**City of Alexandria**

**Circuit Court**

**520 King Street, Alexandria, Virginia 22314**



***PRO SE***

**UNCONTESTED DIVORCE PACKET**

**Alexandria Law Library Lower Level 703-746-4077**

**Circuit Court Clerk’s Office Room 307 703-746-4044**

**Circuit Court Judges’ Chambers 4th floor 703-746-4123**

The Alexandria Law Library provides a *Pro Se* Uncontested Divorce Packet, which can be purchased at the Law Library for the standard charge of $0.25 per page. The packet can also be downloaded from the Law Library’s website by following the link below.

* <https://alexandria.libnet.info/images/pdfs/alexandria/Law/UncontestedDivorce.pdf>

Sample documents – remember these documents are only samples.

**All documents must be re-typed by you from scratch using the samples as a guide.**

**You must customize the documents with the information that is specific to your situation.**

Sample documents in packet Page

Complaint based on separation of six months with PSA and no minor children..…. 21

 (PSA is Property Settlement Agreement)

Complaint based on separation of one year / no PSA required …….………………. 23

(PSA is Property Settlement Agreement)

Motion to Amend Complaint ……………………………………………………….. 25

Leave to Amend Order……………………………………………………………… 26

Acceptance/Waiver of Service of Process and Waiver of Future Service ………….. 27

 Of Process and Notice

Affidavit in Support of Publication ………………………………………………… 28

Order of Publication ………………………………………………………………… 29

Notice of Ore Tenus Hearing ……………………………………………………….. 30

Waiver of Rights Under the Servicemembers Civil Relief Act …………………….. 31

 \*\* Final Decree, No Spousal Support or Child Support ……………………………….. 32

 \*\* Final Decree, with PSA and Child Support ………………………………………… 35

 \*\* Final Decree, with PSA and Spousal Support, No Children ……………………….. 42

Addendum for Protected Identifying Information …………………………………. 46

Name Change Order ……………………………………………………………….. 47

\*\* Beneficiary paragraph must be in BOLD TYPE on these documents

**TABLE OF CONTENTS**

1. General information ……………………………………………………………… 3

2. STEPS FOR FILING YOUR COMPLAINT AND REQUIRED DOCUMENTS ……….. 4

3. complaint FOR DIVORCE

 a. Complaint ………………………………………………………………………………. 5

 B. Amending your Complaint ……………………………………………………………… 6

4. sERVICE OF PROCESS

 A. Service of Process ……………………………………………………………………. 7

 B. Types of Service ……………………………………………………………………… 7

5. NOTICE OF HEARING ………………………………………………………………….. 9

6. WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS RELIEF ACT …………… 10

7. FINAL DECREE OF DIVORCE

 A. Requirements ………………………………………………………………………… 11

 B. Beneficiary Designation must be in BOLD TYPE ………………………………… 11

8. ADDENDUM OF PROTECTED IDENTIFYING INFORMATION ……………………. 12

9. NAME CHANGE ORDER ……………………………………………………………….. 13

10. ADDITIONAL REQUIREMENTS

 A. VS-4 ………………………………………………………………………………. 14

 B. Co-Parenting (COPE) seminar …………………………………………………….. 14

11. PROPERTY SETTLEMENT AGREEMENTS (“PSA”) – Additional Notes …………. 15

12. FILING CHECKLIST …………………………………………………………………… 16

13. SCHEDULE YOUR ORE TENUS HEARING ………………………………………… 17

14. ATTENDING YOUR ORE TENUS HEARING ………………………………………. 18

 Obtaining a copy of your Final Decree after it is entered by a Judge ………………….. 18

15. DEFINITIONS …………………………………………………………………………. 19

16. SAMPLE DOCUMENTS ……………………………………………………………… 20

 Complaint based on separation of six months with PSA and no minor children….. 21

 Complaint based on separation of one year / no PSA required ……………………. 23

 Motion to Amend Complaint ……………………………………………………….. 25

 Leave to Amend Order ……………………………………………………………… 26

 Acceptance/Waiver of Service of Process and Waiver of Future Service ………….. 27

 Of Process and Notice

 Affidavit in Support of Publication ………………………………………………… 28

 Order of Publication ………………………………………………………………… 29

 Notice of Ore Tenus Hearing ……………………………………………………….. 30

 Waiver of Rights Under the Servicemembers Civil Relief Act …………………….. 31

 \*\* Final Decree, No Spousal Support or Child Support ……………………………….. 32

 \*\* Final Decree, with PSA and Child Support ………………………………………… 35

 \*\* Final Decree, with PSA and Spousal Support, No Children ……………………….. 42

 Addendum for Protected Identifying Information …………………………………. 46

 Name Change Order ……………………………………………………………….. 47

\*\*Beneficiary paragraph must be in BOLD on these documents

SECTION 1 **GENERAL INFORMATION**

This packet has been prepared to help you obtain your divorce *pro se,* which means representing yourself without an attorney. This packet is only to be used when the divorce is uncontested, meaning the parties have agreed upon all issues before the Court, or it is anticipated that only one side will actively participate. Additionally, this packet is only for people who are filing for divorce based on no-fault grounds. No-fault divorce suits are those in which the parties only ask for a divorce on the grounds that they have lived separate and apart for the period of time required by law. There are two types of no-fault grounds: either a one year separation, or a six month separation.

The following instructions explain how to prepare the papers to file with the Court, how to obtain service of those papers on your spouse, and how to schedule your hearing. This packet also contains samples of the documents you will prepare. These instructions are simply a guide, and the documents are meant as samples that must be prepared and revised by you to fit your specific case. The Court expects you to create your own documents which includes being able to write a “Complaint” to begin your case, write a “Final Decree” for the Judge to sign, and arrange for proper legal service on and legal notice to your spouse. **Remember**, if you choose to follow the samples in this packet, you MUST fill out all information between brackets, e.g., **[MONTH]** or **[RESPONDENT’S ADDRESS]**. If there are two options, you MUST select one and delete the other. You must also sign the papers you type.

The following is NOT an exhaustive explanation of how to obtain an uncontested divorce, but rather is an overview of the process in the City of Alexandria Circuit Court. If you would like to hire an attorney to represent you but need help finding one, then you should call the Alexandria Lawyer Referral Service at (703) 548-1105. If you choose to represent yourself in your divorce proceeding, the Court expects you to familiarize yourself with the Virginia laws and rules pertaining to divorces. The Virginia Code, the Rules of the Virginia Supreme Court of Virginia, and Alexandria Local Procedures are available online and in the Law Library located on the lower level of the Court House at 520 King Street. *See* the Virginia Code at http://leg1.state.va.us/000/src.htm; Rules of the Virginia Supreme Court at: http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf ; and Local Rules at http://alexandriava.gov/circuitcourt/info/default.aspx?id=214 .

You are responsible for preparing all documents to be submitted. You may not ask Court personnel for legal advice or assistance, as the law prohibits Court personnel from giving you legal advice or assistance. **Again, the Court and its employees absolutely cannot give you legal advice on how to proceed. If you need such advice, you must hire an attorney.**

SECTION 2 **STEPS FOR FILING YOUR COMPLAINT**

 **AND REQUIRED DOCUMENTS**

1. **Prepare your “Complaint”** based on your situation. Sample documents in this packet include:

 A. Complaint on Ground of Six Month Separation with Property Settlement Agreement and No Minor Children

 B. Complaint on Ground of One Year Separation (no Property Settlement Agreement required)

2. **File your complaint** in the Clerk of Court’s Office (520 King Street, Room 307; 703-746-4044).

 **Contact the Clerk’s Office to determine the filing fee.**

a. For information on what must be included in your Complaint, see page 5.

 Sample documents are in this packet starting on page 21.

 b. The Clerk of Court will assign your case a docket number.

