

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_  
Plaintiff or Complainant

versus

Law/Chancery No. \_\_\_\_\_

\_\_\_\_\_  
Defendant or Respondent

**TERM DAY PRAECIPE**

I certify that the above styled cause is matured for trial on its merits and request the Clerk to place it on the docket to be called on \_\_\_\_\_:

To be set for trial with ( ) or without ( ) a jury.

I also certify that on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

I mailed or delivered a true copy of the foregoing praecipe to all counsel of record herein pursuant to the provisions of Rule 1:12 of the Rule of the Supreme Court of Virginia, and served a true copy upon parties not represented by counsel, if any.

\_\_\_\_\_  
Counsel for \_\_\_\_\_

Telephone No. ( ) \_\_\_\_\_

VSB Number \_\_\_\_\_

**NOTE:** The Praecipe must be filed no later than 4:00 p.m. on the Tuesday prior to Term Day. If the case is to be set at docket call, the attorney must be present. In lieu of filing a praecipe if the parties are in agreement, a trial date can be assigned by telephone. Call (703) 246-2221.

**MAIL OR DELIVER THIS PRAECIPE TO:**

JOHN T. FREY, Clerk of Court  
Attention: Term Day Praecipe Clerk  
4110 Chain Bridge Road  
Fairfax, Virginia 22030

V I R G I N I A:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

\_\_\_\_\_) )  
COMPLAINANT  
VERSUS \_\_\_\_\_) In Chancery No. \_\_\_\_\_  
\_\_\_\_\_) )  
DEFENDANT

REQUEST FOR ORE TENUS HEARING

I \_\_\_\_\_, \_\_\_\_\_ Complainant,  
\_\_\_\_\_ Defendant, \_\_\_\_\_ Counsel for Complainant, \_\_\_\_\_ Counsel for Defendant (Check one),  
hereby request that this matter be set for an Ore Tenus hearing as all  
issues in this case are totally uncontested. I have received and read  
the Fairfax Circuit Court's Ore Tenus Hearing Instructions and agree to  
fully comply with them.

\_\_\_\_\_  
NAME

Attachments:

1. Property Settlement Agreement \_\_\_\_\_
2. Final Decree \_\_\_\_\_
3. Other \_\_\_\_\_

\_\_\_\_\_  
ADDRESS

( ) \_\_\_\_\_  
DAYTIME TELEPHONE NUMBER

\_\_\_\_\_  
VSB# (IF ATTORNEY)

CERTIFICATE OF SERVICE

I hereby certify that if notice is required by either Rule 1:12 of  
the Rules of the Supreme Court Virginia of Virginia Code Section 20-99  
or 20-99.1:1, a true copy of this pleading and all attachments have been  
served on opposing counsel of record.

\_\_\_\_\_  
(Print name and sign)

# INSTRUCTIONS FOR USE OF MODEL ORDERS

## Pendente Lite Order Income Deduction Order

Effective November 12, 2002

The model *Pendente Lite* Order and the model Income Deduction Order contain all of the required notices and entry lines for all information required to be in such orders pursuant to the newest changes in the Virginia Code, as of November 12, 2002. Besides the required notice and information elements, the orders contain substantive provisions for an order dealing with these subject matters. These instructions are to assist you in determining which provisions of these model orders are relevant to your particular case.

### I. Model Support Order

The model *Pendente Lite* Order is broad in scope, and the substantive provisions deal with the subject matters expected in cases at the *pendente lite* stage. The model order is a fill-in-the-blanks form order written to facilitate completion of the form even in the hallway of the courthouse. For instance, it provides blank lines for the identification of each party (i.e., complainant, husband, father, etc.), rather than using check-boxes in order to prevent an inadvertent, but perhaps catastrophic, error in checking a wrong box. The notice provisions of §20-60.3 in the model order have the same paragraph number as the statutory paragraph numbers; so you can track the required provisions.

When possible, you should cull the form language and the substantive provisions of the model order in advance of a hearing, so that the order is appropriate for your specific. For example, if you are preparing for a hearing only on the issues of spousal support and counsel fees, you should eliminate the provisions pertaining to custody, child support, marital residence, and other such matters. Also, you will know in advance who is to be the payor and the payee, so you can fill-in these blank lines with the actual identification of the parties prior to the hearing.

