

**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 divorce cases will proceed and be set for trial through the Divorce Case Tracking Program. However, 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 **at any time**, 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 the following with the request:
  - Original proposed Final Decree of Divorce
  - Name Change Order to resume maiden name, if applicable.
  - Copy of any Property Settlement Agreement, if applicable. The original Property Settlement Agreement should be presented to the Court at the hearing.
  - Private Addendum containing the parties social security numbers
  - VS-4 form (completed legibly in black ink)
  - Waiver of Notice/Proof of Service

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 intends to serve the other party with Notice of the date and time of the *ore tenus* hearing and a copy of the proposed Decree. (Note that proof of service of the Notice and the Final Decree will have to be presented at the *ore tenus* hearing unless Acceptance of Service or Waiver of Notice has been filed.)

4. Upon the filing of a Request for *Ore Tenus* Hearing, the file will be forwarded to one of the judges' law clerks to review all of the 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 the moving party that the pleadings comply with all statutory requirements, then the moving party must contact the *ore tenus* clerk within fourteen (14) calendar days of the date of the written notice to schedule the hearing. The *ore tenus* clerk may be contacted by calling (703) 246-4200. *Ore tenus* hearings are held Monday through Thursday at 10:00 a.m. 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 a blue Rejection of *ore tenus* Filing form (Rejection Notice – CCR H-49) to the moving party. 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 the Clerk’s Office. It is not sufficient to simply file or mail 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 that sent the rejection form.
7. All communications with the judges’ law clerks must be in writing and limited to the matters set forth in the rejection forms. Telephone calls relating to *ore tenus* cases will not be received by the law clerks. Furthermore, because 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 the moving party in writing and then the moving party must contact the *ore tenus* clerk within fourteen (14) days of the date of the acceptance postcard to schedule the hearing.
9. If the revised pleadings do not meet all statutory requirements the law clerk will mail another blue Rejection of *ore tenus* Filing form to the moving party setting forth the remaining deficiencies in the pleadings.
10. At the *ore tenus* hearing, the moving party (other than the spouse) must present the evidence necessary to meet the requirements of Virginia law. The presiding judge cannot serve as an attorney, so the moving party must be prepared to ask the relevant questions. A copy of general sample questions can be obtained from the Law Library in the Judicial Center.
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 or former name, if applicable, at the hearing.