 🡪 c. **The Clerk of Court’s staff are not attorneys and therefore cannot give legal advice or advise if your documents are correct.**

 d. **Name Change**. If either party is requesting that their former name be restored, the name change must be requested in the Complaint. The party seeking the name change must file a separate Name Change Order to be signed by a judge.

3. **Legal Service.** Obtain legal service on your spouse, also called “Service of Process.” For information on how to carry out service of process and sample documents, see the “Service of Process” section of this packet located on page 7.

4. **Complete and file the remaining documents**. All the necessary documents must be filed in the Clerk of Court’s Office (Room 307) before you call to schedule your hearing. **The Clerk of Court’s staff are not attorneys and therefore cannot give legal advice or advise if your documents are correct.**

 See Filing Checklist on page 16.

 1. Complaint for Divorce

 2. VS-4 form

 3. Addendum for protected information

 4. Proposed Final Decree

 5. Property Settlement Agreement (required for divorce based on six month separation)

 6. Co-Parenting (COPE) class certificate

 7. Service (acceptance/waiver; proof of service; or affidavit of publication)

 8. Waiver of the Servicemembers Civil Relief Act (if respondent is military)

 9. Name Change Order (if name change by either party is requested)

 10. Notice of Hearing (if necessary)

SECTION 3 **COMPLAINT FOR DIVORCE**

A Complaint for Divorce is the initial document that is filed with the Court by which a request is made to end the marriage between two people. There are two sample Complaints for Divorce included in this packet: (1) A divorce based on **six months of separation** with Property Settlement Agreement and no minor children; and (2)a divorce based on **one year of separation**. *See* Va. Code § 20-91.

1. **Grounds of Divorce**. You may request a no-fault divorce based upon either a six month separation or a one-year separation. You may select only one ground of divorce.

 a. You are eligible for a six-month divorce **ONLY** if you have entered into a written Property Settlement Agreement and there are no minor children born of the parties, born of either party and adopted by the other, or adopted by both parties. These facts must be stated in the Complaint.

2. **Date of Separation**. This is the last date when the parties existed as husband and wife— living together as husband and wife and cooperating to maintain the relationship.

 a. A separation period resets (starts over) when the parties have reconciliation (even temporary), intimate relations, cohabitation as husband and wife, etc.

 b. **You may not file** **your Complaint for Divorce until the statutory period of separation has occurred**.

*For example, if you are filing for divorce based on a one year separation, you may not file your Complaint until one year has passed since the separation began.*

c. If you file your Complaint for Divorce too early (before the statutory period of separation has occurred), you will be required to re-file the Complaint and pay a new filing fee because the Court does not have the power to grant divorces until the parties have been separated for the amount of time required by law.

3. **Residency**. You or your spouse must be a resident and domiciliary of the Commonwealth of Virginia for at least six (6) months prior to filing suit. *See* Va. Code § 20-97.

4. **Required Information**. In addition to stating the grounds and residency requirement, the Complaint must include the following:

 a. Current residences of both parties;

 b. The date and place (city, state or country if outside the USA) of marriage;

 c. The names and dates of birth of all minor children born or adopted into the marriage;

 d. A statement that both parties are over eighteen (18) years of age;

 e. A statement of each party's military status; and

 f. A prayer for relief - Your Complaint must include a section where you request the relief you are seeking from the Court (*i.e*., a divorce). The prayer should state not only that you seek a divorce, but either the specific ground of divorce, or the section of the Code of Virginia under which you are seeking relief (*i.e.* Virginia Code Section 20-91(A)(9)(a)).

5. **Name Change**. If either party is requesting that their former name be restored, the name change must be requested in the Complaint. The party seeking the name change must file a separate Name Change Order to be signed by a judge.

Instructions – page 13

Sample order – page 47

SECTION 3 (continued) **AMENDING YOUR COMPLAINT**

One week before your hearing, the Judges’ law clerks will review your divorce paperwork. Your paperwork will not be checked before this point. If there is a problem, then the law clerks will call you.

**If a law clerk instructs you to AMEND YOUR COMPLAINT**, you must:

A. Re-write the Complaint in this packet with the corrections, re-title it “Amended Complaint” and file it in the Clerk’s Office;

B. Type and file the Motion to Amend the Complaint (sample in packet on page 25);

C. Type and file the proposed Order to Amend the Complaint (sample on page 26);

D. If necessary, then obtain service on your spouse of the new Complaint. You may have the spouse re-execute the Acceptance and Waiver *OR* sign the Order granting leave to amend.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 21 Complaint based on separation of **six months** with

 Property Settlement Agreement and no minor children

Page 23 Complaint based on separation of **one year**/

 no Property Settlement Agreement required

Page 25 Motion to Amend Complaint

Page 26 Leave to Amend Order

SECTION 4 **SERVICE OF PROCESS**

**1. SERVICE OF PROCESS**

Service of process is the procedure by which the plaintiff in a divorce proceeding gives an appropriate notice of initial legal action to the defendant so as to enable that person to respond to the proceeding.

Service of process is more formal than simply telling your spouse that you have filed for divorce. There are several ways to effect service of process, detailed below. Select one appropriate form of service of process.

**A phone call, an email, even certified mail and Federal Express ARE NOT legal service of process.**

**2. TYPES OF SERVICE**

**A. *Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice***

If you and your spouse agree, the defendant (respondent) may accept service by signing an “Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice” form. This must be signed under oath before a notary public or deputy clerk and it **cannot** be signed prior to the filing of the suit. *See* Va. Code §20-99.1:1. A sample of this form is included in this packet; additionally, it can be accessed through the website of the Virginia Judicial System at [www.courts.state.va.us/forms/circuit/cc1406.pdf](http://www.courts.state.va.us/forms/circuit/cc1406.pdf).

**\*\*NEW\*\* Additionally, if you choose to proceed by an Acceptance/Waiver of Service of Process, a copy of the Complaint must be attached to the waiver or otherwise provided to the defendant and the proposed final decree must be signed by the defendant. Va. Code § 20-99.1:1.**

B. ***Service by Sheriff***

If you wish to have the Sheriff legally serve your spouse, the Clerk’s Office (Room 307) can assist you.

(1) **Service in Virginia** - If the defendant lives in Virginia, a Virginia Sheriff can serve process on the defendant. The Sheriff will give the person that is being served a copy of the Complaint and the Summons. The Sheriff will then execute the Proof of Service of the process and shall file such proof with the Clerk of the Court within seventy-two (72) hours of service.

(2) **Service Out of State** - You will be responsible for contacting the Sheriff’s Department of the County where the defendant resides to obtain local regulations and fees or service.

C. ***Order of Publication***

This type of service may be used ONLY if you cannot use any of the above types of service. In other words, this may be done in cases in which the defendant is a non-resident or the defendant’s whereabouts are unknown after you have made all efforts to locate him or her. *See* Va. Code § 20-104 and § 8.01-316.

An Order of Publication must be published in a newspaper prescribed by the Court once a week for four successive weeks. A sample Affidavit in Support of Order of Publication and Order of Publication are included in this packet, located on pages 28 and 29. Additionally, these documents can be obtained from the Clerk’s Office.

**If service of the Complaint was made by publication, a court reporter is required at the divorce hearing.** It is the plaintiff’s responsibility to arrange for the presence of a court reporter and to pay for the court reporter and transcript. The Judge will not sign the Final Decree of Divorce until after the transcript has been filed.

D. ***Private Process Service***

You may hire a Private Process Server, who will give the Defendant a copy of the Complaint and the Summons. The Process Server will execute an Affidavit of Service and must file the Affidavit with the Clerk of the Court where the matter is pending within seventy-two (72) hours of service pursuant to Virginia Code § 8.01‑325.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 27 Acceptance/Waiver of Service of Process and

 Waiver of Future Service of Process and Notice

Page 28 Affidavit in Support of Publication

Page 29 Order of Publication

SECTION 5 **NOTICE OF HEARING**

**You may be required to provide notice to the defendant of the hearing.**

A. **Notice of hearing IS required**

If your spouse was ***not personally*** served with the Complaint, but was either served by “posting” (the Sheriff or private process server taped the Complaint and Summons on the door where your spouse lives) or served the defendant by handing the papers to a family member over sixteen years of age who lives with your spouse, then you must serve your spouse with a Notice, indicating when you will go to court to ask the Judge to sign the final decree. You will have to pay another fee for service either by Sheriff or by a private process server hired by you. This must be done by posting or better.

