

*** THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL-IN-THE-BLANK FORM. DO NOT retype the language in the parenthesis () when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney.

This Complaint for Divorce form can only be utilized if 1) there are no minor children; 2) the parties have entered into a Separation Agreement before filing the Complaint ("SA", which is a written agreement that the parties have separated, and if there is property to be divided, the parties' agreement regarding the division of that property); and 3) the parties have been separated for at least six months before filing the Complaint.***

*** Please note that instructions are in bold and/or italics. You should delete the instructions from your document before filing with the court.

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____ (*full name*))
Plaintiff)
)
v.) CL No. _____
)
_____ (*full name*))
Defendant)

SERVE: _____ (*Full Name of Defendant*)
_____ (*Complete Address of Defendant*)

COMPLAINT FOR DIVORCE
ON GROUND OF SIX MONTHS' SEPARATION

Plaintiff says:

1. The parties were married on the _____ day of _____ (*month*),
_____ (*year*) in the City/County of _____, State of
_____.

2. There are no children who were born or adopted of this marriage that are under the age of 18 years.

3. Plaintiff (*or Defendant, if the statement is only true for the Defendant*) was at the time of the filing of the suit and had been for at least six months preceding the filing of the suit an actual bona fide resident and domiciliary of this Commonwealth;

(Choose either #4(a) OR #4(b) — NOT BOTH. Renumber as #4) (If the Defendant is in the military, he/she must sign a waiver of rights under the Servicemembers Civil Relief Act, 50 U.S.C. Appx. § 501 et seq.)

4(a). Both parties are over the age of 18 years, and neither is an active duty member of the military service of the United States; **OR**

(b). Both parties are over the age of 18 years, the Defendant is an active member of the military service of the United States, and has signed a Servicemembers Civil Relief Act Waiver, the original of which is attached hereto as Exhibit _____.

5. The parties last cohabited at _____
_____ (*complete address of the place the parties last lived together*).

6. The parties have lived separate and apart without cohabitation and without interruption for more than six months immediately before filing this suit; to wit: since _____ (*month*), _____ (*day — if you do not remember the exact day, use the last day of the month you just listed*), _____ (*year*).

7. The Plaintiff/Defendant (*choose one or both*) formed the intent to remain permanently separate and apart since _____ (*day*) _____ (*month*), _____ (*year*) and the intent to remain separate and apart has continued to date.

8. There is no hope or possibility of reconciliation between the parties; and

9. The parties have entered into an Agreement dated ____ (day) _____ (month) _____ (year) that resolves all outstanding issues between the parties.

10. The Plaintiff desires to be restored to her former name of _____, and states that this request is not made for any illegal purpose or to the prejudice of third parties. ***(Delete this paragraph if no name change is requested)***

WHEREFORE, Plaintiff prays as follows:

A. That he/she (*pick only one*) be granted a divorce from the bond of matrimony on the ground that the parties have lived separate and apart without cohabitation and without interruption for more than six months immediately before filing this suit, Va. Code Ann. § 20-91(A)(9)(a).

B. That the Agreement executed (signed by) the parties dated _____ (month) _____ (day), _____ (year), be affirmed, ratified and incorporated, but not merged, into the Final Order of Divorce; and

C. That the Plaintiff's maiden, or former, name be restored to _____ (*Plaintiff's full maiden or former name; you may ONLY ask for this if you are the wife. The husband cannot ask to restore his wife's name. Please see ATTACHMENT for a change of name order*) ***(Delete this paragraph if no name change is requested)***; and

D. That the Plaintiff have such other and further relief as to this Court appears warranted in all of the circumstances herein.

I ASK FOR THIS:

_____ (*your signed name*)

Plaintiff, *pro se*
(Type your full name)
(Type your complete address)
(Type your daytime phone number)

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USE THIS FORM IF ALL OF THE FOLLOWING APPLY: (1) YOU DO NOT HAVE ANY MINOR CHILDREN, (2) THERE IS NO SPOUSAL SUPPORT TO BE PAID, (3) YOU AND YOUR SPOUSE ENTERED INTO AN AGREEMENT RESOLVING ALL ISSUES; AND (4) AND YOU ARE SEEKING A DIVORCE BASED ON A SEPARATION OF 6 MONTHS

***** Please note that instructions are in bold and/or italics. You should delete the instructions from your document before filing with the court.**

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
Plaintiff)	
)	
v.)	CL No. _____
)	
_____)	
Defendant)	

