled on the appropriate judge's court docket.

The attorney is required to provide a sufficient number of copies of the motion for service on the parties.

L. MOTION FOR PENDENTE LITE RELIEF

Pendente lite motions will not be heard until after an initial hearing is held on the first return court date at 10:30 a.m., in order to address GAL appointments, arrange interpreters, and coordinate attorney schedules. This procedure will ensure that once a *pendente lite* motion is scheduled, it will be ready for hearing. *Pendente lite* motions filed at the same time the initial petition(s)/pleading(s) are filed will be sent for service by the Clerk's Office. The attorney is required to provide sufficient copies for service. *Pendente lite* motions filed after the initial petition(s)/pleading(s), but before the first return court date, will be scheduled for the first return court date and the attorney is required to give notice to all parties.

The first return docket at 10:30 a.m. is for scheduling only and no witnesses are to be subpoenaed.

Pendente lite motions filed after the first return date, but prior to the trial date, will be scheduled on the respective judges first available 2:00 p.m. docket. Motions are scheduled for (30) minutes and each side has (15) minutes to present their side of the case.

M. MOTION FOR CONTINUANCE

Civil Contested Docket (60 minutes or longer):

These cases are not ordinarily continued even if parties involved all agree. A fully justified and detailed motion must be filed 10 days in advance of the court date. The motion will normally be returned to the next court date the judge is sitting in his/her regular civil docket. Notice must be provided to all parties by the moving party.

Agreed Orders should be submitted with the JDR Case Settlement Sheet. Orders submitted 7 days prior to the court date will be handled administratively. This allows the court to open the civil contested docket back up for new cases to be set. Orders entered beyond 7 days will be placed in the case file for entry. No parties need to appear in court when an agreed order has been submitted.

Regular Civil Docket: By filing a motion to continue at least 10 days in advance of the court date. The motion will normally be returned to the next court date the judge is sitting on his/hr regular civil docket. Notice must be provided to all parties by the moving party.

N. DISCOVERY - MODEL INTERROGATORIES AND REQUESTS FOR DOCUMENTS

By policy, the court requires practicing attorneys use JDR Court Model Discovery in custody, visitation, and support cases and Discovery is pre-authorized. No objections to Model Discovery will be sustained by the court. Model Interrogatories and Model Requests for Documents are available in the Clerk's Office, local website via www.pwcgov.org/jdr, and Virginia's Judicial System at www.courts.state.va.us.

O. CHILDREN IN NEED OF SERVICES, CHILDREN IN NEED OF SUPERVISION, AND STATUS OFFENSES

Child in Need of Services (CHINSERV) and Child in Need of Supervision (CHINSUP) petitions have to be initiated through the Juvenile Intake Department. Pursuant to Virginia Code § 16.1-260 an attorney cannot file a CHINS petition directly with the Clerk's Office.

The first court date set for a CHINS case is the PRELIMINARY HEARING. The court may enter an order at the preliminary hearing and will schedule a trial date in accordance with the court's docket schedule.

P. ABUSE, NEGLECT, RELIEF OF CUSTODY, ENTRUSTMENT, FOSTER CARE, AND TERMINATION OF PARENTAL RIGHTS

1. Filing of Abuse and Neglect Cases

Child dependency cases are initiated through the Juvenile Intake Department by a Department of Social Services (DSS) worker.

2. Resources

Please refer to the state website at www.courts.state.va.us for information on time-line and related forms for Child Abuse, Neglect and Foster Care Cases. A very informative Handbook for Parents and Guardians in Child Dependency Cases is available through the Clerk's Office.

3. DSS Docket

Each week, each judge has an 11:00 a.m. and a 1:30 p.m. DSS docket. The morning DSS docket is normally reserved for hearing short matters, e.g. emergency summary removal hearings, ex parte hearings, and continuance motions. The afternoon docket is reserved for longer DSS matters.

4. DSS Attorneys

The court hears cases filed by the following DSS agencies:

Prince William County DSS represented by Assistant County Attorneys - Katherine Barron, Chanel G. Hall, Angela MacFarlane – 703 792-6620 FAX 703-792-6633

City of Manassas DSS represented by Neal Knudsen 703-369-4738, FAX 703-369-3653

City of Manassas Park DSS represented by Neal Knudsen (same as above)

5. Court Appointed Special Advocates (CASA)

The Court appoints a CASA for every child alleged to be abused or neglected to assist the court in ensuring that the best interests of the child are met. CASA of Greater Prince William provides advocates for abused and neglected children before the court. The CASA and guardian *ad litem* are expected to work closely together to ensure the safety of the child they are appointed to serve.

Josie Geiger, Interim Director
Greater Prince William CASA Program (703) 330-8145, FAX (703) 361-2615
9384C Forestwood Lane Manassas, VA 20110
Website: <https://www.casacis.org>
Email: admin@casacis.org

Q. GUARDIAN AD LITEM

The court may appoint a guardian *ad litem* (GAL) to represent the interests of a child, or a parent or guardian in certain cases. Depending on income, parents may be required to pay the cost of the guardian *ad litem* (GAL) in certain cases.

Please refer to the state website at www.courts.state.va.us for complete information concerning GAL duties and responsibilities. Attorneys are reminded that guardians *ad litem* are expected to meet with their wards before each hearing, prior to the day of court.