Of course, for final decrees and other orders that are not done in the hallway of the courthouse, you should use a more formal, printed order. On such orders, all appropriate notice provisions and the necessary client-provided information should be printed in the document, along with the other provisions required for a final decree or other order.

In culling an order, it is important not to eliminate certain required notice provisions of the statute. You must include these provisions even if only to state that they do not apply. Otherwise, no one can determine if the provision was overlooked. For example, if there are no arrearages, you must state that "No support arrearages exist as of the date of this order." If there is no health insurance provided for a spouse, then you must state that.

The model *pendente lite* order contains the expected substantive provisions for

custody and visitation, support, health insurance and arrearages. It also includes such often-used topics as mortgage payments, exclusive possession of a home, and attorney's fees. However, it does not provide for such things as injunctions on the use of marital funds or restraining orders, since these latter items tend to be very case specific. There are blank provisions at end of the form which could be used for these or any other terms ordered by the court or agreed-to by the parties. *The inclusion in this model order of any particular proposed provision does not imply approval of that provision in any particular case. Likewise, the exclusion of any term or provision in the model order does not imply any lack of appropriateness for such provision in any particular case.*

## II. Changes in the Model *Pendente Lite* Order

There was one change in the model order for 2000, resulting from a revision made by the 2000 Virginia General Assembly to §20-60.3, Subsection 7. The new provision was added into the appropriate place of the §20-60.3 notices as a subparagraph 7.b, and also is represented by a new paragraph added to the child support provision on Page 4, Paragraph 2.A(1).

For 2001, there were two minor changes to the model order. On page 4, Paragraph 1.B provisions were added to implement the parental education seminar now required in contested custody cases (See §20-103.A). On page 4, Paragraph 2.A(2), the wording was changed slightly to make it evident that support continues until age eighteen even if the child has already graduated from high school (See §20-124.2.C).

For 2002, several revisions to the model *Pendente Lite* order were made in order to account for a statutory change effective October 1, 2002 which replaced Title 63.1, Code of Virginia with an all new Title 63.2. This required that all references to sections of Title 63.1 in the required §20-60.3 language be replaced with new references to the appropriate sections in §63.2. The accompanying document, "Changes 2002," provides word-by-word description of the November 2002 modifications.

## III. Changes in the Model *Income Deduction* Order

Pursuant to §20-79.2, any support order must state whether the support is to be paid by withholding from the payor's wages or not. This order was called a Payroll Withholding Order until the passage of the 1998 amendments to §20-79.3. It is now an **Income Deduction Order**. If the court determines that there should not be an income deduction order, then the court must show its reasons for that determination. If the parties agree not to use an income deduction order, then the support order must show that there is such an agreement. The model *Pendente Lite* Order contains such language. For a court ordered income deduction order, the model order shown here will suffice to insure that all of the proper notices and information are given. **Any income deduction order must require payment by the obligor's employer to the Department of Child Support Enforcement.** Under §20-79.3.B, the employer can refuse to honor any order made payable

directly to the recipient of support. Since employers may not be familiar with the legal jargon of court orders, some attempt was made in the model order to keep the language more simple and readable than the statutory language, hence the actual wording does not track precisely the terms used in the statute.

In 2000, at the request of the Fairfax Circuit Court Clerk's office, a provision was added to the right lower part of the first page of the order to show the name of the person in the payroll department of the employer to whom the order may be directed. Also, there is a line just below the Chancery number for the DCSE case number. If this is an initial DCSE case for support, then there will not yet be an assigned DCSE case number. If there is an existing order, then you should put in the appropriate DCSE case number.

The first page of the order identifies the parties. At the request of the Clerk's Office, a provision was added to the style of the order to specify on whom the order is to be served. The next section contains the required notice provisions set forth in §20-79.3. As done in the model support order, the notice provisions of the order track the provisions of §20-79.3 by the same paragraph numbers as used in the statute, so that you can easily reference the corresponding statutory provision. The final section of the model order contains the three adjudicatory provisions.

There were no changes in this model order for 2001. For 2002, several revisions were made in order to account for the October 1, 2002 repeal of Title 63.1, Code of Virginia, as further described in Section II above. This required that all references to sections to Title 63.1 in the required §20-79.3 language be replaced with new references to the appropriate sections in §63.2. The accompanying document, "Changes 2002," provides word-by-word description of the November 2002 modifications.

