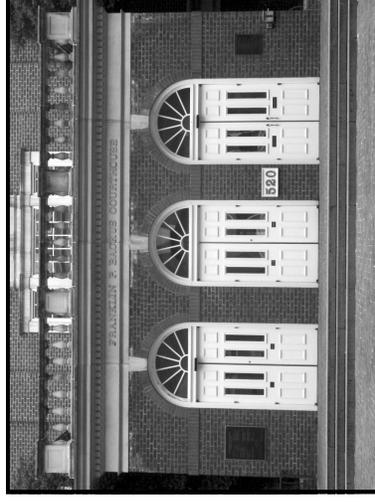


A Guide to Navigating the Alexandria Juvenile Court Service Unit and Juvenile and Domestic Relations District Court

In matters of:

- Family Abuse/Domestic Violence
- Custody
- Visitation
- Support



Alexandria Court Service Unit

**Alexandria Court Service Unit
520 King Street
Alexandria, VA 22314
(703) 838-4144**

Note

This booklet could not possibly answer all the questions on family matters coming before the Juvenile and Domestic Relations District Court, so be sure to ask the intake officer if you have any questions or consult an attorney.

Our Survey

The Court Service Unit is interested in providing the best services for the citizens of Alexandria. After your visit with our office, the intake officer will ask you to complete a short survey which asks about your experience at the Court Service Unit. Please fill out the survey and drop it in the box by the receptionist desk.

Thank you for helping us to help you better.

General Information for Individuals with Disabilities

The court system has adopted a policy of non-discrimination in both employment and in access to its facilities, services, programs, and activities. Individuals with disabilities who need accommodations in order to have access to court facilities or to participate in court system functions are invited to request assistance from court system staff.

What to Expect at a Hearing

Now that you have kept a copy of the time of your hearing, you should arrive on time. Court cases are heard on time so **it is important that you are on time for your court hearing**. Go to the Court waiting area and tell the person at the Information desk that you have arrived. Wait until your case is called by the Deputy Sheriff.

Once you enter the courtroom you may sit at one of the tables in front of the judge. The judge will review your information and listen to any witnesses that you have brought. The judge listens to both sides of the support issues. If you testify in court, you will take an oath to tell the truth and you should always answer truthfully and to the best of your ability.

Appeals

If you are unhappy with a court order or judgment, you can appeal the decision to the Circuit Court. Most appeals must be noted with the Clerk of the Juvenile and Domestic Relations District Court within 10 days of the Court's action by a person filing or responding in the case or the person's attorney. Cases appealed to the Circuit Court are reheard *de novo* (completely new, from the beginning). In hearing cases on appeal from the Juvenile and Domestic Relations District Court, the Circuit Court has the same power and authority as does the Juvenile and Domestic Relations District Court.

While an appeal is pending, the judgments of the Juvenile and Domestic Relations District Court continue in support cases, preliminary child protective orders, or domestic violence protective orders. Appeals of support decisions do not stop the obligation to provide support. The Juvenile and Domestic Relations District Court orders remain in effect unless or until it is replaced by a court order from the Circuit Court.

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GENERAL INFORMATION

The Juvenile and Domestic Relations District Court handles both civil and criminal matters which involve family issues or matters regarding minor children under age 18.

This booklet is designed to focus only on civil cases that come before the Court and involve custody and visitation matters, child support, or adult protective orders for domestic violence.

How to Start the Process

The best way to begin the process is to make an appointment with an intake officer at the Court Service Unit by calling (703) 838-4144 between 8:00 a.m. and 4:30 p.m., Monday through Friday. If you are in danger because of a recent family domestic violence incident, you should come directly to the Court Service Unit and speak with an intake officer about obtaining a protective order. In most cases, the intake officer can arrange for the Court to hear these matters on the same day that the petition for a protective order is filed. Always contact the police at 911 if you are in immediate danger of violence or abuse.