SECTION III: CRIMINAL PRACTICE GUIDELINES

Please note that the Commonwealth Attorney's Office prosecutes misdemeanor charges committed in Prince William County and the City of Manassas and all felony charges committed in Prince William County, the Towns of Haymarket, Dumfries, Quantico, and the Cities of Manassas and Manassas Park. Misdemeanors committed in: the Town of Quantico are prosecuted by William Boyce (703-361-9090). The Town of Haymarket is prosecuted by Krris Sptiler (703-369-4738). City of Manassas Park cases are prosecuted by Kevin Leahy (703) 335-6981, The Town of Dumfries misdemeanors are prosecuted by Olaun Simmons (703) 221-3400. Counsel should be sure to give notice to the correct prosecuting attorney.

A. JUVENILE TRAFFIC

Juvenile traffic cases are normally heard in Courtroom 1 at 9:30 a.m.

Certain traffic infractions are pre-payable and may be prepaid at the clerk's office up to 24 hours prior to the court date if the juvenile wishes to plead guilty and not contest the charge. In order to prepay a juvenile traffic infraction, a parent or legal guardian must sign the summons and have the signature notarized. This may be accomplished in the Clerk's Office.

B. JUVENILE DELINQUENCY

Juvenile petitions are initiated by filing a complaint with the court's Juvenile Intake Office located at 9540 Center Street, Suite 200, Manassas, Virginia, (703) 792-6210; and 15950 Sindlinger Way, Woodbridge, VA (703) 792-7350. The Juvenile Intake Office then files the petition with the Clerk's Office for processing. The first available court date is assigned.

C. JUVENILE HEARINGS

1. Detention Hearing

Detention Hearings are heard in Courtroom 3 at 9:00 a.m.

If a juvenile has been detained a video arraignment hearing will be held the next day the Court is sitting. The designated defense attorney of the day will represent the child at the detention hearing. The Court will schedule the matter for trial.

1. Advisement Hearing

Juvenile advisement hearings are held in Courtroom 4 @ 10:00 a.m.

The juvenile will be advised of his/her trial rights. At the advisement hearing, the arresting officer and a Commonwealth's Attorney will be available to discuss a plea agreement. The Court will schedule the matter for trial at the arresting officer's first available court date. The

Court may dispose of the guilty and *nolo contendere* pleas on misdemeanor cases at the advisement hearing.

2. Adjudicatory Hearing

Juvenile trials are held in Courtroom 3 at 10:00 a.m.

The court generally disposes of the guilty and *nolo contendere* pleas first and passes over not guilty pleas to the end of the docket.

3. Disposition Hearing

Dispositions are held in Courtrooms 3 and 4 at 9:00 a.m.

In many cases, a disposition hearing is held separate from the adjudicatory hearing to allow time for the preparation of any court ordered reports and evaluations.

Written reports are required to be filed with the Court no later than 72 hours prior to the court date. It is the court's policy to place copies of said reports in designated attorney mailboxes located in the Clerk's Office. Any attorney not having a mailbox, and who has an interest in the case, may request a copy of the report be mailed to him or her.

A handy reference chart on juvenile dispositional options is located on the last page

D. ADULT CRIMINAL

Adult lock-up arraignments are heard in Courtroom 6 @ 8:30 a.m.

Adult walk-in arraignments are heard in Courtroom 1 @ 9:00 a.m.

Adult trials and preliminary hearings are heard in Courtroom 6 at 9:00 a.m.

Lock-up arraignments are heard via video conferencing. At the arraignment hearing the defendant will be advised of his or her rights, and the court will appoint an attorney if the defendant qualifies as indigent. A court date for trial on the merits or a preliminary hearing will be set. The court may consider the defendant's bond status.

E. MOTIONS

1. Motion for Bond or Bond Reduction

Adult bond motions are held in Courtroom 6 at 8:30 a.m. via video conferencing

Juvenile bond motions are held in Courtroom 3 at 9:00 a.m. via video conferencing

Non-Support bond motions are held in Courtroom 6 at 2:00 p.m.

Bond motions must be filed by 3:00 p.m. for the next day's docket. The notice must certify that notice has been given to the proper prosecuting Attorney or the DCSE Attorney.

2. Motion for Continuance

Rule 8:14 of the Rules of the Virginia Supreme Court provides that continuances should not be granted except by, and at the discretion of, a judge for good cause shown, or unless otherwise provided by law.

Good cause is established when the underlying circumstances constituting the basis for the request for a continuance (i) is a medical emergency involving one of the parties, or (ii) is a death in the immediate family of the party, or (iii) a judge determines that the unique facts of the case constitute good cause.

Continuances will not be granted:

- Over the phone
- Simply because one of the parties has not retained an attorney
- To allow continued negotiations, or for convenience, even if agreed by the parties
- Due to a lack of preparation
- Due to a failure to subpoena a witness
- When an attorney is retained immediately preceding the scheduled hearing
- If counsel has a matter scheduled in another Court that was scheduled subsequent to the matter scheduled in this Court

a. Criminal Cases

The first continuance may be obtained by an agreed order upon good cause shown. There are two methods by which a trial may be continued by consent:

- (1) By filing a motion to continue in advance of the court date and appearing in court. The motion will be returned to the next day's docket if it is filed in the Clerk's Office by 3:00 p.m. with notice; or
- (2) The parties can submit an Agreed Order at least 5 days in advance of the court date. The new trial date must be obtained from the Clerk's Office. The Order must state the new trial date and certify that witnesses will be notified.