FINAL ORDER OF DIVORCE

This cause came on for a hearing upon service and notice as required by law; and
Upon consideration of the evidence presented, the Court finds as follows:

1. The parties were married on the _____ day of _____ (month), _____
(year) in the City/County of _____, State of _____;

2. There are no children born or adopted of this marriage that are under the age of 18
years;

3. Plaintiff (or Defendant if only true for the Defendant) was at the time of the filing of the suit and had been for at least six months preceding the filing of the suit an actual bona fide resident and domiciliary of this Commonwealth;

(Choose either #4(a) OR #4(b) — NOT BOTH. Renumber as #4) (If the Defendant is in the military, he/she must sign a waiver of rights under the Servicemembers Civil Relief Act, 50 U.S.C. Appx. § 501 et seq.)

4(a). Both parties are over the age of 18 years, and neither is an active duty member of the military service of the United States; **OR**

(b). Both parties are over the age of 18 years, the Defendant is an active member of the military service of the United States, and has signed a Servicemembers Civil Relief Act Waiver, the original of which is attached hereto as Exhibit 1.

5. The Plaintiff's social security number is (See Private Addendum), and the Defendant's social security number is (See Private Addendum); *(please place social security numbers in the Separate Addendum –* ***DO NOT PLACE ANY PARTY'S FULL SOCIAL SECURITY NUMBER ON THIS ORDER!!!! USE THE PRIVATE ADDENDUM.***)

6. The parties have lived separate and apart without cohabitation and without interruption for more than six months; to wit: since _____ (month) _____ (day), _____ (year) *(if you do not remember the exact day, use the last day of the month you just listed);*

7. The Plaintiff (or Defendant if it was the Defendant's intent) formed the intent to remain permanently separated and live apart on (day) _____ (month), _____ (year);

8. There is no hope or possibility of reconciliation between the parties;

9. The parties have entered into an Agreement titled _____ dated _____ (day) _____ (month), _____ (year) which settled all rights and obligations arising out of the marital relationship;

10. This Court has jurisdiction to hear and determine the issues in this suit;

As this Order does not address the payment of child support and there is no obligation for the payment of spousal support, the notice provisions Section 20.60.3 and 20-107.1(H) of the 1950 Code of Virginia do not apply; and it is therefore

ORDERED that the Plaintiff be and is hereby granted a divorce *a vinculo matrimonii* from the Defendant on the ground that the parties have lived separate and apart without any cohabitation and without interruption for a period of six months; and it is further

ORDERED that the Agreement dated _____ (month) _____ (day), _____ (year), be and is hereby, ratified, incorporated, and affirmed but not merged herein; and it is further

ORDERED that in accordance with the provisions of Section 20-111.1 of the 1950 Code of Virginia, as amended, the following information is provided:

Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the Code of Virginia, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce; and it is further

ORDERED that this cause is stricken from the active docket of the court.

ENTERED this _____ day of _____, 20_____.

Judge

SEEN AND ** _____ :

SEEN AND ** _____ :

Plaintiff

Defendant

Address

Address

Telephone Number

Telephone Number

Facsimile Number

Facsimile Number

Email Address

Email address

**** Party has option of agreeing, objecting or just leaving blank:**

ATTACHMENT

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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

_____)	
)	
Plaintiff)	
)	
v.)	Case No. _____
)	
)	
_____)	
Defendant)	

ORDER FOR CHANGE OF NAME

THIS DAY came _____ (insert current name of party seeking name change), who moves this Court pursuant to Va. Code Ann. § 20-121.4 that she be restored to the use of her former name, and

IT APPEARING TO THE COURT that Plaintiff's name is _____ (insert current name); that she is now divorced and desires to be restored to the use of her former maiden name: _____ (insert former or maiden name); that her current address is: _____ (current address); that she has had the following prior name changes: _____

(list all prior name changes).

IT FURTHER APPEARING TO THE COURT that this request is proper and should be granted; it is, therefore

ORDERED that the name of _____ (insert current name) is hereby changed to _____ (insert former or maiden name); and it is further

ORDERED that the Clerk of this Court, pursuant to the provisions of Va. Code Ann. § 8.01-217, shall spread the order upon the current deed book, index it in both the old and new names, and transmit a certified copy of this Order to the State Registrar of Vital Records and the Central Criminal Records Exchange.

ENTERED this _____ day of _____, 20_____.

Judge
Fairfax County Circuit Court

I ASK FOR THIS:

_____ (your signed name)

Plaintiff, *pro se*

(Type your full name)

(Type your complete address)

(Type your daytime phone number)