

*** 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 can be utilized whether or not the parties have entered into a Separation Agreement ("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) but the parties must have been separated for at least one year 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

_____)	
<i>(full name)</i>)	
Plaintiff)	
)	
v.)	CL No. _____
)	
)	
_____)	
<i>(full name)</i>)	
Defendant)	

SERVE: _____ *(Full Name of Defendant)*

_____ *(Complete Address of Defendant)*

COMPLAINT FOR DIVORCE
ON GROUND OF ONE YEAR SEPARATION

Plaintiff says:

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

2. (Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)

2(a). There is/are ____ child[ren] (*insert number*) was/were born of the marriage, namely:
_____ ; (*list all children's names and their dates of birth*). **OR**

2(b). There are no children born or adopted of this marriage 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 1.

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 any cohabitation and without interruption for more than one year immediately before filing this suit; 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 separated 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.

9. The parties have entered into an Agreement dated ____ (*day*) _____ (*month*) _____ (*year*) resolving all outstanding issues arising out of the marriage.
(If you do not have an Agreement, delete #9 above)

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 any cohabitation and without interruption for more than one year; and

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

(If you do not have an Agreement, delete the paragraph above)

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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VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

)	
)	
_____ (full name))	
Plaintiff)	
)	
v.)	Case No. _____
)	
)	
_____ (full name))	
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:

Plaintiff, *pro se* (your signed name)

(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) THERE IS NO SPOUSAL SUPPORT TO BE PAID, (2) CHILD SUPPORT IS NOT ADDRESSED BY THIS ORDER; (3) THERE IS NO PROPERTY TO BE DIVIDED OR IT HAS BEEN RESOLVED BY A WRITTEN AGREEMENT; AND (4) AND YOU ARE SEEKING A DIVORCE BASED ON A SEPARATION OF 1 YEAR

***** 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 lawfully married on the ____ day of _____ (month), _____ (year) in the City/County of _____, State of _____;

(Choose either (a) OR (b) – NOT BOTH. Renumber as #2.)

2(a). There is/are ____ child[ren] (insert number) was/were born of the marriage, namely: _____; (list all children's names and their dates of birth). **OR**

2(b). There are no children born or adopted of this marriage 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 _____.

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 any cohabitation and without interruption for a period of one year; 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 separate and apart on (day) _____ (month), _____ (year);

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

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; *(If you do not have a written Agreement, delete this paragraph);*

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 one year; and it is further

ORDERED that the Agreement dated _____ (month) _____ (day), _____ (year), be and is hereby, ratified, affirmed, and incorporated, but not merged herein; and it is further *(delete this if there is no written Agreement)*

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 pursuant to Virginia Code Section 20-124.5, either party who intends to relocate his or her residence shall give thirty (30) days advance written notice of any such intended relocation and of any intended change of address, said notice being given to both the other party and to this Court; (*delete this paragraph if there are no minor children*); and it is further,

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

ENTERED this _____ day of _____, 20_____

Judge

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

SEEN AND ** _____:

SEEN AND ** _____:

Plaintiff or Plaintiff's Counsel

Address

Telephone Number

Facsimile Number

Email Address

Defendant or Defendant's Counsel

Address

Telephone Number

Facsimile Number

Email address