Subsequent continuances may be obtained only by leave of court by filing a motion 10 days in advance of the court date.

Continuance request at scheduled court date: When a request for a continuance has not been made prior to the hearing or trial and other parties or witnesses are present and prepared for trial, a continuance may be granted by the judge upon a showing that to proceed with the trial would not be in the best interests of justice.

If a continuance is granted, the moving party shall be responsible for assuring that notice of the continuance is given to all subpoenaed witnesses and that they are provided with the new court date. This obligation may be met by (i) an agreement between the parties that each side will notify its own witnesses; or (ii) any other arrangement that is reasonably calculated to get prompt notice to all witnesses.

b. Traffic Infraction Cases

The first request for a continuance may be requested in person or telephone at the Clerk's Office. The clerk will verbally give the new date to the requesting party. The clerk will place a notice in the case file and will provide notice to the charging officer. The case will be set for the charging officer's next court date. No further notice will be given.

If there are any witness subpoenas attached to the traffic summons, a new subpoena with the new court date will be prepared and sent for service on the witness.

A second request, or subsequent requests for continuances, may only be granted by a judge of this court upon the filing of a motion.

3. Motions for Discovery

Motions for discovery or sanctions shall be filed with the Clerk's Office. Motions filed by 3:00 p.m. and certified to be served on the appropriate prosecuting attorney, will be scheduled for a hearing at 8:30 a.m. the next business day.

When a fully endorsed order is submitted with the motion for discovery no parties are required to appear before the court. Should defense counsel fail to appear after submitting an order endorsed only by defense counsel, the Discovery Order will be entered only if endorsed by the prosecuting attorney in court.

4. 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 set on the next available and appropriate docket depending on the type of motion.

F. INCIDENTS OF A CRIMINAL TRIAL

1. Subpoena

Subpoena requests are filed with the Clerk's Office by an attorney, police officer, or any pro se litigant with charges pending before the court. The Clerk's Office will generate witness subpoena(s) based on the information provided in the request. Subpoena requests that are incomplete or have incorrect information may be returned to the initiating party. There is no service fee for witness subpoena(s).

There is no authority for attorney-issued witness subpoena(s) in criminal cases.

You may obtain a request for witness subpoena form in the Clerk's Office, or on the Court's website at www.pwcgov.org/jdr, or the Virginia Judicial System website at www.courts.state.va.us.

Witness subpoena requests must be filed at least ten days prior to the hearing, unless the case was set for hearing by the court in less than ten (10) days. Requests for subpoenas not timely filed will not be honored except when authorized by the court for good cause (Rule 8:13 of Rules of Virginia Supreme Court).

Please allow additional service time for any subpoena required to be served outside of Prince William County.

2. Subpoena duces tecum

The person requesting the subpoena duces tecum must complete form DC-366 under oath, specifying the items to be produced. Requests for subpoena duces tecum must be filed at least 15 days prior to the court date. If the records you are seeking are medical records, you are required to complete a Notice to Providers form and a Notice to Patient form. Fill out PDF forms are available through www.courts.state.va.us. Requests must be submitted to the Clerk's Office for issuance of the subpoena duces tecum.

Please allow additional service time for any subpoena duces tecum required to be served outside of Prince William County.

G. FILING OF REPORTS

Whenever the court directs an investigation pursuant to § 16.1-237A, § 16.1-273, or an evaluation pursuant to § 16.1-278.5, the clerk shall make available a copy of such report to all attorneys representing parties in the matter before the court no later than 72 hours (15 days in child custody cases) prior to the time set by the court hearing the matter. It is the court's policy to place copies of reports in designated attorney mailboxes located in the Clerk's Office. Any attorney not having a mailbox may request a copy of the report be mailed to him or her. It is imperative that attorneys check his/her mailbox each day.

H. PAYMENT OF FINES & COSTS

Traffic fines may be pre-paid no later than 24 hours before the scheduled court date. Accepted methods of payment include VISA and MASTER CARD credit cards, checks, and cash. Payments are only accepted in person or by mail; you may not pay over the internet or telephone. To pre-pay a summons, a juvenile must either have a parent present, or if sent by mail, the summons must be signed by the juvenile and a parent or guardian and be notarized.

Defendants should be advised to come to court prepared to pay fines and costs. The court may order community service in lieu of paying fines; however, community service cannot be performed in lieu of payment of court costs.

I. GUILTY PLEAS & PREPARATION OF REFERRAL ORDERS

In an effort to expedite the handling of cases involving a plea of guilty and a recommendation by the prosecuting attorney of a disposition involving a referral to the Local Offenders Program (LOP), counsel for the defendant is expected to complete the referral order form and review the same with his/her client prior to the case being called by the court. Counsel is expected to direct his/her client to the appropriate Local Offender's Office after trial.

Forms are available in all courtrooms.

SECTION IV: ADDITIONAL CONSIDERATIONS FOR CIVIL AND CRIMINAL PRACTICE

A. JUVENILE RECORDS

Juvenile records are confidential and shall be open for inspection only to parties so designated pursuant to § 16.1-305 of the 1950 Code of Virginia. However, court records of a juvenile 14 years of age who has been adjudicated delinquent for an act that would be a felony if committed by an adult are not confidential and are public record.