Language Services

Each time you call or come in for an appointment or a hearing, you should let the intake officer know if you do not speak or understand English and you will need an interpreter. The Court Service Unit and the Court will make arrangements for an interpreter in your native language.

clothes, rent and utilities, medical insurance, and any other expenses related to the child. Bring in copies of bills for each expense.

8. The other person's monthly expenses, if you know it. Bring in bills to verify the expenses, if you have access to this information.

Changes to Existing Child Support Court Orders

If you already have a support order but the other person is not paying you regularly or on time, bring payment records with you. Bring a list of the time and amounts of support that has been paid and the amount that is still owed.

If you want to change the existing order, (increase/decrease the current amount of support), you must show a change in your living conditions that make the increase or decrease necessary. You will need to tell the judge why the change will be necessary.

Spousal Support

If you want to ask the judge to have the other person help you pay your monthly bills you can ask the Court for spousal support. There are no state guidelines for spousal support, but the Court will determine that based on you and your spouse's income and need. You should bring as much documentation as you can with you to court (see Child Support).

Legal Advice

The intake counselor will explain how you can prepare for court and what information to bring with you, but he/she cannot give you legal advice. You should seek the services of an attorney if you think you need legal advice. An attorney is not necessary for you to bring a support case to court, but if you have complicated issues in your case or if the other person has an attorney, you may want to have an attorney also. The intake officer can refer you to Alexandria Lawyer Referral services or the Legal Services of Northern Virginia to obtain an attorney.

to the Court to hold until the person makes the support payments. In criminal cases, any spouse or parent found by the Court to have not provided support and maintenance is guilty of a misdemeanor, and is subject to a fine of up to \$500 and up to 12 months in jail.

Persons failing to make support payments may lose their professional occupational license, or their driver's license. Instead of or in addition to paying a fine and/or being sent to jail, a judge may order the spouse or parent to make certain periodic payments in a manner decided by the Court. The judge may then release the nonpaying spouse or parent on the condition he/she comply with all conditions of the Court's order.

Any person receiving an order to pay support who continues to fail to provide support in the manner ordered by the Court may be jailed or be required to post a bond. The Court may (and in some cases must) require that support payments be deducted by the employer from the earnings of the spouse or parent who fails to pay support. Persons summoned to court who fail to appear will also be charged with contempt of court and could be subject to immediate arrest; the support hearing will continue in their absence.

Information to Bring for a Child Support Appointment and a Court Hearing

1. Home and work addresses for you and the other party.
2. The present home address for each child and list of names of the other persons and other places that each child has lived during the last five years.
3. Any past orders of custody/visitation and support that you have in Virginia or from another state.
4. Records of your monthly salary (pay stubs).
5. Records of the other person's salary, if you have it.
6. The number of children, date of birth, and age of each child.
7. Your monthly expenses if the child(ren) live with you, including special medical and dental expenses, work-related child care costs, private school costs, food and

Useful Tips for Getting Ready for Your First Appointment

When you call for an appointment, you may be asked some preliminary questions to ensure that you are coming to the proper court to handle your problem.

1. Let the person on the phone know if you will need an interpreter.
2. Be ready to give the person your address and information about any other court cases you have pending.
3. Write down the date of your appointment. Some appointments may take one hour or more.
4. Arrange for child care since there are no child care services at the courthouse.
5. Make a note of what information and documents you need to bring with you to your appointment.
6. Be sure that you write down the name and case number on your court file. For a custody and visitation matter, the file is usually in your child's name. Support cases are under the person's name that will be paying support.
7. In domestic violence matters, no appointment is necessary. You should come directly to the Court Service Unit.

DOMESTIC VIOLENCE

What Is Domestic Violence?

Domestic violence is when one member of the household causes

- physical harm to another,
- forces sexual activity on another, or
- threatens to harm another.

Domestic violence happens between married and unmarried couples or between other family members, (e.g. brothers, sisters, step-fathers) related by blood or marriage. The key to having your case heard in the Juvenile and Domestic Relations District Court is that it must involve family household members.