If your spouse has filed an Answer not contesting the divorce, you may serve Notice by mailing or hand delivery. *See* Virginia Code § 8.01-296 and § 20-99.

B. N**otice of hearing IS NOT required if the defendant/respondent:**

 (1) has signed a waiver of notice of entry of the Final Order of Divorce; or,

 (2) has accepted or waived service of process and has not filed an Answer in the suit; or,

 (3) was served by publication and has not filed any papers in the suit other than any waivers; or,

 (4) has signed a waiver of all further notice; or

 (5) was served in person and has not filed an answer or other appearance within twenty-one (21) days of service; or

 (6) has signed the Final Decree.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 30 Notice of *Ore Tenus* Hearing

SECTION 6 **WAIVER OF RIGHTS UNDER**

  **THE SERVICEMEMBERS CIVIL RELIEF ACT**

*Military Members*: If the defendant/respondent **is** an active duty member of the United States Armed Forces, the defendant **must** sign the “Waiver of Rights Under the Servicemembers Civil Relief Act” form in front of a Notary Public. If the defendant/ respondent is not an active duty member of the United States Armed Forces, this form is not necessary.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 31 Waiver of Rights Under the Servicemembers

 Civil Relief Act

SECTION 7 **FINAL DECREE OF DIVORCE**

The Final Decree of Divorce is the Order that the judge signs at the *Ore Tenus* hearing, finalizing the divorce.

**FINAL DECREE REQUIREMENTS**

A. **Final Decree** must re-list all the basic information contained in the Complaint.

B. **Beneficiary Designation.** The Notice regarding Beneficiary Designations must appear in the order and that paragraph must be in **bold** type.

C. **\*\*NEW\*\*** **Acceptance and Waiver of Service of Process.** Please take note that, if service was made by acceptance and waiver of service of process, the proposed final decree must be signed by the defendant. *See* Va. Code § 20-99.1:1.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 32 Final Decree, No Spousal Support or Child Support

Page 35 Final Decree, with Property Settlement Agreement and Child Support

Page 42 Final Decree, with Property Settlement Agreement and Spousal Support,

 No Children

SECTION 8 **ADDENDUM OF**

 **PROTECTED IDENTIFYING INFORMATION**

A. No protected information may be included in the Complaint or Final Decree.

B. This form must be filed in the Clerk’s Office (Room 307).

C. A copy of the Addendum for Protected Identifying Information form is included in this packet for reference and can also be found in the Clerk’s Office in Room 307 of the Courthouse.

D. **As of July 1, 2005,** all protected identifying information must be excluded from public documents and submitted in a separate format such as on an “Addendum for Protected Identifying Information.” Such protected information includes **social security numbers**, driver’s license numbers, health insurance policy numbers, credit card account numbers, or any other specific identifying information about the parties’ assets or liabilities. List this information on the Addendum and submit it to the Court along with your Final Decree, **even if** the only protected information is your social security numbers.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 46 Addendum for Protected Identifying Information

SECTION 9 **NAME CHANGE ORDER**

If either party changed their name pursuant to the marriage and requests that their maiden or former name be restored, the party must present the Court with a separate order complying with Virginia Code §§ 20-121.4[[1]](#footnote-1) and 8.01-217[[2]](#footnote-2). This separate name change order must state the previous/current name, the new name requested, the purpose of the name change, and must not contain any social security numbers. Middle names must be included in all cases.

* DO NOT request a name change in your final decree; it MUST be in a separate Order.

**SAMPLE DOCUMENTS IN THIS PACKET**

**REMEMBER, THESE DOCUMENTS ARE ONLY SAMPLES**.

All documents must be typed by you from scratch using the enclosed samples as a guide. You must customize the documents with the information that is specific to your situation.

Page 47 Name Change Order

SECTION 10 **ADDITIONAL REQUIREMENTS**

**A. VS-4 Form**

This form transfers the divorce information to the Virginia Department of Vital Statistics and is available at the Clerk’s office in Room 307 when you file your documents.

* **NOTE**: Box 23 of the VS-4 asks for the “Legal Grounds or Cause of Divorce.” If you are scheduling an uncontested divorce, then there are only two possible grounds of divorce:
	+ - One year separation; *OR*
		- 6 month separation with Property Settlement Agreement.
* The grounds of divorce on the VS-4 must match the grounds of divorce stated in the Final Decree.

**B. Co-Parenting Class (COPE) Certificate**

The Plaintiff is required to complete a Co-Parenting Seminar in all divorce cases where the parties have minor children and seek a ruling as to custody. This includes uncontested cases in which the parties have reached an agreement as to custody and ask the Court to incorporate their written agreement into the Final Decree of Divorce.

 The Co-Parenting Seminar is not required in uncontested divorce cases where custody has already been determined by a separate court order, nor is it required in cases where the parties have minor children but the Final Decree does not make a ruling as to custody.

* Only the “Complainant” (Plaintiff) needs to complete this co-parenting class;
* The Co-Parenting Seminar is titled Trans-Parenting/COPE (Helping Children Cope with Divorce or Separation);
* A list of co-parenting seminars is available on the Supreme Court of Virginia’s website at <http://webdev.courts.state.va.us/cgi-bin/parented/providers.cgi/g?510C>;
* After attending the co-parenting class, you will receive a certificate of attendance which must be filed with the Clerk of Court one week before scheduling uncontested divorce hearing;
* If you have minor children you **CANNOT**, by law, file for divorce based on six months separation—you must be separated for one year. *See* Va. Code § 20‑91(A)(9)(a).

SECTION 11 **PROPERTY SETTLEMENT AGREEMENTS –**

 **ADDITIONAL NOTES**

A. Property Settlement Agreements are required where parties seek a divorce based on six (6) months separation [*see* Virginia Code Section 20-91(9)(a)].

 (1) Even if you claim that you and your spouse have no property to be divided, you must still have an agreement signed by both parties to that effect.

B. Parties may choose to create a Property Settlement Agreement even if the Virginia Code does not demand that they do so.

C. Whether the Property Settlement Agreement is statutorily required or prepared voluntarily, if the agreement calls for any type of spousal and/or child support, the Final Decree must contain the statutorily required notices referenced below.

(1) If the Property Settlement Agreement provides for the payment of child support, then the final decree must contain all the notices required by Virginia Code § 20‑60.3.

(2) If the Property Settlement Agreement provides for the payment of spousal support, then the final decree must contain all the notices required by Virginia Code § 20‑107.1(H).

(3) If the Property Settlement Agreement provides for child custody, then the final decree must contain notices required by Virginia Code § 20-124.5.

(4) If the Final Decree incorporates a Property Settlement Agreement

 a. Do not state “N/A – There is no property” or “No Property”.

 b. Include the date the Property Settlement Agreement was entered into force.

SECTION 12 **FILING CHECKLIST**

**Before calling to schedule your *Ore Tenus* hearing, you must have filed**

A. Complaint of Divorce

B. VS-4 Form (available in Clerk’s office, room 307)

C. Addendum for Protected Identifying Information

D. Proposed Final Decree

1. **The proposed final decree *must* be signed by the defendant if service was accomplished through the Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice**

E. Property Settlement Agreement

1. Property Settlement Agreements are required where parties seek a divorce based on six (6) months separation

2. Parties may choose to create a Property Settlement Agreement even if the Virginia Code does not demand that they do so.