To protect the confidentiality of juvenile records only general information will be given over the telephone. Information regarding a specific juvenile case will not be given over the telephone by the Clerk's Office. The exception is noted above.

To review a juvenile record a "Request to Inspect Record" form will have to be completed by the requesting party. If you are the attorney of record and it is noted in the Case Management System, or case file, it is not necessary to complete a form for review.

Upon request, the Clerk's Office will provide copies of juvenile petitions, probable cause forms, legal pleadings filed, and court orders. The Clerk's Office cannot provide copies of entire juvenile records, mental health records, or general medical records. If the Clerk's Office is not able to provide the records on the date they are requested, the party will be given a date that the records will be available.

At the time of appointment, court appointed attorneys are provided a copy of the juvenile petition(s), probable cause forms, and a copy of the Court Appointed Attorney Order.

There is a fee of \$1.00 each for the first two copies and \$.50 for each additional copy. Copy fees are waived for an attorney or guardian *ad litem* who have been court appointed to represent a party in a case before this court.

B. ADULT RECORDS

Adult records are open to the public. A computer is available in the Clerk's office for public use to access these records. Instructions for sign-on and easy navigation are also available. Adult records may be reviewed upon request by completing a "Request to Inspect Record" form. If you are the attorney of record and it is noted in the Case Management System, or case file, it is not necessary to complete the form for review.

Upon request the Clerk's Office will provide copies of adult warrants, criminal complaints, legal pleadings filed, and court orders. The Clerk's Office cannot reproduce entire adult records, or provide copies of mental health or medical records.

At the time of appointment, court appointed attorneys are provided a copy of the adult warrant, criminal complaint, and court appointed attorney order.

Mental Health records are confidential unless waived in writing by the party. To waive the right to confidentiality, a party must sign a Waiver of Confidentiality of Court Records for Mental Health Treatment. Upon the filing of a Petition and Order for Access to the Disposition Order, the Court may order access if disclosure is in the best interest of the person or public.

C. COURTROOM ETIQUETTE

All persons appearing before the court should arrive on time and be ready to proceed once their case is called. Counsel should instruct their client that proper court attire is required for all court proceedings (shorts, tank tops, strapless tops, bare midriff, and clothing with obscene or vulgar wording or pictures are not appropriate).

Turn off all cell phones and pagers before entering the courtroom.

All persons are expected to stand when addressing the Court.

Attorneys are expected to be present in the courthouse at the time their case is scheduled, unless prior approval for being late has been granted by a judge. Attorneys are expected to organize the order of their cases so that those cases which must be continued can be called early, those cases with plea agreements can be called before those which must be tried, etc.

D. COURT APPOINTED ATTORNEYS

1. Schedule

Juvenile and adult cases will be assigned an attorney from the court appointed calendar. The court appointed calendar rotates attorneys throughout the year. Each day the calendar lists three (3) attorneys: (A) an attorney for adult cases, (J) for juvenile cases and juvenile video detention hearings, and (O) an attorney for conflict cases.

An attorney interested in getting on the Court Appointed List should make the request in writing to Katherine C. McCollam, 9401 Centreville Road, Suite 204, Manassas, Virginia 20110 with a copy to Frances H. Hedrick, Clerk of Court, 31st District Juvenile and Domestic Relations District Court. Any attorney that wants to be removed from the Court Appointed List must make that request in writing as well.

Cases will be screened to determine if there is another case pending before the court. If so, the same attorney will be appointed to the new charge(s).

At the time of appointment, the Clerk's Office will provide the attorney with a copy of the juvenile petition(s), probable cause forms, adult warrant, criminal complaint form, and the court appointed attorney order.

Attorneys serving on the Court Appointed List will be responsible for obtaining substitute counsel when they have been appointed on a case(s) and subsequently learn they will be unavailable on the court date, or are unable to take the case for other reasons. An Order of Substitution of Counsel must be submitted to the Court to be entered administratively.

2. Payment of Court Appointed Attorneys

Single criminal and multiple charges: It is the policy of the court that a List of Allowance form (DC-40) be submitted to the court forthwith at the conclusion of the case, when a final order is entered, for consistency and uniformity in costs assessment and payment processing. It is imperative that accurate and complete information is provided on the DC-40 before submitting it to the judge for approval. Incomplete DC-40's will be returned by the Supreme Court of Virginia and will delay payment. DC-40's and time sheets submitted for payment beyond 30 days of the final order being entered will not be authorized for payment.

Guardian Ad Litem: Best practice is to submit the DC-40 and time sheet at the conclusion of the case when a final order is entered. In order for the judge to assess GAL fees against a parent(s) as court costs, the DC-40 and time sheet are necessary. In child dependency cases, the GAL is expected to file the DC-40 and time sheet at each discreet stage of the process when a final order is entered. DC-40's and time sheets submitted for payment beyond 30 days of the final order being entered will not be authorized for payment.

E. FOREIGN LANGUAGE INTERPRETER

If an interpreter is needed for an adult defendant, juvenile, the juvenile's parent or guardian, and/or any witnesses, immediately notify the Clerk's Office. It is important to provide the court with advance notice of the need for the interpreter to ensure overall coordination between courtrooms. The court has a Spanish Interpreter available each day. For other foreign languages the court may utilize an interpreter via audio conferencing for shorter hearings, e.g. detention hearings and arraignments. For longer hearings the court will arrange for an interpreter to be available in court.

