

Fairfax Circuit Court

DWI 3rd Offense

Forms must be neat and legible.

Filing Fees: *SEE CURRENT FEE SCHEDULE*

- Filing fee
- Service Fee: \$12.00 per Document. NOTE: The Virginia Department of Motor Vehicles (DMV) and Commonwealth Attorney must both be served. If you need assistance to determine the service fee, please contact the Circuit Court Civil Intake Division at 703-691-7320 (press 3, then 1)

Code of Virginia:

- **DWI - Third Offense: § 46.2-391**

Documents to be filed:

- _____ Petition (Original plus 4 copies – copies **must** also include the following)
 - _____ Petition signed by Plaintiff
 - _____ Address of Plaintiff
 - _____ Daytime Phone Number
- _____ Self-addressed Stamped Envelope (for certified copy of final order)
- _____ Current DMV Transcript (Original plus 4 copies)
(DMV Transcript **must** be dated within 30 days of the filing date)
- _____ Friday Motions Docket Praecipe/Notice form (Original plus 4 copies)
(Copies **must** include Petitioners address and daytime phone number)
 - _____ 10:00 a.m. docket
 - _____ Petitioner must choose a Friday date for Motion to be heard
(Hearing date **no sooner** than 45 days from the time of filing)
- _____ Proposed Order
- _____ Service on DMV and Commonwealth Attorney
- _____ Need Interpreter (Yes / No) Language _____

NOTE:

If petition is based on a ***DWI-Third Offense Determination*** was based at least in part on offense convictions for *DWI*, a Virginia Alcohol Safety Action Program VASAP Evaluation is **required** to be filed at least 10 days prior to the hearing.

- _____ Virginia ASAP Evaluation –Virginia Alcohol Safety Action Program
Evaluation is **required** to be filed at least 10 days prior to the hearing
and **must** be dated within 90 days of the hearing date.