F. Co-parenting (COPE) class certificate

Required **ONLY IF** the parties have minor children and seek a ruling as to custody, including uncontested cases in which the parties have reached an agreement as to custody and ask the Court to incorporate their written agreement into the Final Decree of Divorce.

G. Service – one of the 3 must be filed in the Clerk of Court’s office (Room 307)

1. Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice

a. this document must be signed in front of a notary, and filed ***after*** the Complaint has been filed with the Clerk of Court);

b. if your spouse signed this document, the proposed Final Decree must be signed by the Defendant.

2. Service by Sheriff or private process server - The Proof of Service must be on record in the Clerk’s Office and you must wait 21 days from legal service of the “Complaint” to schedule your divorce.

3. Affidavit of Publication

a. the affidavit of publication must be filed in the Clerk’s Office and the return date must have passed before you call to schedule your divorce.

b. If service was by publication, you must hire a court reporter to attend the divorce hearing with you, and the Judge will not sign the Final Decree of Divorce until after the transcript has been filed. Court Reporters are available by searching “Alexandria Virginia Court Reporters” on the internet.

H. Waiver of the Servicemembers Civil Relief Act

Required **ONLY IF** respondent is in the military

SECTION 13 **SCHEDULE YOUR ORE TENUS HEARING**

1. **Schedule your uncontested divorce hearing**

* All the documents in Section 12 must be filed in the Clerk’s Office (Room 307) before you call to schedule your hearing.
* Have your case number and all your paperwork available.
* Call Judges’ Chambers at 703-746-4123 and ask to schedule your uncontested divorce hearing. **DO NOT GO TO JUDGES’ CHAMBERS.**

2. **Provide notice of hearing if necessary –** If your spouse was ***not personally*** served with the Complaint, you are required to provide Notice of Hearing to the defendant (see page 9). When you schedule your hearing, make sure you have sufficient time to serve your spouse with legal notice if necessary.

Please see Service of Process - page 7

Sample - Notice of Hearing - page 9

Sample - Notice of *Ore Tenus* Hearing - page 30

3. **Schedule court reporter if necessary.** If service was by publication, you must hire a court reporter to attend the divorce hearing with you, and the Judge will not sign the Final Decree of Divorce until after the transcript has been filed. Court Reporters are available by searching “Alexandria Virginia Court Reporters” on the internet.

4. **Schedule interpreter if necessary.** If you need an interpreter, you are encouraged to make arrangements with the Foreign Language Services Division located on the second floor of the Courthouse by contacting Doralisa Pilarteby email at**dpilarte@courts.state.va.us** or by telephone at 703-746-4630. Please state your name, telephone number, case number, court date/time and language required whether contacting Ms. Pilarte by email or telephone.

5. **Arrange to have a witness with you at the hearing**. A witness must appear with you at the divorce hearing. The corroborating witness must be someone who is over the age of 18 and otherwise competent to testify, who can show up on the date scheduled, and who is familiar enough with the circumstances of your marriage and separation to testify as to the facts alleged in your Complaint. This way, you can “prove” those allegations, and the judge can “find” the facts by signing the Final Decree. The corroborating witness can be a family member, friend or neighbor, as long as the person is over 18. Your witness **MAY NOT** be your spouse.

6. **Court review of your paperwork.** A Judicial Law Clerk will review your divorce paperwork one week before your hearing. Your paperwork will not be checked before this point. If there is a problem, a law clerk will call you. You will have to make the necessary corrections before the hearing date.

7. **Amend the Complaint (if necessary)**. If the law clerk instructs you to amend your complaint, you will need to file three documents.

 Please see Instructions - Amending Your Complaint – page 6

 Sample - Motion to Amend Complaint – page 25

 Sample - Leave to Amend Order – page 26

SECTION 14 **ATTENDING YOUR ORE TENUS HEARING**

A. ATTENDING YOUR HEARING

1. **Courtroom Location**

Courthouse – 520 King Street

 4th floor

 Look for your name on the bulletin board (next to the windows)

 2. **Be on time for your hearing**

 Hearing times are **ALWAYS at 9:00 a.m.**

 It is suggested that you be arrive at the courthouse between 8:30 a.m. and 8:45 a.m.

 3. **No cell phones or other electronic devices**

 Cell phones and other electronic devices are not allowed in the Courthouse.

 Lockers are available for $.25.

 4. **Courtroom assignment**.

 Dockets are posted in the lobby area on the 4th Floor.

 Look for your name on the bulletin board; go to the proper courtroom.

 It is suggested you be in the courtroom no later than 8:55 a.m.

 5. **Witness** must be present.

 6. **Interpreter** (if needed) must be present.

 7. **Court Reporter** (if needed) must be present.

B. OBTAINING A COPY OF YOUR FINAL DECREE

 AFTER IT IS ENTERED BY A JUDGE

 1. If the defendant was served by either

* Acceptance/Waiver of Service and Waiver of Future Service of Process and Notice; or
* Service by Sheriff or Private Process Server

 then your Final Decree

* Will be signed by the Judge at your divorce hearing; and
* Will be available in the Clerk’s office after 10:00 a.m.

 2. If the defendant was served by Publication, then your Final Decree will not be entered by the Judge until after the transcript has been filed in Room 307

SECTION 15 **DEFINITIONS**

**Addendum of Protected Identifying Information**

* + An addendum is a form that is filed along with the final decree and includes protected identifying information such as social security numbers and bank account numbers.

**Complaint for Divorce**

* A Complaint for Divorce is one of the initial documents that is filed with the court by which a request is made to end the marriage between two people. Among other things, this form sets forth the facts upon which the divorce is based.

**Co-parenting Certificate (COPE)**

* The Co-parenting Certificate can be obtained by attending an educational seminar or other like program that is a minimum of four hours in length. The seminar will address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities.

**Final Decree of Divorce**

* + The final decree is a Court Order that terminates the marriage, establishes the spouses’ obligations to one another and to their children and disposes of their property and debts. Once the final decree is signed, the divorce is official.

**Name Change Order**

* A name change order is a separate order entered by the Court that orders a spouse’s name be returned to their former name. The party seeking the name change must file a separate Name Change Order to be signed by a judge.

**Notice**

* Notice is furnished by delivering a set of court documents (called "[process](https://en.wikipedia.org/wiki/Legal_process)") to the person to be served.

**Property Settlement Agreement**

* + A property settlement agreement is a written contract dividing property, spelling out rights, and settling problems such as alimony and custody. It must be signed by both parties and is required in divorces based on a separation of six months.

**Service of Process**

* Service of process is the procedure by which the plaintiff in a divorce proceeding gives an appropriate notice of initial legal action to the defendant so as to enable that person to respond to the proceeding before the court, body, or other tribunal.

**VS-4**

* + This form transfers the divorce information to the Virginia Department of Health/Division of Vital Statistics for their records.

SECTION 16 **SAMPLE DOCUMENTS**

**Complaint for Divorce**

 Page 21 Complaint based on separation of **six months** with

 Property Settlement Agreement and no minor children

 Page 23 Complaint based on separation of **one year** /

 no Property Settlement Agreement required

**Amending Your Complaint**

 Page 25 Motion to Amend Complaint

Page 26 Leave to Amend Order

**Service**

Page 27 Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice

 Page 28 Affidavit in Support of Publication

 Page 29 Order of Publication

**Notice of Hearing**

 Page 30 Notice of *Ore Tenus* Hearing

**Military – Waiver of Rights**

 Page 31 Waiver of Rights Under the Servicemembers Civil Relief Act

**Final Decree**

 Page 32 Final Decree, No Spousal Support or Child Support

 Page 35 Final Decree, with Property Settlement Agreement and Child Support

 Page 42 Final Decree, with Property Settlement Agreement and Spousal Support,

 No Children

**Addendum**

 Page 46 Addendum for Protected Identifying Information

**Name Change**

 Page 47 Name Change Order

***[SAMPLE]* COMPLAINT *on Ground of Six Month Separation***

***with Property Settlement Agreement and No Minor Children***

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

**[ADDRESS:]**

**[TELEPHONE**:]

 Complainant

vs.