**VIRGINIA:**  
**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

_____	*	
Complainant,	*	
VS.	*	CHANCERY NO. _____
	*	
_____	*	
Defendant	*	

***PENDENTE LITE ORDER***

THIS CAUSE came on to be heard upon pending motions for *pendente lite* relief;

**NOTICES and INFORMATION:**

Pursuant to §20-60.3, Code of Virginia, the parties are hereby notified of the following provisions of Virginia law and the parties hereby represent to this Court that the information provided below is true information:

1. Support payments may be withheld as they become due pursuant to §20-79.1 or §20-79.2, from income as defined in §63.2-1900, without further amendments of this Order or having to file an application for services with the Department of Social Services.

2. Support payments may be withheld pursuant to Chapter 19 (§63.2-1900, et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services.

3. A duty of support is owed for the following children of the parties:

<u>Name</u>	<u>Date of Birth</u>	<u>Resides With</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



4. The following is true information regarding the parties:

Person responsible for paying child support is the: ☐ Mother; ☐ Father:

**Mother:** Name: \_\_\_\_\_ DoB \_\_\_\_\_ SSN: \_\_\_\_\_

Driver's License # \_\_\_\_\_ - State: \_\_\_\_\_

Residence:

Employer

Address: \_\_\_\_\_ Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Mailing Address if different from residence: \_\_\_\_\_

**Father:** Name: \_\_\_\_\_ DoB \_\_\_\_\_ SSN: \_\_\_\_\_

Driver's License # \_\_\_\_\_ - State: \_\_\_\_\_

Residence:

Employer

Address: \_\_\_\_\_ Employer: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone #: \_\_\_\_\_ Telephone #: \_\_\_\_\_

Mailing Address if different from residence: \_\_\_\_\_

**Note:** If any of above information is not provided because of an exception pursuant to §20-60.3.4, state the exception: \_\_\_\_\_

5. A petition may be filed for the suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth of Virginia to a person responsible for support as provided in §63.2-1937, upon a delinquency for a period of ninety days or more or in an amount of \$5,000 or more.

(i) \_\_\_\_\_ presently holds a \_\_\_\_\_  
(license/certificate/registration) issued by Virginia to engage in the profession, trade, business or occupation of \_\_\_\_\_.

(ii) \_\_\_\_\_ presently holds a \_\_\_\_\_  
(license/certificate/registration) issued by Virginia to engage in the profession, trade, business or occupation of \_\_\_\_\_.

**OR** ☐- Neither party holds any such license, certificate, registration or authorization.

6. The Order of this Court as to the amount of the child support and spousal support, expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due, are set forth in the support provisions of this Order.

7.a. ☐- This Order does not contain any health care provision for dependent children, and no provision is made herein for health care coverage for a spouse or former spouse. OR

☐- The Orders of this Court as to health care coverage for children, spouse or former spouse and any policy information are set forth in the health care provision of this Order.

b. ☐ This Order does not contain any provision for extraordinary medical expenses to be paid by or reimbursed to a party pursuant to subsection D and G 3 of §20-108.2, OR

☐- This Order does contain provisions for extraordinary medical expenses to be paid by or reimbursed to a party pursuant to subsection D and G 3 of §20-108.2, and those provisions are set forth in the child support provisions of this Order.

8. The Order of this Court as to the amount and terms of any arrearages in support are set forth in the arrearage provision of this Order.

9. If child support payments have been ordered, then, unless the Court orders otherwise for good cause shown, the parties shall give each other and this Court at least thirty days' advance written notice of any change in address, and shall give notice of any change of telephone number within thirty days after the change. The parties shall give these notices to each other and, when payments are to be made through the Department of Social Services (DSS), to the DSS.

10. If child support payments are ordered to be paid through the (DSS), the obligor shall keep the DSS informed of his or her current employer's name, address and telephone number. If payments are made directly to the obligee then the obligor shall keep this Court informed of his or her current employer's name, address and telephone number.

11. The separate amounts due to each person under this Order for child support, for spousal support or for a unitary award, or the affirmation of a separation agreement, are set forth in the support provision of this Order.

12. In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.



13. The Department of Social Services may, pursuant to Chapter 19 (§63.2-1900, et seq.) of Title 63.2 and in accordance with §20-108.2 and §63.2-1921, initiate a review of the amount of support ordered by any court.