The Foreign Language Services Division within the Department of Judicial Services provides an interpreter at the Adult Detention Center each day from 12:30 to 1:30 PM. This service is provided as a courtesy and for the convenience of court-appointed attorneys only. Once the attorney makes contact with the interpreter, he or she may accompany him or her to the modular building when necessary. The attorney should provide complete case information for the interpreter and should sign the voucher. If an attorney needs an interpreter for longer than an hour or if that 12:30 PM time is not convenient, he or she may contact any interpreter to make arrangements to meet at the ADC. If an attorney requires interpreter services for an office visit on a court-appointed case, the attorney is free to make arrangements with the individual interpreter. When it is not possible to provide the interpreter at the ADC, a notice will be posted above the attorneys' mailboxes on every floor of the courthouse.

Joy D. Butler, the Interpreter Coordinator, maintains the list of interpreters who frequent the Judicial Center. The list may be requested from her via e-mail at jbutler@courts.state.va.us.

F. DEAF INTERPRETER

If a deaf interpreter is needed for any adult defendant, juvenile, the juvenile's parent or guardian, and/or any witnesses, immediately notify the Clerk's Office. The Clerk's Office will complete appropriate paperwork and submit it to the Virginia Department of the Deaf. Generally, more than 24-hours notice is required. It is imperative that you notify the Clerk's Office immediately.

G. APPEALS

An appeal must be made in writing within (10) days of the entry of the final judgment or court order. An appeal must be made in writing within (30) days for support cases tried under the Uniform Interstate Family Support Act.

All parties subject to a court order or judgment may appeal the decision to the Circuit Court. Cases appealed to the Circuit Court are heard de novo.

H. COURTROOM EQUIPMENT

Each Courtroom has a dry marker board. Consult with the court deputy for the availability of markers. Counsel must provide any other items. A television monitor and VCR are available upon request.

In the 31st District Juvenile and Domestic Relations District Court

GUIDELINES FOR COURT APPOINTED ATTORNEYS

Effective July 1, 2015

Court appointed attorneys practicing in the 31st District Juvenile and Domestic Relations Court are expected to follow these guidelines:

- 1) It is recommended that court appointed attorneys be active members of the Prince William County Bar Association in order to receive pertinent information that is disseminated through its monthly newsletter; have a local telephone number (not long distance); and to have an office location in the 31st District to meet with clients. Attorneys that are not a member of the Prince William County Bar Association will be responsible for staying current with court updates and any new policies the court may implement.
- 2) Court Appointed Attorneys are assigned a mailbox in the public area of the clerk's office. Attorneys are required to check their mailboxes daily for appointments, correspondence, and court orders.
- 3) The Clerk's Office will place a copy of the Order of Appointment of Counsel, along with the charging document paperwork in the attorney assigned mailbox. When the defendant is incarcerated, the clerk's office will also contact the attorney via telephone. When the attorney is not available to accept the telephone call; the clerk will provide the attorney with the case information and refer him/her to the clerk's office to pick up the case paperwork. For attorneys outside of the 31st District that do not have an assigned mailbox in the clerk's office, the Order of Appointment of Counsel will be mailed to you.
- 4) Attorneys are expected to maintain their certifications pursuant to § 19.2-163.01 to qualify for court appointments of indigent defendants.
- 5) Attorneys are expected to become familiar with the JDR Court Time Saver Guidelines that provide valuable information and policies of the court. The JDR Court Time Saver Guidelines are posted on the Prince William County Bar Association website.
- 6) Attorneys are expected to see incarcerated defendants, both adult and juvenile within **2-business days** of appointment.
- 7) Attorneys are expected to maintain routine and ongoing communication and contact with defendants during the entire incarcerated period at ADC, or Juvenile Detention Center, pending finalization of the charge(s).
- 8) When you are assigned the **J-Attorney** on the court appointed rotation calendar, you are expected to appear in courtroom #3 at 8:30 a.m. for juvenile detention hearings, or make

arrangements for substitute counsel to appear.

- 9) Notice of address changes must be made in writing to Frances H. Hedrick, Clerk of Court with a copy to Katie McCollam, 9408 Grant Avenue, Suite 203 Manassas, Virginia 20110 who maintains the JDR Court Appointed Attorney list and calendar.
- 10) Attorneys are responsible for obtaining substitute counsel when they have been appointed on a case(s) and subsequently learn they will be unavailable on the court date, or are unable to take the case for other reasons. Substitute counsel is required to be arranged for times when you will not be available due to planned vacations. In addition, if you request removal from the list during the calendar year, you are responsible for arranging for substitute counsel for the remainder of the year. There is **no need** to provide any notification when you switch your dates.

You need to submit an Order of Substitution of Counsel. This can be done prior to the court date, or you can provide the Order of Substitution of Counsel to new counsel to submit to the court on the court date.

- 11) Requests to be removed from the JDR Court Appointed List must **be made in writing** to Frances H. Hedrick, Clerk of Court with a copy to Katie McCollam. Submit Orders of Substitution of Counsel to the court for your remaining assigned court dates.
- 12) Time sheets are required to be submitted on the court date the order is entered finalizing the charge(s) to be processed for payment expeditiously. Failure to submit the time sheet on the court date the charge is finalized will delay processing for payment and could result in a lower fee award, or no fee award.
- 13) Attorneys are expected to arrive at court timely for docket calls so as not to disrupt court proceedings. When an attorney has a Circuit Court court date conflict with the JDR Court court date, the attorney needs to complete the "Notice of Attorney in Circuit Court" form and submit to one of the JDR Court Sheriff Deputies for delivery to the courtroom, or submit directly to the courtroom.
- 14) Attorneys are expected to review case files prior to court and be prepared for the case on the trial date. Please note files are not available for review the day before court when court clerks are preparing cases for the docket.