[**RESPONDENT’S NAME**]

**[ADDRESS:]**

**[TELEPHONE:]**

 Respondent

 **COMPLAINT FOR DIVORCE**

 TO THE HONORABLE JUDGES OF SAID COURT:

 COMES NOW your Complainant, [**COMPLAINANT’S NAME**], and for his/her Complaint, respectfully represents as follows:

1. Complainant [**COMPLAINANT’S NAME**] and Respondent [**RESPONDENT’S NAME**] were legally married to each other on [**DATE OF MARRIAGE**] in [**PLACE OF MARRIAGE**];

2. That there were [**NUMBER OF CHILDREN, NAME(S), DATE OF BIRTH(S) OR NO CHILDREN**] born or adopted of this marriage;

3. That the parties hereto are over the age of eighteen (18) years; [**IF ONE OR BOTH PARTIES’ ARE MEMBERS OF THE ARMED FORCES, SO STATE**] **OR** **[neither is a member of the Armed Forces of the United States]**;

4. That the Complainant [**AND/OR RESPONDENT**] is an actual bona fide resident and domiciliary of the Commonwealth of Virginia, and has been such for more than six months immediately preceding the institution of this suit;

5. That the parties hereto separated on [**THE DATE OF SEPARATION**], and have lived separate and apart without any cohabitation and without interruption to the present; that it was the intention of one of the parties that the separation be permanent for at least **SIX (6) MONTHS** prior to the filing of the Complaint; that there is no probability of reconciliation between the parties;

6. That the parties entered into a Property Settlement Agreement on [**INSERT DATE**] which decides all property and support issues between the parties and there are no further issues for the Court to determine.

 WHEREFORE, your Complainant prays as follows:

1. That the Complainant may be awarded a divorce a vinculo matrimonii from the Respondent on the ground of having lived separate and apart without any cohabitation and without interruption, for a period of **SIX (6) MONTHS**;

2. That the Property Settlement Agreement entered into between the parties dated [**INSERT DATE**] is hereby affirmed, ratified and incorporated (but not merged) into the Final Decree of Divorce to the extent permitted under VA Code Ann. 20-109.1 (1950), and that the parties may be ordered to comply with its terms; and further

3. That Complainant’s maiden, or former, name be restored to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ .

**(*Delete this paragraph if no name change is requested*)**

4. That Complainant may have such other and further relief as the nature of the case may require.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* COMPLAINT *on Ground of One Year Separation/***

***No Property Settlement Agreement required***

(Do not type the above language on the top of the page)

*-----------------------------------------------------------------------------------------------------*

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

**[ADDRESS:]**

**[TELEPHONE**:]

 Complainant

vs.

[**RESPONDENT’S NAME**]

**[ADDRESS:]**

**[TELEPHONE**:]

 Respondent

 **COMPLAINT FOR DIVORCE**

 TO THE HONORABLE JUDGES OF SAID COURT:

 COMES NOW your Complainant, [**COMPLAINANT’S NAME**], and for his/her Complaint, respectfully represents as follows:

1. Complainant [**COMPLAINANT’S NAME**] and Respondent [**RESPONDENT’S NAME**] were legally married to each other on [**DATE OF MARRIAGE**] in [**PLACE OF MARRIAGE**];

2. That there were [**NUMBER OF CHILDREN, NAME(S), DATE OF BIRTH(S) OR NO CHILDREN**] born or adopted of this marriage;

3. That the parties hereto are over the age of eighteen (18) years; [**IF ONE OR BOTH PARTIES’ ARE MEMBERS OF THE ARMED FORCES, SO STATE**] **OR** **[neither is a member of the Armed Forces of the United States]**;

4. That the Complainant [**AND/OR RESPONDENT**] is an actual bona fide resident and domiciliary of the Commonwealth of Virginia, and has been such for more than six months immediately preceding the institution of this suit;

5. That the parties hereto separated on [**THE DATE OF SEPARATION**], and have lived separate and apart without any cohabitation and without interruption to the present; that it was the intention of one of the parties that the separation be permanent for at least **ONE YEAR** prior to the filing of the Complaint; that there is no probability of reconciliation between the parties;

6. That the parties entered into a Property Settlement Agreement on [**INSERT DATE**] which decides all property and support issues between the parties and there are no further issues for the Court to determine. **(*Delete this paragraph if the parties do not have a Property Settlement Agreement*)**

 WHEREFORE, your Complainant prays as follows:

1. That the Complainant may be awarded a divorce a vinculo matrimonii from the Respondent on the ground of having lived separate and apart without any cohabitation and without interruption, for a period of **ONE YEAR**;

2. That the Property Settlement Agreement entered into between the parties dated [**INSERT DATE**] is hereby affirmed, ratified and incorporated (but not merged) into the Final Decree of Divorce to the extent permitted under VA Code Ann. 20-109.1 (1950), and that the parties may be ordered to comply with its terms; and further **(*Delete this paragraph if the parties do not have a Property Settlement Agreement*)**

3. That Complainant’s maiden, or former, name be restored to \_\_\_\_\_\_ **(*Delete this paragraph if no name change is requested*)**

4. That Complainant may have such other and further relief as the nature of the case may require.

Respectfully submitted,

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* MOTION ASKING FOR PERMISSION TO**

**AMEND THE COMPLAINT**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

V I R G I N I A:

 IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

v.

[**RESPONDENT’S NAME**]

 Respondent

 **MOTION TO AMEND COMPLAINT**

COMES NOW, Complainant and requests that this Court grant leave to amend the complaint. Complainant seeks leave to amend the complaint because **[ENTER REASON FOR AMENDMENT HERE. If you need to amend the complaint a law clerk will tell you why, such as you forgot to ask for a divorce, you MUST put your reason here].**  The Complainant has filed the proposed Amended Complaint with the Court.

WHEREFORE, Complainant prays that this Court grant [**him/her]** leave to amend the complaint to correct this error.

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* ORDER TO AMEND THE COMPLAINT**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

V I R G I N I A:

 IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

v.

[**RESPONDENT’S NAME**]

 Respondent

**LEAVE TO AMEND ORDER**

This cause came on this day upon Complainant’s motion to amend the Complaint;

 IT APPEARING that [**ENTER REASON FOR AMENDMENT HERE. EXAMPLES INCLUDE: complainant failed to request a divorce in the original complaint, complainant seeks to change the grounds of divorce from six months to one year, complainant entered the wrong date of separation in the original complaint, etc.]** ;

AND IT FURTHER APPEARING that no parties are prejudiced by this amendment and Rule 1:8 states leave to amend shall be liberally granted.

It is therefore

 ADJUDGED, ORDERED, and DECREED that, Complainant’s motion to amend is GRANTED; and the Amended Complaint filed herein relates back to the date of the original Complaint.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND**

**WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

**ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND**

**WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE**

I, [**RESPONDENT’S NAME**], swear under oath/ affirm that the following statements are true and correct:

1. I am the Respondent in this divorce case, currently pending in the Circuit Court of the City of Alexandria.

2. I have received a copy of the Complaint in this matter, filed on [**DATE COMPLAINT FILED**]. I understand that my receipt of this document and my signature below constitute the acceptance of service of process in this matter. I further waive my right to answer the Complaint.

3. I waive my right to all further service of process and notice in this divorce action including, but not limited to, notice of any *Ore Tenus* hearing, any notice of depositions, notice of the appointment of a Commissioner in Chancery, notice of the filing of the report of a Commissioner in Chancery, and notice of presentation of the final decree of divorce for entry by the Court.

1. I do not wish to contest this matter nor delay a hearing on the Complaint.
2. I understand that I should notify the Court in writing if I change my address while this case is pending.

6. I understand that I am permitted to retain an attorney of my choice to represent myself, but I choose not to do so in this matter.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Respondent, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

COMMONWEALTH OF VIRGINIA

[**CITY**] [**COUNTY**] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to wit:

Subscribed and sworn to/affirmed before me this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[**DATE**]

by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_[**RESPONDENT’s NAME**].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 ***[SAMPLE]* AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

 **AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION**

 [**COMPLAINANT’S NAME**], being duly sworn, deposes and says:

 1. [**COMPLAINANT’S NAME**] is the Complainant in the above-styled divorce suit.

 2. The above-named Respondent’s last known address is [**LIST FULL ADDRESS**] **OR** [**not known**].

 3. The Respondent’s present whereabouts are unknown.

 4. The Complainant has used due diligence to attempt to locate the Respondent without effect.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant

**[ADDRESS]**

**[TELEPHONE NUMBER]**

COMMONWEALTH OF VIRGINIA

[**CITY**] [**COUNTY**] of \_\_\_\_\_\_\_\_\_\_\_, to wit: Subscribed and sworn to/affirmed before me this [**DATE**] by [**COMPLAINANT’s NAME**].

 Notary Public

My Commission Expires: .

***[SAMPLE]* ORDER OF PUBLICATION**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

**ORDER OF PUBLICATION**

 The object of this suit is to obtain a [**divorce from bed and board and a divorce from the bond of matrimony OR divorce from the bond of matrimony**] from the Respondent on the ground of having lived separate and apart for a period exceeding [**six (6) months OR one (1) year**] [**AND set forth other relief prayed for, if any**].

 It appearing by affidavit that [**the Respondent is not a resident of this Commonwealth AND/OR diligence has been used by or on behalf of the Complainant to ascertain in what county or city the Respondent is, without effect]**, it is ORDERED that Respondent appear before this Court on or before [**DATE**] and protect [**his OR her**] interests herein.

 And it is further ORDERED that the above paragraphs be published once a week for four successive weeks in the [**name of newspaper**], a newspaper of general circulation in the [**City OR County**] of [**jurisdiction**]. The Clerk of this Court shall post this Order at the front door of the courthouse and shall mail a copy of this Order to the Respondent at the address, if any, given in the affidavit of the Complainant filed herewith.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Clerk of the Circuit Court

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* NOTICE OF *ORE TENUS* HEARING**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

**VIRGINIA**

 **IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA**

**[COMPLAINANT’S NAME]** CL #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Complainant**

vs.

**[RESPONDENT’S NAME]**

 **Respondent**

**NOTICE OF ORE TENUS HEARING**

PLEASE TAKE NOTICE that on **[MONTH] [DAY], [YEAR]** at 9:00 a.m., an *ore tenus* hearing will be held in the Circuit Court for the City of Alexandria located on the fourth floor at 520 King Street, Alexandria, Virginia 22314. At this hearing the Complainant and the Complainant’s witness will testify to support the facts alleged in the Complaint. The Complainant will then move the court to enter a Final Decree of Divorce. If the Court accepts the testimony of the Complainant and witness, then the Court will enter a Final Decree of Divorce.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant

**[ADDRESS]**

**[TELEPHONE NUMBER]**

**Certificate of Service:**

I hereby certify, under penalty of contempt or perjury, that a true copy of the foregoing notice was served by **[ENTER TYPE OF SERVICE HERE]**, this day of [**MONTH**], **[YEAR]**, to:

**[RESPONDENT’S NAME]**

**[RESPONDENT’S CURRENT ADDRESS]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant

***[SAMPLE]* WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS**

**CIVIL RELIEF ACT**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

**VIRGINIA**

 **IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA**

**[COMPLAINANT’S NAME]** CL #:\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Complainant

vs.

**[RESPONDENT’S NAME]**

Respondent

**WAIVER OF RIGHTS UNDER THE**

**SERVICEMEMBERS CIVIL RELIEF ACT**

I, [**RESPONDENT’S NAME**], swear under oath/ affirm that the following statements are true and correct:

1. I am the Respondent in this divorce case, currently pending in the Circuit Court of the City of Alexandria and I am a member of the United States Armed Forces.

2. I have received a copy of the Complaint in this matter, filed on [**DATE COMPLAINT FILED**].

3. I waive my right to protections afforded to me by the Servicemembers Civil Relief Act, including, but not limited to the right to delay or set aside the judgment if I am on active duty.

1. I understand that I am permitted to retain or consult an attorney of my choice to represent myself, but I choose not to do so in this matter.
2. I understand that I should notify the Court in writing if I change my address while this case is pending.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Respondent, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

COMMONWEALTH OF VIRGINIA

[**CITY**] [**COUNTY**] of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, to wit: Subscribed and sworn to/affirmed before me this [**DATE**] by [**RESPONDENT’s NAME**].

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Notary Public

My Commission Expires: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***[SAMPLE]* FINAL DECREE**

 **WITH NO SPOUSAL SUPPORT OR CHILD SUPPORT** **INVOLVED**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

 **FINAL DECREE OF DIVORCE**

 THIS CAUSE came to be heard upon Plaintiff’s Complaint filed herein; service of process upon the Respondent in a proper manner [**OR ACCEPTANCE OF SERVICE OF PROCESS BY RESPONDENT**]; notice of the hearing upon the Respondent in a proper manner [**OR WAIVER OF NOTICE BY THE RESPONDENT**]; and, upon an *Ore Tenus* Hearing having been held.

 UPON CONSIDERATION WHEREOF, it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the parties hereto were legally married to each other on [**DATE OF MARRIAGE**] in [**PLACE OF MARRIAGE**]; that there were [**NUMBER OF CHILDREN, NAME(S), DATE OF BIRTH(S) OR NO CHILDREN**] born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither is a member of the Armed Forces of the United States [**IF ONE OR BOTH PARTIES’ ARE MEMBERS OF THE ARMED FORCES, SO STATE**]; that the Complainant [**AND/OR RESPONDENT**] is an actual bona fide resident and domiciliary of the Commonwealth of Virginia, and has been such for more than six months immediately preceding the institution of this suit; that the parties hereto separated on [**THE DATE OF SEPARATION**], and have lived separate and apart without any cohabitation and without interruption to the present; that it was the intention of one of the parties that the separation be permanent for at least [**ONE (1) YEAR OR SIX (6) MONTHS**] prior to the filing of the Complaint; that there is no probability of reconciliation between the parties; and that the facts alleged in the Complaint have been proven and fully sustained and the Complainant is entitled to the relief prayed for; it is thereby

 ADJUDGED, ORDERED, and DECREED that the Complainant, [**INSERT COMPLAINANT’S NAME**], be and hereby is, granted a divorce a vinculo matrimonii from the Respondent, [**INSERT RESPONDENT’S NAME**], on the ground of having lived separate and apart without any cohabitation and without interruption, for a period of [**ONE (1) YEAR OR SIX (6) MONTHS**], and that the bonds of matrimony heretofore existing between the parties are hereby declared to be dissolved; and it is further

 [ADJUDGED, ORDERED, and DECREED that the Property Settlement Agreement entered into between the parties dated [**INSERT DATE**] is hereby affirmed, ratified and incorporated into the Final Decree of Divorce to the extent permitted under VA Code Ann. 20-109.1 (1950), and the parties are hereby ordered to comply with its terms {***NOTE: THIS PARAGRAPH IS NECESSARY ONLY IF PARTIES ENTERED INTO A PROPERTY SETTLEMENT AGREEMENT AND/ OR PARTIES ARE DIVORCING BASED ON 6 MONTHS SEPARATION}*** ;] and it is further

 ADJUDGED, ORDERED, and DECREED, as required by Virginia Code § 20-91(B) the parties social security numbers or driver’s license numbers are hereby incorporated through their addendum for protected information previously filed;

 ADJUDGED, ORDERED, and DECREED that the Clerk of this Court shall cause a copy of this Decree to issue to Complainant, and

 **NOTICE, required by Virginia Code § 20-111.1 is hereby given that: 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.**

 THIS CAUSE IS FINAL and should be removed from the docket.

