

**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 earnings as defined in §63.1-250, 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 13 (§63.1-249, *et seq.*) of Title 63.1 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 each parent of the child or children subject of this Order:

**Complainant:** DoB \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Defendant:** DoB \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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 §63.1-263.1, 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 and terms of the child support and spousal support are set forth in the support provisions of this Order.

7. [ ] - This Order does not contain any 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.

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.&10. If support provided in this Order becomes payable through the Department of Social Services (DSS), the parties shall give each other and DSS at least thirty days' advance written notice of any change in residence, and in addition, the delinquent obligor shall inform DSS of the name and address of his/her current employer.

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 13 (§63.1-249, *et seq.*) of Title 63.1 and in accordance with §20-108.2 and §63.1-252.2, 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 having considered all testimony and evidence submitted by the parties and the argument of Counsel, it is

ADJUDGED, ORDERED and DECREED as follows:

**1. Custody and Visitation:**

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

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 the \_\_\_\_\_ educational seminar on the effects of separation and divorce on the minor children of the parties, said seminar to be attended by both parties no later than \_\_\_\_\_.

**2. Support:**

**A. Child Support:** \_\_\_\_\_ shall pay to \_\_\_\_\_, as child support, the sum of \$\_\_\_\_\_ per \_\_\_\_\_, beginning \_\_\_\_\_ 199\_\_ and to be paid \_\_\_\_\_, until further order of this Court.

This support shall continue to be paid for a child who is: (1) 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.

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. Spousal Support:** \_\_\_\_\_ shall pay to \_\_\_\_\_ as spousal support, the sum of \$\_\_\_\_\_ per \_\_\_\_\_ beginning \_\_\_\_\_, 199\_\_, and to be paid \_\_\_\_\_ thereafter until the death of either party, the remarriage of the recipient party or further order of this Court.

**C. 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 \_\_\_\_\_, 199\_\_, and to be paid \_\_\_\_\_ thereafter until \_\_\_\_\_ or until further order of this Court.

**D. Payment of Support - Payroll Withholding Order:**

- Pursuant to §20-79.2 the -Child; -Spousal; -Unitary support set forth above shall be payable by the Payroll Withholding Order entered contemporaneously herewith, and incorporated herein, directing that the payment of support shall be withheld from the wages of the \_\_\_\_\_ and said payments shall be forwarded by the employer to:

The Department of Social Services. **OR**

Directly to the \_\_\_\_\_.

**OR**

- For good cause shown to this court, the payments of child support pursuant to this Order shall be paid directly by the \_\_\_\_\_ to the \_\_\_\_\_ and shall not be subject to a Payroll Withholding Order.

**OR**

- The parties agree that the payments of the above support shall be made by the \_\_\_\_\_ directly to the \_\_\_\_\_ and shall not be by a Payroll Withholding 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 §63.1-250 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 \_\_\_\_\_, 199\_\_ 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 the 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 \_\_\_\_\_, 199\_\_\_\_.

\_\_\_\_\_  
Judge

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

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

Complainant

Address

Phone number

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

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

Defendant

Address

Phone number