WHEREUPON, the Court having considered the statutory factors set forth in the Code of Virginia, and all testimony and evidence submitted and the arguments of Counsel, it is

ADJUDGED, ORDERED and DECREED as follows:

**1. Custody and Visitation:**

A. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

B. Either party who intends to relocate his or her residence shall give a thirty-day advance written notice of any such intended relocation and of any intended change of address, said notice being given to both the other party and to this Court.

[ ]- The parties are hereby ordered to attend a qualified Parental Education Seminar on the effects of separation and divorce on the minor children of the parties. Said seminar shall be completed within 45 days of entry of this order and a certificate of completion shall be filed with the Clerk of Court.

**2. Support:**

A. **Child Support:** \_\_\_\_\_ shall pay to \_\_\_\_\_, as child support, the sum of \$ \_\_\_\_\_ per \_\_\_\_\_, beginning \_\_\_\_\_ 200\_\_ and to be paid \_\_\_\_\_, until further order of this Court.

(1) This support amount set forth above [ ]Does [ ]Does Not include any payment for extraordinary medical expenses to be paid by or reimbursed to a party pursuant to subsection D and G 3 of § 20-108.2. OR

In addition to the support amount set forth above, \_\_\_\_\_ shall pay or reimburse to \_\_\_\_\_, for the extraordinary medical expenses of \_\_\_\_\_, as follows: \_\_\_\_\_.

(2) Support shall be paid for any child until the child reaches the age of eighteen, and shall continue to be paid for a child who is: (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until the child reaches the age of nineteen or graduates from high school, whichever occurs first.

(3) The child support set forth herein was determined by:

☐ - The agreement of the parties **OR**

The Court, pursuant to:

☐ - The **presumptive** amount as set forth in the statutory guideline of §20-108.1 and §20-108.2, using the findings and factors set forth in the written findings attached hereto and incorporated herein by reference. **OR**

☐ - As a **deviation** from the presumptive amount of the statutory guideline, considering the reasons set forth in the written findings attached hereto and incorporated herein by reference.

**B. Tax Exemptions:** \_\_\_\_\_ is hereby ordered to execute all appropriate tax forms or waivers to grant \_\_\_\_\_ the right to take the income tax dependency exemption, for federal and for state tax purposes, for the child/children: \_\_\_\_\_, said exemption to be for: ☐ Tax years \_\_\_\_\_ or ☐ For all future tax years,

**AND** \_\_\_\_\_ is hereby ordered to execute all appropriate tax forms or waivers to grant \_\_\_\_\_ the right to take the income tax dependency exemption, for federal and for state tax purposes, for the child/children: \_\_\_\_\_, said exemption to be for: ☐ Tax years \_\_\_\_\_ or ☐ For all future tax years.

**OR** ☐ No tax exemption allocation is made in this order.

**C. Spousal Support:** \_\_\_\_\_ shall pay to \_\_\_\_\_ as spousal support, the sum of \$\_\_\_\_\_ per \_\_\_\_\_ beginning \_\_\_\_\_ 200\_\_ and to be paid \_\_\_\_\_, until further order of this Court. Said support shall be payable until the earliest to occur of: (i) the death of either party; (ii) the remarriage of the recipient; or (iii) \_\_\_\_\_.

**D. Unitary Support:** \_\_\_\_\_ shall pay to \_\_\_\_\_ as a combined, unitary support for the spouse and minor child/children of the parties, the sum of \$\_\_\_\_\_ per \_\_\_\_\_, beginning \_\_\_\_\_ 200\_\_ and to be paid \_\_\_\_\_. Said support shall be payable until the death of either party, the remarriage of the recipient or further order of this Court.

**E. Payment of Support - Income Deduction Order:**

☐ - Pursuant to §20-79.2, the ☐-Child; ☐-Spousal; ☐-Unitary support set forth above shall be payable by an Income Deduction Order entered contemporaneously herewith, and incorporated herein, directing that the payment of support shall be withheld from the income of \_\_\_\_\_ and said payments shall be forwarded by the employer to the Department of Child Support Enforcement.

☐ - For good cause shown to this court, or by agreement of the parties, the payments of support pursuant to this order shall be paid directly to the recipient and shall not be by an Income Deduction Order.

**3. Health Care Coverage:**

**A. For Children:**

☐ - \_\_\_\_\_ shall provide health care insurance coverage for children who are subject of this Order; **OR**

☐ - According to the evidence submitted, or as provided by the agreement of the parties, health insurance is not available at reasonable cost as defined in §63.2-1900 and is not required for the children who are subject to this Order.