Failure to comply with these Guidelines may result in removal from the Court Appointed List at the discretion of the Court.

**THIRTY-FIRST JUDICIAL DISTRICT
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURT**

APPLICATION

COURT APPOINTED LIST

Name: _____

Law Firm: _____

Address: _____

Phone #: _____ Cell Phone: _____ Fax# _____

Email Address: _____

Tax I.D. Number: _____

(Please complete a W-9 Tax Form and submit to the Supreme Court of Virginia in order to process payment vouchers)

Virginia State Bar Number: _____

Percent of Practice:
Juvenile _____ Felony _____ Misdemeanor _____ Civil _____

Previous Court Appointed Experience: _____

Pursuant to § 19.2-163.01 what cases are you certified for: **(Please attach a copy of your VIDC certification letter).**

Juvenile _____ Felony _____ Misdemeanor _____

Do you speak any other languages? _____
Which? _____

Are you an active member of the Prince William County Bar Association? _____

Date

Signature

Guidelines for Attorney Drop Mailbox

The following list of documents/pleadings may be filed in the Attorney Drop Mailbox at the J&DR District Court Clerk's Office public counter:

- ✓ Motions for Bond
3:00 p.m. cut-off for next-day court date
Bond motions filed in the drop mailbox after the 3:00 p.m. cut-off will not be scheduled for the next day, but will be scheduled 2 business days out.
- ✓ Motions for Discovery in criminal matters
Court date will be **2 business days** from date filed
9:00 a.m. docket/adult; 10:00 a.m. docket/juvenile
- ✓ Attorney/GAL Time Sheets
Time Sheets that are incomplete will be returned to the attorney.
- ✓ Agreed Orders (fully endorsed)
Agreed Orders that are not fully endorsed will be returned to the attorney.
- ✓ Request for witness subpoena in criminal matters
- ✓ Request for subpoena duces tecum in criminal matters
- ✓ Pre-trial Memoranda

Any documents/pleadings/orders filed in the drop mailbox on the same day as the court date **will not** be addressed on the same day.

Any documents/pleadings filed in the attorney drop mailbox that is **not listed** above will be returned to the attorney.

It is imperative that attorneys check their mailbox each day. The Clerk's Office staff will return any documents, pleadings, and orders, that are incomplete, or are not filed in accordance with this policy, back to the attorney via the attorney's mailbox in the J&DR District Court Clerk's Office. **No telephone calls** will be made by the Clerk's Office staff to the attorney to resolve issues.

ROTATING DOCKET SCHEDULE

| JULY 1,2015 | COURTROOM #1 | COURTROOM #2 | COURTROOM #3 | COURTROOM #4 | COURTROOM #5 |
|-------------------------------|--|---|---|---|---|
| 9:00 A.M. | ADULT WALK IN ARRAIGN. | CONTESTED CASES-ALL DAY DOCKET | JUVENILE DETENTIONS and DISPOSITIONS | DISPOSITIONS EXPEDITED ARR.'S | ADULT LOCK UP ARRAIGNMENTS ADULT TRIALS |
| 9:30 A.M. | Juvenile Traffic Cases/ Uniform Summons Cases | DCSE CONTESTED DOCKET-ALL DAY- 9AM-4PM-1ST WK OF EVERY MONTH ** | | | |
| 10:00 A.M. | | | JUVENILE TRIALS | JUVENILE ATTORNEY ADVISEMENT HEAR. | |
| 10:30 A.M. | CIVIL RETURNS | | | | |
| 11:00 A.M. 1:30 P.M. | FAMILY ABUSE | EXPARTE FAMILY ABUSE CASES | FAMILY ABUSE | DSS CASES | FAMILY ABUSE |
| 2:00 P.M. | CIVIL MOTIONS | | CONTESTED TRIALS | | CC docket-1st wk-month DCSE-on the 2nd, 3rd and 4th week of the month ** |
| 4:00 P.M. | PRE-TRIAL CONFERENCE | PRE-TRIAL CONFERENCE | PRE-TRIAL CONFERENCE | PRE-TRIAL CONFERENCE | PRE-TRIAL CONFERENCE |

**DUMFRIES TOWN/OCCOQUAN/HAYMARKET CASES ARE THE 2nd WEDNESDAY at 9:30 A.M. COURTROOM #1 & #3
QUANTICO/CITY OF MANASSAS PARK CASES 2ND TUESDAY OF EACH MONTH IN COURTROOM #1 & #3**

