

VIRGINIA:

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

IN RE: _____) **Case No(s):**
) **JJ** _____
Date of Birth: _____) **JJ** _____
) **JJ** _____

CUSTODY AND VISITATION INTERROGATORIES

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 (via mail, hand delivery, or Facsimile) to the attorney below (or to the opposing party directly if no counsel is designated) within twenty-one (21) days after service of these Interrogatories.

Definitions and Instructions

A. These Interrogatories 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 Interrogatories are directed from the date of your Answers through the date of trial.

B. The word "**person,**" used in these Interrogatories, includes both the singular and plural, and includes legal entities and organizations as well as individual people.

C. Where the **identity** or name of a person is requested, state in your answer the full name of the person, present or last known home address and business address, electronic mail address, and daytime telephone number.

D. Any requested information, unless privileged, which is known by any of your attorneys, accountants or other agents, acquired while acting on your behalf, shall be given in response to these Interrogatories. To the extent you do not know the precise information requested, provide your best estimate.

E. It is preferable for all answers to be provided in a typed format. If you are handwriting answers, please use blue or black ink and write legibly. If additional space is required to fully answer, please continue answer on a separate sheet of paper properly identified (e.g., “continuation of answer to interrogatory number 7”).

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

G. 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. This is an “initial petition” if there have been no previous decisions by a court concerning the custody and/or visitation of the child.
- b. Modification of Custody or Visitation: provide all information from the date of the last custody and/or visitation order entered to the present. This is a “modification” case if you are seeking to change a pre-existing order of the court.

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

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

J. For purposes of these interrogatories, 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.

INTERROGATORIES

1. Specifically identify what relief you are requesting regarding physical custody and/or visitation in this case, setting forth your proposed calendar showing when each party should have the child during the coming year and proposed transportation arrangements. Show all holidays, summer vacation, etc.

ANSWER:

2. Specify in detail why the custody or visitation scheduled proposed in your Answer to Interrogatory 1 is in the best interests of the child(ren).

ANSWER:

3. Describe the nature of the relationship you have with the child(ren) and your ability to assess and meet their emotional, physical and intellectual needs.

ANSWER:

4. Describe your current residence by providing the information below. If you have resided in your home for less than three years, provide the requested information for each residence you have had in the past three years:

- a. Address
- b. The type of residence (e.g., single family home, townhome, apartment), number of bedrooms,
- c. The sleeping arrangements for each household member when the child is at your residence overnight.
- d. For each household member, state the name, age, and relationship to you. A household member includes any person that spends the night in the residence more than four times a month.

ANSWER:

5. If you or any other person residing in your household has been charged with a crime as an adult (other than a traffic infraction) then for each charge give:

- a. The identity of the person:
- b. The date of the charges:
- c. A description of the offense:
- d. What plea was entered:
- e. The final outcome of the case:
- f. The punishment imposed:

ANSWER:

6. Has the Department of Social Services, Child Protective Services or any other government agency ever investigated an abuse or neglect claim against you or any other person residing in your household? If so then for each such claim provide:

- a. The identity of the entity or agency:
- b. The date of the claim:
- c. A description of the offense:
- d. The outcome of the matter:
- e. Any punishment or consequence to the person against whom the claim was made:
- f. The identity of any other person with knowledge of the facts stated in response to this interrogatory:

ANSWER:

7. Do you, or anyone in your immediate family who may care for, or have contact with the child(ren) during your custody or visitation time, consume alcoholic beverages, narcotic drugs, or controlled substances? If so, state:

- a. The type of beverage and/or drug;
- b. The frequency of consumption; AND
- c. The quantity of alcoholic beverages and/or drugs consumed per week.

ANSWER:

8. Give the following information regarding your present employment
(please answer separately regarding each job held):

- a. Employer's name and address:
- b. Position or title:
- c. Date you were hired:
- d. Present work schedule including commute time to/from work:

ANSWER:

9. Please provide the following information concerning your child care arrangements for periods when you are absent from the minor child for either work or non-work related activities:

- a. Name/Address of provider:
- b. Age of provider (if younger than 18):
- c. Number of days used in past year:
- d. Where is the care provided?
- e. Your expected travel/absence schedule in next year:
- f. How long have you used this provider?
- g. Are any changes in the use of this daycare provider anticipated in the coming year? If so, state all such changes:

ANSWER:

10. Have you at any point within the last 3 years introduced the child(ren) to any woman/man/romantic interest that you are or have dated? If so, please provide responses to the following (please answer separately for each person):

- a. Name and address of romantic partner
- b. How long you have been dating
- c. When you introduced the children and the circumstances of the introduction
- d. The frequency this person sees the children during your visitation time, including the amount of time spent with the children during each visit (# of hours) and the relationship the children have with this person
- e. Whether, to your knowledge, this person has a criminal record, and if so, what crimes the person has been found guilty of
- f. Does this person suffer from any mental or physical health problems, and if so, what those issues are to your knowledge
- g. Whether or not the person stays overnight at your home while the children are present.
- h. Has this person ever been left alone with your children while you were not present, and if so when

ANSWER:

11. Do you have any information, knowledge or belief that the child(ren) have 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 and custody or the care and custody of anyone else residing in that parent's household? If so, give the details of each such incident or event and the date and names of all witnesses.