**B. For Spouse or Former Spouse:**

☐ - \_\_\_\_\_ shall provide health care insurance coverage for the spouse or former spouse, \_\_\_\_\_; **OR**

☐ - Health insurance is **not** required by this Order for a spouse or former spouse.

**C. Information Regarding Policy:**

The health insurance carrier which provides the coverage applicable to this Order is \_\_\_\_\_. This policy ☐ is privately obtained or ☐ is provided all or in part as a benefit of the employment of \_\_\_\_\_ by his/her employer, \_\_\_\_\_.

**4. Arrearages:**

☐ - \_\_\_\_\_ is in arrears in support as of \_\_\_\_\_, 200\_\_ in the amount of \$\_\_\_\_\_. Said arrearage is owed to \_\_\_\_\_ for the period from \_\_\_\_\_ to \_\_\_\_\_ and shall be repaid at the rate of \$\_\_\_\_\_ per \_\_\_\_\_ in addition to the regular support as set forth above. Arrearages shall accrue interest at the Judgment Rate per annum on the unpaid balance from the date each payment of support was first due until paid in full. The parties are directed that payments of support shall be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages; **OR**

☐ - No support arrearages exist as of the date of this Order.

**5. Marital Residence and Mortgage Payment:**

A. \_\_\_\_\_ is hereby awarded exclusive use and possession of the marital residence at \_\_\_\_\_.

B. \_\_\_\_\_ shall pay the mortgage payment (including taxes and insurance) on the parties' marital residence located at \_\_\_\_\_ until further order of this Court.

**6. Preliminary Counsel Fees and Costs:**

\_\_\_\_\_ shall pay to \_\_\_\_\_, as preliminary counsel fees and costs,  
the sum of \$\_\_\_\_\_ to be paid \_\_\_\_\_.

**7. Other Provisions \_\_\_\_\_:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**8. Other Provisions \_\_\_\_\_:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ENTERED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Judge

SEEN & \_\_\_\_\_  
By: \_\_\_\_\_  
Counsel for Complainant  
Address  
Address  
Phone number  
VSB# \_\_\_\_\_  
Counsel For Complainant

SEEN & \_\_\_\_\_  
By: \_\_\_\_\_  
Counsel for Defendant  
Address  
Address  
Phone number  
VSB # \_\_\_\_\_  
Counsel For Defendant

**To Be Completed When Support is Determined  
by the Court in a Contested Hearing**

**Court Findings and Factors Used in Determining Support:**

**1. The Court finds that:**

Father's gross income is: \$\_\_\_\_\_. Mother's gross income is: \$\_\_\_\_\_.

The number of children to be supported pursuant to this Order is: \_\_\_\_\_.

The Custody/Principal Residence is: \_\_\_\_\_.

The applicable guideline is: ☐ sole custody; ☐ split custody; ☐ shared custody.

The work-related child care costs are: \$\_\_\_\_\_.

The applicable extraordinary medical costs are: \$\_\_\_\_\_.

The cost of health insurance for the children is: \$\_\_\_\_\_.

**2. The presumptive support, pursuant to the support guideline of §20-108.1 and §20-108.2 is: \$\_\_\_\_\_ per month, payable by \_\_\_\_\_ to \_\_\_\_\_.**

**3. The Court awards support of \$\_\_\_\_\_ per month payable by \_\_\_\_\_ to \_\_\_\_\_.**

**4. The Court finds that the application of the presumptive guideline would be unjust or inappropriate in this case, pursuant to §20-108.1.B, and the support awarded herein would be more just and appropriate, for the following reasons:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**5. The Court finds that the award of spousal support, periodic or defined duration, or the denial of support, as set forth in this order, is based upon the following findings and conclusions:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Judge

Date: \_\_\_\_\_

**VIRGINIA :**  
**IN THE CIRCUIT COURT OF FAIRFAX COUNTY**

_____	*	
	*	
Complainant,	*	
	*	
vs.	*	IN CHANCERY NO. _____
	*	
_____	*	DCSE CASE NO. _____
	*	
Defendant.	*	

**This Order is directed to the Employer:**

\_\_\_\_\_  
\_\_\_\_\_

**INCOME DEDUCTION ORDER**

**Definitions & Parties:**

**Obligor - the party paying the support,**

\_\_\_\_\_ - SSN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Payee - the party receiving the support,**

\_\_\_\_\_ - SSN: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Dependent Children**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Employer Name and Address**

- the employer of the obligor,

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name/Title of Payroll Contact:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Serve At:**

**The Department** - a division of the Virginia Department of Social Services which is authorized to process the payments of support

Virginia Department of Social Services  
Division of Child Support Enforcement  
P.O. Box 570  
Richmond, VA 23218-0570



**Pursuant to §20-79.3, Code of Virginia:**

1. The name, address and social security numbers of the obligor and the payee are stated above.

2. The employer shall withhold and pay out of the disposable income of the obligor as defined below, a single monetary amount or the maximum amount permitted under §34-29 (see ¶4 below), whichever is less, for each regular pay period of the obligor and payment may be by check. Disposable income is the portion of income remaining after the deduction of any amounts required by law to be withheld. The terms "employer" and "income" are described in §63.2-1900.

3. The income deduction shall begin with the next regular pay period of the obligor following service of this order on the employer, and payment shall be made at regular intervals consistent with the pay periods of the obligor.

4. Pursuant to §34-29, the maximum portion of the aggregate disposable income subject to withholding pursuant to the terms of this order may not exceed:

- (i) Sixty percent (60%) of the obligor's disposable income: OR
- (ii) If the obligor is supporting a spouse or dependent child other than the spouse or child with respect to whose support this order applies, fifty percent (50%) of the obligor's disposable income.

The fifty percent (50%) in (ii) above shall be fifty-five percent (55%), and the sixty percent (60%) in (i) above shall be sixty-five percent (65%), if and to such extent that such income is subject to withholding to enforce an order for support for a period which is more than twelve weeks prior to the beginning of such workweek.

5. To the extent required by the health care provisions of this order, the employer shall:

- (i) Enroll the obligor, the payee and the obligor's dependent children subject to this order as covered persons in a group health insurance plan or other similar plan providing health care services or coverage offered by the employer, without regard to enrollment season restrictions, if the obligor, the payee or the dependent children are eligible for such coverage under the employer's enrollment provisions.
- (ii) Deduct any required premiums from the obligor's income to pay for the insurance. If more than one plan is offered by the employer, the payee and the dependent children shall be enrolled prospectively in the insurance plan in which the obligor is enrolled or, if the obligor is not enrolled, in the least costly plan otherwise available. The employer shall also enroll the children of an employee in the appropriate health coverage plan upon application by the children's other parent or legal guardian or upon application by the Department of Medical Assistance Services.

In each case, which is being enforced by the Department of Social Services, the employer shall respond to such orders by advising the Department in which plan the children are enrolled or if the children are ineligible for any plan through the employer. The order to the employer shall specify either support withholdings or insurance premium deductions as having priority for the duration of the order in the event the maximum total deduction permitted at any time by §34-29 is insufficient to fully cover both; the employer shall consider and direct insurance premium deductions and support withholdings the same for purposes of §34-29.

The employer shall not be held liable for any medical expenses incurred on behalf of the payee, or dependent children because of the employer's failure to enroll the payee or dependent children in a health care plan after being directed to do so by a court or the Department. The employer shall not be obligated to subsequently make or change such enrollment if the group health insurance plan or other factors change after the payee's or children's eligibility or ineligibility for coverage is initially determined in response to the order for withholding. However, the employer is not to disenroll such children unless the employer

- (i) is provided satisfactory written evidence that such court or administrative order is no longer in effect,
- (ii) is provided satisfactory written evidence that the children are or will be enrolled in a comparable health coverage plan which will take effect not later than the effective date of such disenrollment, or
- (iii) has eliminated family health coverage for all of its employees. A one-time fee of no more than five dollars may be charged by the employer to the obligor for the administration of this requirement.

6. A fee of five dollars for each reply or remittance on account of the obligor may be charged by the employer and withheld from the obligor's income in addition to the support amount to be withheld. Provided however, that such fees shall not be charged when child support withholding amounts are collected from unemployment insurance benefits.

7. This order is binding upon the employer and the obligor and withholding is to continue until further notice by order of the Court or the Department is served or the obligor is no longer employed, whichever comes first.