The legal definition of this includes abuse involving two people *who live together in the same home* or who *have a child in common*. If you and the other person are unmarried, do not live together or have no child in common, the case can be heard in another court (General District Court) as an assault and battery.

Domestic Violence Cases Can Be Brought to Court As a Civil and Criminal Matter

Criminal Charges for Domestic Violence – is usually started by calling the police (911) who will usually make an arrest at the time of the incident. A victim can file criminal charges by obtaining a **warrant from a magistrate**. The police will assist you with the process. After that, the case will be heard by the Juvenile and Domestic Relations District Court Judge.

Civil Petitions for Domestic Violence – You can file a civil case directly with an **intake officer** who will bring the case to the Court as a petition for a protective order. The Juvenile and Domestic Relations District Judge will listen to your side of the story and make a decision. This is called an *ex parte* hearing.

You can file both a criminal and civil case that involves one incident of domestic violence.

What Is a Protective Order?

A protective order is also called a restraining order and is issued by the judge in civil matters of domestic violence. Once the judge decides that domestic violence has occurred, the protective order requires the abuser to obey certain rules before and after the Court hearing. A person who is found to have committed an act of domestic violence can be ordered to have no contact or limited necessary contact with the victim and their child(ren). The Court can order the abuser to leave the family home and remain away for a certain period of time. If the person does not obey the court order, they can be arrested and placed in jail.

In some cases, the judge will order a **home study** or **custody evaluation** which is a report to the Court consisting of detailed information about your family and child(ren). The report is completed by the Court Service Unit staff who will contact you after the court hearing. This report helps the judge make a final decision on custody and visitation in your case. When your case is completed, the judge will decide on your case with a court order. You can obtain an official copy of the court order from the Clerk of the Court located in the large waiting room area.

SUPPORT

How to Apply for Child Support

Under Virginia law, parents or spouses can ask that the other parent pay some of the child(ren)'s expenses. This is called child support. To begin a support case, the person seeking support should contact either the Division of Child Support Enforcement (by calling 1-800-468-8894) or the Alexandria Court Service Unit intake officer. An explanation of the options available in seeking support either through the Division of Child Support Enforcement (which may file a petition in court or use other methods) or by personally filing a petition with the intake officer will be provided. The Court and Division of Child Support Enforcement will use established guidelines to determine the amount of support to be paid.

Alexandria Juvenile and Domestic Relations District Court can hear cases of persons who do not pay their financial obligations of support. These matters can be decided by the Court or the Division of Child Support Enforcement. A civil support case or a criminal desertion/non-support case may also be filed with the Court. In a civil case, any spouse or parent found by the Court to owe a duty to provide support and maintenance may be ordered to make periodic payments in a manner decided by the Court and may be required to post a performance bond. A performance bond is money given

Information to Bring to an Intake Appointment and to Court Regarding Custody and Visitation

1. The **correct and complete** home and work addresses and social security numbers for you and the other party.
2. The present home address for each child and a list of other places each child has lived during the last five years.
3. The names and addresses of the person that each child has lived with during the last five years.
4. A copy of a past custody order from Virginia or another state if you have one.

What is “Focus” Court?

At the first hearing on your custody case, the Court may give you a temporary custody order and order you and the other person to attend “Focus” class. This program is required by the Alexandria Juvenile and Domestic Relations District Court for all parents, relatives, and guardians seeking custody. The program consists of three classes for three consecutive weeks in the evening. Classes are held at the courthouse. Parents are given information about the court process and custody terminology. The class also emphasizes good parental communication and cooperation to better assist the child(ren) in dealing with the changes in their lives due to parental separation or a change in custody.