ANSWER:

12. If you believe you are the more appropriate primary physical custodian for a child, state in detail what you allege to be the reasons which bring you to that conclusion (including specific facts, actions, dates of occurrence, all persons involved witnessing each such event):

ANSWER:

13. Do you claim to have been denied access to the children by the other party? If so, describe each such event by providing the date access was requested, the response date (if any), and the content of the response.

ANSWER:

14. Do you claim that it is the preference of the child(ren) to be in your custody, and if so, state each date when such preference was expressed, the circumstances giving rise to such expression, and the words used in expressing the preference, and the names of any witnesses to such expressions.

ANSWER:

15. Describe in detail how you have been involved in the child(ren)'s education. Specially list all educational concerns you have about the child(ren), all parent-teacher conferences you have attended, and detail any difficulties you have had communicating with the other parent regarding the child(ren)'s educational needs.

ANSWER:

16. Describe in detail how you have been involved in the child(ren)'s medical care (physical and mental). Specifically list all medical concerns you have about the child(ren), all health related appointments you have attended, and detail any difficulties you have had communicating with the other parent regarding the child(ren)'s medical needs.

ANSWER:

17. State the names and addresses of all physicians, psychologists, or other health care personnel who have treated the child(ren) within the past twelve months and with regard to each state:

- a. When the child was treated;
- b. The date or dates of consultation;
- c. The diagnosis or condition for which such child was treated; and
- d. Any and all medications prescribed and administered for such condition.
- e. Detail any testing performed and the results of such testing

ANSWER:

18. State the general condition of your physical and mental health at the present time, including reference to any physical disabilities or chronic ailments, continuing diagnosis, mental health disorders, prescribed medication, and continuing treatment or care plans, including the name, address and telephone number of any physician, hospital or practitioner, psychologist, psychiatrist, or mental health professional who is presently or has at any time in the past five years treated you for such condition.

ANSWER:

19. Do you have any concerns about the other parent's mental or physical health and their ability to accurately assess and meet the needs of the child because of a physical or mental health disorder? If so, please specify all events or circumstances which lead you to this conclusion.

ANSWER:

20. Do you intend to request joint or sole legal custody? Provide a detailed response for why you feel such a request is in the best interest of the child(ren), with specific references to events, dates and witness that support your allegations.

ANSWER:

21. Is there any history of family abuse concerning you, the other parent, any household member, or the children as defined in above? If so, please list the date or approximate date of the abuse, a description of the abuse, and provide a summary of any criminal complaints or charges filed. If abuse occurred within the household between parents or between other household members, specify whether or not the incident was observed by the child.

ANSWER:

22. State the name, address, profession and educational and employment background of any expert you will or may call to testify in this case as to any matter presently or hereafter at issue in these proceedings, and set forth the subject matter on which the expert is expected to testify, the substance of facts and opinions to which s/he is expected to testify, and a summary of the grounds for each opinion.

ANSWER:

23. State whether you have retained the services of a private investigator, conducted personal surveillance, or in any way had a third party watch the other parent for the purposes of gathering information about him/her or anyone associated with him/her. If so, please describe in detail the following: name and address of person performing the surveillance, the dates of surveillance, what information was gathered, and a description of any documents/photographs/video recordings that exist regarding this surveillance and who has possession of each.

ANSWER:

24. Identify each person who has knowledge of the facts and events in the pleadings or in any answers to these Interrogatories or who may testify at any proceeding in this matter, including the following information:

- a. Name
- b. Address
- c. Telephone
- d. Email address
- e. Topic of anticipated testimony
- f. Identify whether the person is expected to testify
- g. Identify any documents in the person's custody or control relevant to any issue in this matter

ANSWER:

25. The factors set forth below are derived from §20-124.3, Code of Virginia, and are considered by the Court in awarding custody and/or visitation. With respect to the following, state each material fact upon which you rely and the name, address, and telephone number (home and work) of each witness to such material facts:¹

- 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 each 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;

¹ The purpose of this interrogatory is to provide the other parent reasonable notice of your position on each of the statutory factors pursuant to § 20-124.3. You may provide your response in the form of a bullet point outline to provide a reasonable statement of your position on each of the statutory factors pursuant to § 20-124.3.

i. Any history of family abuse.

ANSWER:

MODIFICATION CASES ONLY

26. State each and every material change in circumstances and/or condition which you allege supports a modification of custody and/or visitation. Provide any and all facts and information including the dates, locations and witnesses for all incidents you allege support your position.

ANSWER:

Issued by:

Printed Name

Signature

Address:

Email:

Telephone:

Facsimile:

Virginia Bar
Number (If
Applicable)

[To be completed by the answering party]

Signature

Printed Name

COMMONWEALTH OF VIRGINIA :
COUNTY OF _____ :

I, _____, being first duly sworn, state that I have read the foregoing Answers to Interrogatories, and I know the content thereof, and that the same are true of my own knowledge, except to matters stated therein to be alleged upon information, and as to those matters I believe them to be true.

SUBSCRIBED AND SWORN to me this _____ day of
, 20_____.

Notary Public
My Commission Expires: