

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR THE COUNTY OF PRINCE WILLIAM**

CHERI SMITH )  
Plaintiff )  
v. ) Chancery No. 53360-00  
WESLEY C. SMITH )  
Defendant )

**PENDENTE LITE ORDER**

**THIS MATTER** came for hearing on September 10, 2003, upon the Cross Motions for *Pendente Lite Relief* filed by the Plaintiff, Cheri Smith, and Defendant, Wesley C. Smith.

**WHEREUPON**, In accordance with the standards and requirements set forth in sections 20-124.1 through 20-124.6 of the Code of Virginia, 1950, as amended, as well as consideration of the evidence presented, the testimony of witness and the arguments of counsel, and finding it to be in the best interests of the minor child of the parties herein, it is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

**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 child of the parties:

<u>Name</u>	<u>Date of Birth</u>	<u>Social Security Number</u>	<u>Resides With</u>
Liam Raleigh Smith	July 22, 1997	227-79-9743	Plaintiff, Cheri Smith

4. The following is true information regarding the parties:

Person responsible for paying child support is the Father, Wesley C. Smith:

**Mother:** Name: Cheri Smith DoB 2/4/69 SSN: 529-49-8449  
Driver's License # 529-49-8449 - State: VA  
Residence: 10238N Manassas Mill Road  
Manassas, VA 20110  
Telephone # 703-880-8837

Employer: SAIC, INC.  
1710 SAIC Drive,  
McLean, VA 22102  
Telephone #: 703-676-4709

**Father:** Name: Wesley C. Smith DoB 5/26/65 SSN: 369-90-9588  
Driver's License # 369-90-9588 - State: VA  
Residence: 11411 Huntsman Drive,  
Manassas, VA 20112  
Telephone #: 703-368-8544

**Note:** If any of above information is not provided because of an exception pursuant to § 20-60.3.4, state the exception: NONE.

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.

**Neither party holds any such license, certificate, registration or authorization issued by Virginia to engage in the profession, trade, business or occupation..**

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.

7A. 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 contains 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. 2-21900 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.

14. 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, or (iii) until further order of the court.

It is hereby **ORDERED, ADJUDGED AND DECREED** as follows:

**1. TEMPORARY SPOUSAL SUPPORT:**

- A. At this time, the Plaintiff, Cheri Smith, waives her right to *pendente lite* spousal support while reserving her right to future spousal support.
- B. Defendant's, Wesley C. Smith, Motion for *pendente lite* spousal support is denied.

**2. TEMPORARY CHILD CUSTODY:**

- A. The Plaintiff, Cheri Smith, shall have **SOLE LEGAL** and **PRIMARY PHYSICAL TEMPORARY CUSTODY** of the parties' minor child, Liam Smith

**3. TEMPORARY CHILD VISITATION:**

The Defendant, Wesley C. Smith, is hereby awarded reasonable visitation as follows:

- 1. **Weekend Visitation:**  
Beginning on Friday, September 19, 2003, the Defendant, Wesley C. Smith, shall have visitation on alternate weekends starting after school. on Friday and ending at 7:00 P.M. on Sunday.
- 2. **Monday Holidays:**  
When the Monday following the Defendant's weekend visitation is a holiday and the child is out of school, the weekend visitation is to be extended until 7:00 P.M. on Monday.
- 2A. **Weekday Visitation:**  
Starting on September 16, 2003 the Defendant is to have visitation with the child on Tuesday evening beginning at 7:00 P.M. and ending Wednesday morning when he shall return the child to school.
- 3. **Spring Break:**  
The parties shall alternate Spring Break. The Defendant shall have visitation over Spring Break in 2004 and every even year thereafter The Plaintiff shall have Spring Break in the year 2005 and every odd year thereafter. Spring Break shall be defined as beginning at 7:00 P.M. on the last day of school until 7:00 P.M. the day before school restarts.
- 4. **Summer Vacation:**

