

Last amended by Order dated March 1, 2011; effective May 2, 2011.

RULES OF SUPREME COURT OF VIRGINIA
PART EIGHT
JUVENILE AND DOMESTIC RELATIONS DISTRICT COURTS

Rule 8:8. Pleadings.

(a) *General.* Counsel of record tendering a pleading gives assurances that it is filed in good faith and not for delay, and counsel of record who files a pleading shall sign it and state counsel's address and telephone number. A pleading that is sworn to is an affidavit for all purposes for which an affidavit is required or permitted. The mention in a pleading of an accompanying exhibit shall, of itself and without more, make such an exhibit a part of the pleading.

(b) *Denial, Admission, Objection.* A party respondent need not file a pleading or may file a pleading denying or admitting all or any facts alleged in the petition, motion, or summons, or the respondent may file a motion raising objections. Any allegation not admitted is deemed denied. If a respondent fails to file a pleading, the failure will be taken as a denial of the allegations in the petition, motion, or summons.

(c) *Amendment of Written Pleading.* Except as hereinafter provided, or as provided pursuant to §§ [16.1-129.2](#), [16.1-93](#) and [16.1-259](#), no amendment shall be made to any pleading after it is filed with the clerk, except by leave of court. Leave to amend a pleading shall be liberally granted in furtherance of the ends of justice. In granting leave to amend, the court may make such provision for notice thereof and opportunity to make response as the court may deem reasonable and proper.

In delinquency, child in need of services, child in need of supervision, and status offense proceedings, the court may permit amendment of the written pleading at any time before adjudication, provided that the amendment does not change the nature or character of the matter alleged. If the amendment is made after the respondent pleads or is made after any evidence is heard, the amended pleading shall be read to him and he shall be allowed to change his plea. If the court finds that the amendment operates as a surprise to the respondent, it shall upon request grant a continuance for a reasonable time.

(d) *Bill of Particulars.* The court may direct the filing of a bill of particulars at any time before trial.

(e) *Copies of Pleadings to be Furnished.* Except as provided in subdivision (f) of this Rule, All pleadings not otherwise required to be served shall be served on each counsel of record by delivering, dispatching by commercial delivery service, transmitting by facsimile or mailing a copy to each on or before the day of filing. At the foot of such pleadings shall be appended either acceptances of service or a certificate that copies were

served as this Rule requires, showing the date of delivery, dispatching, transmitting or mailing.

(f) *Electronic Filing.* In any juvenile and domestic relations district court which has established an electronic filing system pursuant to Rule 1:17:

(1) Any proceeding may be designated as an Electronically Filed Case upon consent of all parties in the case.

(2) Except where service and/or filing of an original paper document is expressly required by these rules, all pleadings, motions, notices and other instruments in an Electronically Filed Case shall be formatted, served and filed as specified in the requirements and procedures of Rule 1:17; provided, however, that when any document listed below is filed in the case, the filing party shall notify the clerk of court that the original document must be retained.

(i) Any pleading or affidavit required by statute or rule to be sworn, verified or certified as provided in Rule 1:17(e)(5).

(ii) Any contract or deed.

(iii) Any prenuptial agreement or written settlement agreement, including any property settlement agreement.

(iv) Any check or other negotiable instrument.

(v) Any handwritten statement, waiver, or consent by a defendant or witness in a criminal proceeding.

(vi) Any form signed by a defendant in a criminal proceeding, including any typed statements or a guilty plea form.

(vii) Any document that cannot be converted into an electronic document in such a way as to produce a clear and readable image.