

VIRGINIA:

**IN THE JUVENILE AND DOMESTIC RELATIONS DISTRICT
COURT
FOR LOUDOUN COUNTY**

IN RE:) **Case No:**
Date of Birth:)

FIRST REQUEST FOR PRODUCTION OF DOCUMENTS
(CUSTODY AND VISITATION)

The following Interrogatories are directed to you pursuant to Rules 4:0 et seq. of the Rules of the Supreme Court of Virginia. You are requested to answer these Interrogatories fully, in writing and under oath, and to serve a copy of your answers upon the undersigned counsel (or party if no counsel is designated) within twenty-one (21) days after service of these Interrogatories.

Definitions and Instructions

A. These requests are continuing in nature as provided in Rule 4:1(e)(1) and (2) so as to require the filing of supplemental answers without further request should additional information, or information inconsistent with the information contained in the answers to these Interrogatories, become available to the party to whom these requests are directed from the date of your responses through the date of trial.

B. Pursuant to Rule 4:9(a) of the Rules of the Supreme Court of Virginia, **documents** means: "Writings, drawings, graphs, charts, photographs, and other data compilations stored in any medium from which information can be obtained [and] translated, if necessary, by the respondent into reasonably usable form."

C. As used herein, **possession, custody and/or control** includes any such documents within the possession, custody or control of you or any of your agents, including but not limited to attorneys, accountants, employees, private investigators, or others.

D. In the spaces provided herein below, and/or on supplemental or separate sheets, separately, with respect to each request or category, please specify:

- a. Which documents are being provided;
- b. If and to the extent any such documents are (or were at the time of service of this Request) within your custody or control, but are *not* being produced, all reasons you are not producing the same;
- c. If and to the extent any such documents never were or are no longer within your custody or control, please specifically so state.

E. You must either produce the requested documents as they are kept in the usual course of business, or organize and label them to correspond with the categories in this Request.

F. As used herein, the term **your business entities** means any form of business enterprise (including but not limited to sole proprietorships, general and limited partnerships, joint ventures and corporations, and subsidiaries thereof) in which, during the specified time, you held at least a five percent (5%) equity (ownership) interest.

G. These requests are taken from the Model Discovery approved by the judges of the Loudoun County Juvenile and Domestic Relations District Court. As such, no objections as to the form of Model Discovery will ordinarily be sustained by the judges of the Loudoun County Juvenile and Domestic Relations District Court.

H. If no time frame is specified for any specific Interrogatory, provide information according to the following:

- a. Initial Petition for Custody or Visitation: Provide all information since the child's birth.
- b. Modification of Custody or Visitation: provide all information from the date of the last custody and/or visitation order entered to the present.

I. Failure to respond to these requests may result in the dismissal of your Petition or Modification request.

J. Failure to provide complete and detailed responses to any request may result in evidence being excluded from admission at any hearing in this matter, regardless of relevance.

K. For purposes of these requests, please refer to the following definitions:

- a. Custody: There are two parts to “Custody”: (1) Physical Custody is where the child resides and is spending a majority of their time. It is possible to have “primary physical custody” wherein one parent has the child a vast majority of the year or “shared physical custody” wherein the parents each have a substantial amount of time with the child. (2) Legal Custody refers to each parent’s ability to make decisions regarding the child’s care and welfare. It is possible to have “sole legal custody” wherein one parent is the decision maker for the child or “joint legal custody” wherein the parents make decisions for the child together.
- b. Visitation/Parenting Time: “Visitation” or “Parenting Time” refers to the specific days and times each parent has with the child in a given year. This includes a regular schedule, holiday schedule, and summer time.
- c. Household Member: A household member is any person who resides in your home four or more times per month on average.
- d. Expert Witness: An Expert Witness is any individual who is expected to offer specialized, technical, or medical testimony at a hearing that is beyond the knowledge of the ordinary person. Experts generally offer “opinions” to the court based upon their specialized knowledge in a particular field. An example would be any of the following 1) a psychiatrist or psychologist may testify as to their opinion of a parent’s mental health, 2) an appraiser may testify as to his or her opinion on the value of a piece of property or 3) a medical doctor may offer an opinion as to the cause of pain or an injury.

- e. Family Abuse: Per VA Code §1601-228, "Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

REQUESTS FOR DOCUMENTS

1. The factors set forth below are derived from §20-124.3, Code of Virginia, and are used by the court in determining custody and visitation. For each such factor which you claim is important for the Court to consider in awarding custody, supply all documents supporting such claim:
 - a. The age and physical and mental condition of the child, giving due consideration to the child's changing developmental needs;
 - b. The age and physical and mental condition of each parent;
 - c. The relationship existing between each parent and the child, giving due consideration to the positive involvement with the child 's life, the ability to accurately assess and meet the emotional, intellectual and physical needs of the child;
 - d. The needs of the child, giving due consideration to other important relationships of the child, including but not limited to siblings, peers and extended family members;
 - e. The role which each parent has played and will play in the future, in the upbringing and care of the child;
 - f. The propensity of each parent to actively support the child 's contact and relationship with the other parent, including whether a

parent has unreasonably denied the other parent access to or visitation with the child;

- g. The relative willingness and demonstrated ability of each parent to maintain a close and continuing relationship with the child, and the ability of each parent to cooperate in and resolve disputes regarding matters affecting the child;
- h. The reasonable preference of the child, if the court deems the child to be of reasonable intelligence, understanding, age and experience to express such a preference;
- i. Any history of family abuse;

RESPONSE:

2. Provide any family or personal calendar depicting the child's activities, the division of parenting time, child medical appointments, and other important events in the child's life for the past two years.

RESPONSE:

3. Provide copies of any convictions, charging documents, court records, police records, social services records, and any other documents related to any criminal charge or abuse and neglect claim you have had investigated against you at any time.

RESPONSE:

4. Provide a copy of a work schedule, if any, which evidences a typical work week.

RESPONSE:

5. Provide all documentation regarding all day care providers used in the past year. Include billings, brochures, correspondence, etc.

RESPONSE:

6. Provide all documentation in your possession regarding the child's physical or mental health care from the last two years.

RESPONSE:

7. Provide all documentation regarding the education of any child at issue in these proceedings, during the past two (2) years, including but not limited to report cards, records of conferences, Individualized Education Plans, reports of disciplinary actions taken, class schedules, course descriptions, test results from tests taken by any child, memoranda or letters to and from the children or parents and school personnel and authorization forms for activities and emergency medical care.

RESPONSE:

8. Provide all documentation regarding the extracurricular activities of any child at issue in these proceedings, during the past two (2) years, including registration forms, newsletters from any child's teams and/or coaches, authorization forms for activities and/or emergency medical care, team rosters, game schedules, and programs.

RESPONSE:

9. Provide all documentation including photos, videos, emails, reports, letters, audio recordings, etc. which support any allegation you may have that the child has been abused, neglected, frightened, not well cared for or exposed to immoral behavior (including illegal drug use or excessive alcohol use) while in the other parent's care.

RESPONSE:

10. Provide all emails, text messages, instant messages, or social media messages or postings between you and the child for the last 12 months.

RESPONSE:

11. Provide all emails, text messages, instant messages, or social media messages or postings between you and the other parent for the last 12 months.

RESPONSE:

12. Provide all documentation which supports your requested physical custody and visitation arrangements.

RESPONSE:

13. Provide all documentation which supports your requested legal custody arrangement, including all documents which tend to support the ability (or inability) of the parents to work with one another to resolve disputes.

RESPONSE:

14. If you claim that the other parent has denied you access to the child, provide all documents supporting that allegation.

RESPONSE:

15. Provide all video or audio recordings that you have made of the child or other parent in the last 12 months.

RESPONSE:

16. Provide all documents, videos, audio recordings, social media postings, etc. which tend to support your claims regarding the child's preference for a particular custody or visitation arrangement.

RESPONSE:

17. All of your medical records that pertain to issues of your mental health or pertain to the diagnosis or treatment of physical disorders you may have, including but not limited to any chronic illness, physical disability, addiction or

rehabilitation treatment, mental health diagnosis, mental health treatment or mental health testing.

RESPONSE:

18. All documents evidencing prescriptions issued to you in the last twelve months.

RESPONSE:

19. If you have concerns regarding the other parent's physical or mental health, provide all documentation to support such allegations.

RESPONSE:

20. Provide all documents which support your allegations (if any) of abuse.

RESPONSE:

21. Provide the Curriculum Vitae(CV) for each of your proposed experts, as well as all reports or any other correspondence relating to the facts and opinions of all of your proposed experts (including but not limited to his/her final report).

RESPONSE:

22. If you retained the services of a private investigator, conducted personal surveillance, or in any way had a third party watch the other parent for purposes of gathering information about him/her or anyone associated with him/her, provide all information, reports, photographs, videos, or recordings made during the course of the surveillance and investigation.

RESPONSE:

23. Produce any and all documents or other tangible items, including without limitation tape recordings or photographs, produced by any individual or entity as a result of any subpoena *duces tecum* issued herein at your request.

RESPONSE:

24. If you are requesting an award of counsel fees, provide a copy of all invoices for legal services related to the proceeding in which you seek such an award.

RESPONSE:

25. All documents you reviewed or referred to in answering the Interrogatories submitted to you.

RESPONSE:

MODIFICATION CASES ONLY

26. Provide all documents which support your contention that there has been a material change in circumstances which warrants a modification since entry of the last order regarding custody and/or visitation.

RESPONSE:

Issued by:

Printed Name

Signature

Address:

Email:

Telephone:

Facsimile:

Virginia Bar
Number (If
Applicable)