§16.1-278.8: Delinquent Juveniles—Orders of Disposition for Supervision, Care, and Rehabilitation

| ORDER | CUSTODY | | DEFER | |
|--|---|--|--|---|
| | Remain w/ Parent §16.1-278.8 (A)(2) | Transfer of Custody §16.1-278.8 (A)(13) | Defer Disposition §16.1-278.8 (A)(4) | Defer Disposition & Order Probation § 16.1-278.8 (A)(5) |
| <p>§16.1-278.8 (A)(1)</p> <p>Enter an Order Pursuant to §16.1-278</p> <p>(Cooperation of certain agencies, officials, institutions and associations)</p> | <p>Permit juvenile to remain w/ parent subject to conditions and limitations as court may order with respect to juvenile and his parent</p> | <p>Transfer legal custody to any of the following:</p> <ol style="list-style-type: none"> Relative or other individual found qualified (after study) Child welfare agency, private organization, or facility that is licensed/authorized by law to receive/care for juvenile. The court shall not transfer legal custody to agency/org./facility outside Commonwealth w/out approval of Director. Local board of DSS in court's jurisdiction OR to the local DSS in city/county where juvenile has residence. If emergency, can transfer up to 14 days w/out notice to DSS. Order must describe emergency and temporary need. <p>Transfer custody to DSS only upon finding reasonable efforts made to prevent removal & that continued placement in home would be contrary to welfare of juvenile</p> | <p>Defer disposition for specific period of time, after which charge may be dismissed if juvenile exhibits good behavior</p> <p>Note: Boot camp, if avail., is an option—see §16.1-278.8 (A)(4)(a)</p> | <p><i>W/o entering guilty judgment and with consent of juvenile & atty., defer disposition for specific period of time and place juvenile on probation according to court ordered terms</i></p> <p>Upon fulfillment, court shall discharge and dismiss without adjudication of guilt</p> |
| PROGRAM & TREATMENT: PARENTS | PROBATION | | FINE | LOSS/SUSPENSION OF DRIVING PRIVILEGES |
| <p>Parent Living w/ Juvenile: §16.1-278.8 (A)(3)</p> <p>Order parent of juvenile living with him to participate in programs, cooperate with treatment, or be subject to conditions and limitations as ordered by court & designed for rehabilitation of juvenile & parent</p> <p>Parent Not Living w/ Juvenile: §16.1-278.8 (A)(6)</p> <p>Order parent of juvenile with whom the juvenile does not reside to participate in programs, cooperate in treatment, or be subject to such conditions/limitations ordered by court, where court determines this participation to be in best interest of the juvenile and other parties concerned, and compliance is deemed reasonable</p> | <p>Probation §16.1-278.8 (A)(7)</p> <p>Place juvenile on probation under such conditions and limitations as the court may prescribe</p> | <p>Probation & Drug/Alcohol Treatment §16.1-278.8 (A)(7)(a)</p> <p>Place on probation & order treatment provided that:</p> <ol style="list-style-type: none"> Juvenile received substance abuse screening & assessment pursuant to §16.1-273 that indicates offence motivated/closely related to habitual use of drugs/alcohol and indicates the juvenile needs treatment for condition Juvenile has not previously been and is not currently being adjudicated for a violent juvenile felony Such facility is available <p>Upon juvenile's withdrawal, removal, or refusal to comply with conditions, he shall be brought before court for hearing at which the court may impose any other disposition authorized by this section</p> <p>Court shall review placement at 30-day intervals</p> | <p>§16.1-278.8 (A)(8)</p> <p>Impose a fine not to exceed \$500 upon juvenile</p> <p>RESTITUTION</p> <p>§16.1-278.8 (A)(10)</p> <p>Require restitution or reparation to aggrieved party or parties for actual damages or loss caused by the offense for which juvenile was found to be delinquent</p> | <p>Suspension of Driver's License §16.1-278.8 (A)(9)</p> <p>Suspend the driver's license or impose curfew as to hours of motor vehicle operation</p> <p>May refer juvenile for assessment and services</p> <p>If curfew imposed, juvenile shall surrender his license which shall be held in the physical custody of court during any period of curfew restriction</p> <p>Court may (if for hardship) authorize use of restricted permit to operate motor vehicle for any purposes set forth in §18.2-271.1 (E) or for travel to and from school.</p> <p>Loss of Driving Privileges §16.1-278.8 (A)(18)</p> <p>Impose penalty authorized by §16.1-278.9 [see separate chart detailing §16.1-278.9]</p> |
| COMMUNITY SERVICE | TRAFFIC VIOLATION | | SAME PENALTY AS ADULT | |
| <p>§ 16.1-278.8 (A)(11)</p> <p>Require participation in public service project under court conditions (if imposed)</p> | <p>§16.1-278.8 (A)(12)</p> <p>In case of traffic violations, impose only those penalties as authorized to be imposed on adults.</p> <p>For violations punishable by confinement if committed by an adult, confinement imposed only as authorized by this title</p> | | <p>§16.1-278.8 (A)(15)</p> <p>Impose Penalty Authorized by §16.1-284</p> <p>(Court may impose the penalties which are authorized to be imposed on adults [up to 12 mo. ADC] if 18 at time of sentencing)</p> | |

IF FOUND GUILTY OF THE FOLLOWING VIOLATIONS:

THEN COURT SHALL REQUIRE BOTH:

§§18.2-51 [shooting/stabbing w/ intent to maim, kill, etc.];
 18.2-51.1 [malicious bodily injury to law enforcement];
 18.2-52 [malicious bodily injury via caustic, explosive, or fire];
 18.2-53 [shooting, etc. in commission/attempt of felony];
 18.2-55 [injuries caused by prisoners/probationers];
 18.2-56 [hazing];
 18.2-57 [A & B];
 18.2-57.2 [A & B against family household member];