 ENTERED this day of , 20\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required if service was made by

Defendant, *pro se* acceptance of service and waiver of notice)

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* FINAL DECREE**

**WITH PROPERTY SETTLEMENT AGREEMENT**

**AND CHILD SUPPORT** (Spousal Support may be Included)

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

 **FINAL DECREE OF DIVORCE**

 THIS CAUSE came to be heard upon Plaintiff’s Complaint filed herein; service of process upon the Respondent in a proper manner [**OR ACCEPTANCE OF SERVICE OF PROCESS BY RESPONDENT**]; notice of the hearing upon the Respondent in a proper manner [**OR WAIVER OF NOTICE BY THE RESPONDENT**]; and, upon an *Ore Tenus* Hearing having been held.

 UPON CONSIDERATION WHEREOF, it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the parties hereto were legally married to each other on [**DATE OF MARRIAGE**] in [**PLACE OF MARRIAGE**]; that there were [**NUMBER OF CHILDREN, NAME(S), DATE(S) OF BIRTH(S)**] born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither is a member of the Armed Forces of the United States [**IF ONE OR BOTH PARTIES ARE MEMBERS OF THE ARMED FORCES, SO STATE**]; that the Complainant [**AND/OR RESPONDENT**] is an actual bona fide resident and domiciliary of the Commonwealth of Virginia, and has been such for more than six months immediately preceding the institution of this suit; that the parties hereto separated on [**THE DATE OF SEPARATION**], and have lived separate and apart without any cohabitation and without interruption to the present; that it was the intention of one of the parties that the separation be permanent for at least [**ONE (1) YEAR**] prior to the filing of the Complaint; that there is no probability of reconciliation between the parties; and that the facts alleged in the Complaint have been proven and fully sustained and the Complainant is entitled to the relief prayed for; it is thereby

 ADJUDGED, ORDERED, and DECREED that the Complainant, [**INSERT COMPLAINANT’S NAME**], be and hereby is, granted a divorce a vinculo matrimonii from the Respondent, [**INSERT RESPONDENT’S NAME**], on the ground of having lived separate and apart without any cohabitation and without interruption, for a period of [**ONE (1) YEAR**], and that the bonds of matrimony heretofore existing between the parties are hereby declared to be dissolved; and it is further

 ADJUDGED, ORDERED, and DECREED that the Property Settlement Agreement entered into between the parties dated [**INSERT DATE**] is hereby affirmed, ratified and incorporated into the Final Decree of Divorce to the extent permitted under VA Code Ann. 20-109.1 (1950), and the parties are hereby ordered to comply with its terms; and it is further

 ADJUDGED, ORDERED, and DECREED that [**COMPLAINANT OR RESPONDENT**] spouse is required to pay spousal **[AND/OR]** child support to the other, and therefore, Virginia Code Section 20-60.3 is applicable; and

 ADJUDGED, ORDERED, and DECREED in accordance with the provisions of Section 20-60.3, 1950 Code of Virginia, as amended, as follows:

 ORDERED that pursuant to Section 20-60.3, 1950 Code of Virginia, as amended, the following information and notices are included herein:

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; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to 20-79.1;

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; however, absence of such notice in an order entered prior to July 1, 1988, shall not bar withholding of support payments pursuant to Chapter 19 (63.2-1900 et seq.) of Title 63.2;

3. **[IF THERE ARE CHILDREN, INSERT NAMES OF THE CHILDREN AND BIRTH DATES OF CHILDREN, AND LAST FOUR DIGITS OF SOCIAL SECURITY NUMBER]**

4. **[INSERT, IF KNOWN, THE NAME AND DATE OF BIRTH OF EACH PARENT AND, IF DIFFERENT AND IF KNOWN, THE NAME AND DATE OF BIRTH OF THE PERSON RESPONSIBLE FOR SUPPORT AND, UNLESS OTHERWISE ORDERED, EACH PARENT OR RESPONSIBLE PERSON'S RESIDENTIAL AND, IF DIFFERENT, MAILING ADDRESS, RESIDENTIAL AND EMPLOYER TELEPHONE NUMBER, AND THE NAME AND ADDRESS OF HIS OR HER EMPLOYER; HOWEVER, WHEN A PROTECTIVE ORDER HAS BEEN ISSUED OR THE COURT OTHERWISE FINDS REASON TO BELIEVE THAT A PARTY IS AT RISK OF PHYSICAL OR EMOTIONAL HARM FROM THE OTHER PARTY, INFORMATION OTHER THAN THE NAME OF THE PARTY AT RISK SHALL NOT BE INCLUDED IN THE ORDER; IF ANY SPECIFIC INFORMATION IS NOT KNOWN, THEN SO STATE];**

5. Pursuant to § 20-124.2, support will continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support until such child reaches the age of 19 or graduates from high school, whichever occurs first, and that the court may also order the continuation of support for any child over the age of 18 who is (a) severely and permanently mentally or physically disabled, (b) unable to live independently and support himself, and (c) residing in the home of the parent seeking or receiving child support;

6. On and after July 1, 1994, a petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business or occupation issued by the Commonwealth to a person responsible for support as provided in 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of $5,000 or more.

[**NOTE WHETHER EITHER SPOUSE CURRENTLY HOLDS SUCH A LICENSE, CERTIFICATE, REGISTRATION OR OTHER AUTHORIZATION AND, IF SO, THE TYPE OF AUTHORIZATION HELD; E.G. DEFENDANT HOLDS A LICENSE TO PRACTICE LAW IN VIRGINIA.**]

7. **[INSERT AMOUNT OF PERIODIC SUPPORT EXPRESSED IN FIXED SUMS, TOGETHER WITH THE PAYMENT INTERVAL, THE DATE PAYMENTS ARE DUE, AND THE DATE THE FIRST PAYMENT IS DUE];**

8. a. Health care coverage shall be provided for child[**REN]** as follows: **[INSERT THE HEALTH INSURANCE POLICY INFORMATION FOR DEPENDENT CHILDREN PURSUANT TO 20-108.1 AND 20-108.2 IF AVAILABLE AT REASONABLE COST AS DEFINED IN 63.2-1900 AND A STATEMENT AS TO WHETHER THERE IS AN ORDER FOR HEALTH CARE COVERAGE FOR A SPOUSE OR FORMER SPOUSE; IF NO HEALTHCARE AVAILABLE AT REASONABLE COST OR INCLUDED, THEN SO STATE**]; and

 b. [**INSERT A STATEMENT AS TO WHETHER ANY EXTRAORDINARY MEDICAL EXPENSES ARE TO BE PAID BY OR REIMBURSED TO A PARTY PURSUANT TO SUBSECTION D AND SUBDIVISION G3 OF 20-108.2, AND IF SUCH EXPENSES ARE ORDERED, THEN THE PROVISIONS AS TO HOW SUCH PAYMENT IS TO BE MADE**];

[**IF THERE IS NO PROVISION FOR HEALTH CARE COSTS IN EXCESS OF INSURANCE COVERAGE, SIMPLY STATE THAT.]**

9. [**IF SUPPORT ARREARAGES EXIST, (I) STATE TO WHOM AN ARREARAGE IS OWED AND THE AMOUNT OF THE ARREARAGE, (II) THE PERIOD OF TIME FOR WHICH SUCH ARREARAGE IS CALCULATED, AND (III) A DIRECTION THAT ALL PAYMENTS ARE TO BE CREDITED TO CURRENT SUPPORT OBLIGATIONS FIRST, WITH ANY PAYMENT IN EXCESS OF THE CURRENT OBLIGATION APPLIED TO ARREARAGES**];

 [**IF ARREARAGES DO NOT EXIST, THEN SO STATE UNDER THIS PARAGRAPH NUMBER.]**

10. If child support payments are ordered to be paid through the Department of Social Services or directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court and, when payments are to be made through the Department, the Department of Social Services at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change;