8. This order shall have priority over any other types of liens created by state law against such income, except that if there is more than one court or administrative order for withholding for support against an obligor, the employer shall honor the terms of the earliest received order, and subsequent orders shall be honored in the order of receipt to the extent that the amounts withheld, when combined, do not exceed the maximum limits imposed under §34-29 as specified in this order above (Paragraph 4).

9. The obligor's rights are protected pursuant to §63.2-1944, and no employer shall discharge an employee, take disciplinary action against an employee, or refuse to employ a person by reason of the fact that his income has been made subject to a deduction order pursuant to Chapter 19 ( §63.2-1900 et seq.) of Title 63.2 or §20-79.1 or §20-79.2 and an employer who discharges or takes disciplinary action against an employee, or refuses to employ any person because of an order for withholding under these sections shall be liable for a civil fine of not more than \$1,000.

10. The withheld amounts shall be sent by the employer to DCSE at the address provided on the first page of this order, and the DCSE Case Number shall be stated on the remittance.

11. The employer shall be liable for payments which he fails to withhold or mail as specified in the order.

12. The employer shall remit payments on each regular pay date of the obligor or if electronic funds transfer is used, within four days of the pay date, directly to the Division of Child Support Enforcement for disbursement.

13. The employer shall be deemed to have complied with this order by

- (i) mailing on the regular pay date of the obligor to the Department by first class mail, any amount required to be deducted or
- (ii) by submitting such amounts by electronic funds transfer transmitted within four days of the obligor's regular pay date.

14. The employer and obligor shall notify the Department promptly when the obligor terminates employment and shall provide the last known address of the obligor and the name and address of the new employer, if known.

15. Amounts withheld from multiple employees identified as such by: (i) amount, (ii) name, (iii) social security number, (iv) case number, if provided in the order, (v) date payment was withheld from obligor's income, may be combined into a single payment when payable to the same payee.

16. No order or directive shall require employers of 10,000 or more employees to make payments other than by combined single payment to the Department's central office in Richmond, without the employer's express written consent, unless the order is from a support enforcement agency outside the Commonwealth.

17. Payment pursuant to this order shall serve as full acquittance of the employer under any contract of employment.

18. If the employer fails to timely withhold payments as set forth in this order, the employer shall be liable for any amount not timely withheld.

19. The employer shall provide to the employee a copy of the withholding order and the notice to the employee sent by the court.

UPON CONSIDERATION WHEREOF, it is

ADJUDGED, ORDERED and DECREED as follows:

1. The amount of \_\_\_\_\_ (\$ \_\_\_\_\_) per month shall be withheld from the income of the obligor by the employer, who is directed to pay same directly to the Department of Child Support Enforcement, at the address set forth on the first page of this Order.

In the event that the regular pay period of the obligor is not on a monthly basis, the employer shall convert the monthly amount set forth above to an amount to be deducted each regular pay period from the obligor, such that the amount deducted each pay period, when annualized, is equal to twelve times the monthly amount set forth above.

2.A ☐ - Health insurance coverage is NOT required under a plan provided by the employer. OR

2.B. ☐ - The obligor is required to provide health insurance coverage through a plan provided by the employer. Therefore, the employer shall enroll:

☐ - the payee and/or

☐ - the dependent children

in the health care plan provided by the employer, if these persons are eligible for such coverage pursuant to the employer's enrollment provisions.

Pursuant to §20-79.3.A.5,

☐ Support withholdings or

☐ Insurance premium deductions

shall have priority for the duration of this Order in the event that the maximum deduction set forth in §34-29 is insufficient to cover both. See Page 2, Paragraph 5 for other requirements regarding this coverage.

3. Pursuant to §20-79.1.C, the Clerk of this Court is hereby directed to transmit a certified copy of this Order to the Sheriff for service upon the employer at the address set forth on the first page of this Order, and shall transmit a certified copy of this Order to any future employer of the obligor named herein. If the employer is a corporation, such service on the employer shall be accomplished as is provided in §8.01-513. The Clerk is further directed to mail a copy of this Order to the obligor by first class mail, at the address set forth on the first page of this Order on the day that a copy of this Order is transmitted to the Sheriff for service.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
JUDGE

SEEN & \_\_\_\_\_

SEEN & \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

(Name)

(Name)

Address

Address

Phone number

Phone number

VSB# \_\_\_\_\_

VSB # \_\_\_\_\_

Counsel For Complainant

Counsel For Defendant