18.2-121 [trespass];
 18.2-127 [injury to churches/church property/cemeteries];
 18.2-128 [trespass school/church property];
 18.2-137 [injuring, etc., any property, monument, etc.];
 18.2-138 [damaging public buildings];
 18.2-146 [breaking/injuring/preventing operation of motor vehicle, aircraft or boat];
 18.2-147 [entering/setting in motion vehicle/aircraft/boat, etc.];
OR any violation of local ordinance pursuant to 15.2-1812.2 [willful and malicious damage to or defacement public/private facilities]

RESTITUTION

GANG PREVENTION

§16.1-278.8 (B)

Juvenile to make at least partial restitution or reparation for any property damage, loss, or actual medical expenses incurred by the victim
AND participation in a community service project

§16.1-278.8 (A)(19)
 Juvenile to participate in gang activity prevention program, if available

COMMIT TO DJJ

PLACEMENT IN SECURE LOCAL FACILITY

COMMITMENT OF SERIOUS OFFENDERS

§16.1-278.8 (A)(14)

Commit to Dept. of Juvenile Justice if juvenile is 11 years of age or older AND the current offense:

- i. Would be a felony if committed by an adult;
- ii. Would be Class 1 misdemeanor if committed by adult AND the juvenile was previously found delinquent based on an offense that would be a felony if committed by an adult; OR
- iii. Would be a Class 1 misdemeanor if committed by adult AND the juvenile has previously been adjudicated delinquent of three or more offenses that would be Class 1 misdemeanors if committed by an adult, AND each such offense was not part of a common act, transaction or scheme.

§16.1-278.8 (A)(16)

Impose Penalty Authorized by §16.1-284.1

A. If juvenile 14 yrs or older, commits offense that would be punished by incarceration if committed by an adult AND court determines:

- i) he has not previously been and is not currently adjudicated delinquent of a violent juvenile felony or found guilty of a violent juvenile felony;
- ii) he has not been released from custody of the Dept. within the previous 18 months;
- iii) interests of juvenile and community require he be placed under legal restraint or discipline; AND
- iv) other placements authorized by this title will not serve best interests of juvenile

then the court MAY order juvenile confined to detention home or other secure facility for juveniles for a period not to exceed six months from the date the order is entered for a single offense or multiple offenses.

Confinement period may exceed 30 calendar days if juvenile has had assessment completed by the secure facility concerning appropriateness of placement

B. If period of confinement is to exceed 30 days, court shall order juvenile committed to DJJ (if he is eligible pursuant to §16.1-278.8 (A)(14), but suspend such commitment. Court shall then specify conditions for juvenile's satisfactory completion of treatment program(s) for juvenile's rehabilitation

C. If period of confinement exceeds 30 days, court shall conduct mandatory review hearing at least once during each 30-day period and for other good cause shown. If it appears at hearing that purpose of order of confinement has been achieved, juvenile shall be released on probation under court's conditions AND remain subject to the order suspending commitment to te DJJ

If commitment to DJJ suspended (pursuant to paragraph B above) and it is determined at any review hearing that juvenile consistently failing to comply w/ court order, court shall order commitment to DJJ

If juvenile not actively involved in any community based treatment program through no fault of his own, court shall order juvenile released under such conditions subject to the suspended commitment

§16.1-278.8 (A)(17)

Impose Penalty Authorized by §16.1-285.1

A. If juvenile 14 yrs or older, found guilty of an offense that would be a felony if committed by an adult, and EITHER:

- i) juvenile on parole for offense that would be a felony if committed by an adult,
- ii) juvenile committed to state for offense that would be a felony if committed by an adult w/in immediately preceding 12 months,
- iii) felony offense punishable by confinement >20 yrs if committed by adult, OR
- iv) juvenile prev. adj. delinquent for offense (punished by confinement >20 yrs if committed by an adult) and court finds that commitment of juvenile under this section would serve the rehabilitative needs of the juvenile and the bests interest of the community, court MAY commit the juvenile to DJJ for placement.

B. Prior to committing any juvenile, court shall consider:

1. Juvenile's age
2. Seriousness & number of present offenses, including whether i) committed in aggressive/violent/premeditated/willful manner; ii) against person/property, w/ greater weight to offenses against person, esp. if death or injury; iii) involved use of firearm/dangerous weapon; iv) the nature of juvenile's participation in alleged offense.
3. Record & previous history of juvenile in this and any other jurisdiction, including i) number & nature of previous contacts w/ courts; ii) number & nature of prior probation; iii) number & nature prior commitments to juvenile correctional ctrs.; iv) number & nature previous residential & community-based treatments; v) whether previous adjudications/commitments were for acts involving infliction of serious bodily injury; AND vi) whether offense part of repetitive pattern of similar adjudicated offenses.
4. DJJ estimated length of stay

Such commitment order must be supported by determination that interest of juvenile & community require legal restraint/discipline and juvenile not a proper person to receive treatment/rehabilitation through other programs/facilities

C. Court shall specify period not to exceed 7 years or juvenile's 21st birthday, whichever occurs first. Court MAY also order a period of parole supervision to follow the commitment, but total period of both commitment & parole shall not exceed 7 yrs or 21st birthday, whichever occurs first

E. Court which commits juvenile under this section has continuing jurisdiction throughout his commitment

[note: subsections D and F intentionally omitted from chart]

