

FAIRFAX CIRCUIT COURT ORE TENUS HEARING INSTRUCTIONS

1. All persons involved in divorce cases are strongly encouraged to consult with an attorney so that the legal effects of these proceedings can be fully explained to each litigant. **If you proceed without legal counsel**, you may forever unknowingly waive your rights to custody or visitation, child or spousal support, equitable distribution of property, and other legal claims arising out of your marriage.
2. All parties involved in divorce cases can present evidence on the grounds for divorce to one of the Court's Commissioners in Chancery. If **all** issues, such as grounds for divorce and distribution of property, are totally uncontested, a party may, by filing a Request for Ore Tenus Hearing, request a judge of the Court to hear the evidence ore tenus (in court).
3. At the time the Request for Ore Tenus Hearing is filed, the party filing the Request **must** submit with the Request, the original proposed Final Decree of Divorce, a copy of any property Settlement Agreement the parties may have executed and, if applicable, the Name Change Order to resume maiden name. The Decree must contain the endorsement of each party who is legally entitled to notice of the Ore Tenus hearing and who will not be appearing at the hearing, unless the moving party will be serving the proposed Decree on that party along with the Notice of the date and time of the Ore Tenus hearing. The original of any Property Settlement Agreement should be presented to the Court at the Ore Tenus hearing
4. Upon filing of a Request for Ore Tenus Hearing, the file will be forwarded to one of the judges' law clerks for review of all pleadings, including the proposed Final Decree of Divorce, to assure compliance with all statutory requirements. The law clerk will advise counsel for the moving party, or the moving party if the litigant is proceeding without counsel, in writing, as to the sufficiency of the pleadings.
5. If the law clerk has advised that the pleadings comply with all statutory requirements the moving party must contact the Ore Tenus clerk within fourteen (14) calendar days of the date of the written notice, at (703) 246-4200 to schedule the hearing. If required by law, notice of the date and time of the hearing must be served on the other party.
6. If the pleadings do not comply with all legal requirements, the law clerk will mail the Court's Rejection of Ore Tenus Filing Form (Rejection Form) to the moving party and the moving party will then have up to fourteen (14) days from the date of the Rejection Form to correct all deficiencies and return the corrected pleadings along with the bottom half of the Rejection Form fully completed to that law clerk. All corrections must be received within the fourteen (14) day period and should be addressed to the specific law clerk who signed the Rejection Form c/o the Clerk of the Court of Fairfax County. Simply filing or mailing the corrected pleadings to the office of the Clerk of the Circuit Court, without including the bottom half of the Rejection Form and noting that they are to be forwarded to the specific law clerk, will not be sufficient.

7. All communications with the judges' law clerks must be in writing and limited to the matters set forth in the law clerk's rejection forms. Telephone calls relating to Ore Tenus cases will not be received by the law clerks. Furthermore, since the law clerks are not permitted to give legal advice to attorneys or to pro se parties, requests for such advice will not be entertained.
8. If the revised pleadings comply with all statutory requirements, the law clerk will so advise you in writing and you must then contact the Ore Tenus clerk within fourteen (14) days of the date of the law clerk's postcard to schedule your hearing.
9. If the revised pleadings do not meet all statutory requirements, or if the moving party has not scheduled the Ore Tenus hearing within fourteen (14) days of the date of the law clerk's postcard, the parties will thereafter have to proceed to present the evidence in support of the grounds for divorce to a Commissioner in Chancery.
10. At the Ore Tenus hearing, the moving party and a corroborating witness must present the evidence necessary to meet the requirements of Virginia law. The presiding judge cannot serve as an attorney, and the moving party must be prepared to ask the relevant questions.
11. If all legal requirements have been satisfied, the judge will generally enter the Final Decree of Divorce and the Name Change Order to resume maiden name, if applicable at the hearing.