After Focus classes, many parents are able to work out their own parenting agreement. If this happens, the parents can ask the Court to make the agreement into a court order. If parents or guardians are unable to reach an agreement, the case can be referred to **mediation** or the judge will decide the custody and visitation in your case. Experience shows that visitation agreements work better when both parents decide what is best for their child(ren) in their own circumstances. The Court Service Unit has certified trained mediators that can help facilitate your discussions on custody and visitation and help you and the other parent make your own agreement instead of the judge.

When to File for a Protective Order

The bottom line is that domestic violence is very serious and you may need to take actions to protect yourself and other family members who live in the home. If you are afraid or worried about your safety, the intake officer can also refer you to domestic violence services offered by the City. You can stay at a shelter for a period of time.

If a family member assaults or in any way harms the child(ren) in the home, court personnel are required by law to report the abuse to Child Protective Services (CPS) who may do an investigation.

Information to Bring to an Intake Appointment Regarding a Protective Order

1. Bring information about the person you are claiming is the abuser.
 - First, last, and middle name
 - Race and sex
 - Date of birth and age
 - Height, weight, eye, and hair color
 - Social security number
 - Name, address, and telephone number of the person’s employer and hours of work
 - Home address, especially if the person is not living with you
2. Bring in the same information as in item #1 above regarding you and your child(ren).
3. Bring a list of abusive incidents.
 - For each incident provide the date or approximate date
 - Describe what happened
 - Describe any injuries and to whom
 - Explain whether the police were called
 - Note if criminal charges were filed and any court hearings
 - List any hospitalizations
 - Bring pictures or hospital records, if available

The Intake Appointment

The intake officer will talk to you about the incident(s) and will ask you to fill out an information sheet with all the information about you and the family member who you are claiming abused you. The questionnaire will ask you to explain the incident and any injuries. The intake officer will assist you in completing legal forms such as a petition for a protective order and an affidavit. The intake officer will ask you to review the forms when they are completed and before they are given to the Court. You will have to swear that the information is true and correct.

The Court Hearing Concerning the Protective Order

The judge will read your petition and affidavit and hear the circumstances that brought you to the Court seeking a protective order. The judge must determine that you are in danger. If the judge makes the decision that you are in danger he/she will sign a preliminary protective order and you will receive a copy that day. The Deputy Sheriff will deliver another copy of the preliminary protective order and a summons to the other person with information on the full hearing of your case. The person is notified that he/she must appear in court on the scheduled court day to present his/her side of the story. The Deputy Sheriff usually has two weeks to deliver the summons and the summons must be personally delivered to the person or the Court will not be able to hear your case.

Remember: The preliminary protective order does not go into effect until the person receives his/her copy in person. The preliminary protective order is temporary and only effective until the full hearing is held. At the second hearing, the judge will give the other person a chance to tell their story and present witnesses and then the judge will decide whether to make the protective order effective for the next two years.

CUSTODY AND VISITATION

The Meaning of Child Custody and Visitation

Controversies (disputes) over the custody or visitation of a juvenile are often heard in the Juvenile and Domestic Relations District Court. In cases involving issues of custody or visitation between parents regarding their child(ren), the judge will make a decision in a court order which is necessary to protect the interests of the child(ren) and family.

Sole and joint custody are terms that determine the parental decision-making arrangement between the parents. **Sole custody** to one parent means that that parent makes all decisions affecting the child(ren) such as medical and schooling. **Joint custody** means that both parents make the major decisions affecting the child(ren) jointly and they must agree. Good communication between the parents is essential for a successful joint custody arrangement.

The child(ren) will primarily reside with one parent and this parent has **physical custody**. The parent who does not have physical custody of the child(ren) usually has a formal or informal visitation arrangement so they can spend time with the child(ren). A formal visitation agreement is in writing and signed by both parties and has specific scheduled visitation times each week and holidays. An informal visitation agreement is flexible and the parents arrange visitation on an on-going basis.

Parents can file for custody as well as anyone else who has an interest in the well-being of the child(ren), such as friends or relatives. If parents are seeking a custody decision as part of a divorce, the Circuit Court can handle the matters of custody, support, and visitation.