11. If child support payments are ordered to be paid through the Department of Social Services, then the obligor must keep the Department of Social Services informed of [HIS OR HER] name, address and telephone number of his current employer, or if payments are ordered to be paid directly to the obligee, the obligor must keep the court informed of the name, address and telephone number of his current employer;

12. If child support payments are ordered to be paid through the Department of Social Services the party obligated to provide health care coverage must keep the Department of Social Services informed of any changes in the availability of the health care coverage for the minor child or children, or if payments are ordered to be paid directly to the obligee, the party obligated to provide health care coverage must keep the other party informed of any changes in the availability of the health care coverage for the minor child or children;

13. **[INSERT THE SEPARATE AMOUNTS DUE TO EACH PERSON UNDER THE ORDER, UNLESS THE COURT SPECIFICALLY ORDERS A UNITARY AWARD OF CHILD AND SPOUSAL SUPPORT DUE OR THE ORDER AFFIRMS A SEPARATION AGREEMENT CONTAINING PROVISION FOR SUCH UNITARY AWARD];**

14. The parties are notified that, in determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law; pursuant to § 20-78.2, interest on the arrearage at the judgment rate as established by § 6.2-302 will accrue unless the obligee, in a writing submitted to the court, waives the collection of interest; and

15. On and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (63.2-1900 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;

16. The parties are notified that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid.

17. Parties are notified that, in cases enforced by the Department of Social Services, the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of $5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings.

 **NOTICE, required by Virginia Code § 20-111.1 is hereby given that: 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.**

 ADJUDGED, ORDERED, and DECREED, as required by Virginia Code § 20-91(B) the parties social security numbers or driver’s license numbers are hereby incorporated through their addendum for protected information previously filed

 ADJUDGED, ORDERED, and DECREED that the Clerk of this Court shall cause a copy

of this Decree to issue to Complainant, and

 THIS CAUSE IS FINAL and should be removed from the docket.

 ENTERED this day of , 20\_\_.

 JUDGE

I ASK FOR THIS

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required if service was made by

Defendant, *pro se* acceptance of service and waiver of notice)

**[ADDRESS]**

**[TELEPHONE NUMBER]**

***[SAMPLE]* FINAL DECREE**

**WITH PROPERTY SETTLEMENT AGREEMENT**

**SPOUSAL SUPPORT** **AND NO CHILDREN**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] CL #:\_\_\_\_\_\_\_\_\_\_\_

 Complainant

vs.

[**RESPONDENT’S NAME**]

 Respondent

 **FINAL DECREE OF DIVORCE**

 THIS CAUSE came to be heard upon Plaintiff’s Complaint filed herein; service of process upon the Respondent in a proper manner [**OR ACCEPTANCE OF SERVICE OF PROCESS BY RESPONDENT**]; notice of the hearing upon the Respondent in a proper manner [**OR WAIVER OF NOTICE BY THE RESPONDENT**]; and, upon an *Ore Tenus* Hearing having been held.

 UPON CONSIDERATION WHEREOF, it appearing to the Court independently of the admissions of either party in the pleadings or otherwise, that the parties hereto were legally married to each other on [**DATE OF MARRIAGE**] in [**PLACE OF MARRIAGE**]; that there were [**NUMBER OF CHILDREN, NAME(S), DATE(S) OF BIRTH(S) OR NO CHILDREN**] born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither is a member of the Armed Forces of the United States [**IF ONE OR BOTH PARTIES ARE MEMBERS OF THE ARMED FORCES, SO STATE**]; that the Complainant [**AND/OR RESPONDENT**] is an actual bona fide resident and domiciliary of the Commonwealth of Virginia, and has been such for more than six months immediately preceding the institution of this suit; that the parties hereto separated on [**THE DATE OF SEPARATION**], and have lived separate and apart without any cohabitation and without interruption to the present; that it was the intention of one of the parties that the separation be permanent for at least [**ONE (1) YEAR OR SIX (6) MONTHS**] prior to the filing of Complaint; that there is no probability of reconciliation between the parties; and that the facts alleged in the Complaint have been proven and fully sustained and the Complainant is entitled to the relief prayed for; it is thereby

 ADJUDGED, ORDERED, and DECREED that the Complainant, [**INSERT COMPLAINANT’S NAME**], be and hereby is, granted a divorce a vinculo matrimonii from the Respondent, [**INSERT RESPONDENT’S NAME**], on the ground of having lived separate and apart without any cohabitation and without interruption, for a period of [**ONE (1) YEAR OR SIX (6) MONTHS**], and that the bonds of matrimony heretofore existing between the parties are hereby declared to be dissolved; and it is further

 ADJUDGED, ORDERED, and DECREED that the Property Settlement Agreement entered into between the parties dated [**INSERT DATE**] is hereby affirmed, ratified and incorporated into the Final Decree of Divorce to the extent permitted under VA Code Ann. 20-109.1 (1950), and the parties are hereby ordered to comply with its terms; and it is further

 ADJUDGED, ORDERED, and DECREED that [**COMPLAINANT OR RESPONDENT**] spouse is required to pay spousal support to the other, and therefore, Virginia Code Section 20‑107.1(H) is applicable; and

 ADJUDGED, ORDERED, and DECREED in accordance with the provisions of Section 20‑107.1, 1950 Code of Virginia, as amended, as follows:

 ORDERED that pursuant to Section 20-107.1, 1950 Code of Virginia, as amended, the following information and notices are included herein:

 1. [**INSERT, IF KNOWN, THE NAME AND DATE OF BIRTH OF EACH PARTY AND, UNLESS OTHERWISE ORDERED, EACH PARTY’S RESIDENTIAL AND, IF DIFFERENT, MAILING ADDRESS, RESIDENTIAL AND EMPLOYER TELEPHONE NUMBERS, AND THE NAME AND ADDRESS OF HIS/HER EMPLOYER; HOWEVER, WHEN A PROTECTIVE ORDER HAS BEEN ISSUED OR THE COURT OTHERWISE FINDS REASON TO BELIEVE THAT A PARTY IS AT RISK OF PHYSICAL OR EMOTIONAL HARM FROM THE OTHER PARTY, INFORMATION OTHER THAN THE NAME OF THE PARTY AT RISK SHALL NOT BE INCLUDED IN THE ORDER];**

2. **[INSERT AMOUNT OF PERIODIC SPOUSAL SUPPORT EXPRESSED IN FIXED SUMS, TOGETHER WITH THE PAYMENT INTERVAL, THE DATE PAYMENTS ARE DUE, AND THE DATE THE FIRST PAYMENT IS DUE];**

 3. **[INSERT A STATEMENT AS TO WHETHER THERE IS AN ORDER FOR HEALTH CARE COVERAGE FOR A PARTY];**

 4. **[IF SUPPORT ARREARAGES EXIST, STATE (I) TO WHOM AN ARREARAGE IS OWED AND THE AMOUNT OF THE ARREARAGE, (II) THE PERIOD OF TIME FOR WHICH SUCH ARREARAGE IS CALCULATED, AND (III) A DIRECTION THAT ALL PAYMENTS ARE TO BE CREDITED TO CURRENT SPOUSAL SUPPORT OBLIGATIONS FIRST, WITH ANY PAYMENT IN EXCESS OF THE CURRENT OBLIGATION APPLIED TO ARREARAGES];**

 5. **[INSERT A STATEMENT AS TO WHETHER SPOUSAL SUPPORT PAYMENTS ARE ORDERED TO BE PAID THROUGH THE DEPARTMENT OF SOCIAL SERVICES OR DIRECTLY TO THE OBLIGEE.]** Unless the Court, for good cause shown, orders otherwise, the parties shall give each other and the Court and, when payments are to be made through the Department, the Department of Social Services, at least thirty days’ written notice, in advance, of any change of address and any change of telephone number within thirty days after the change; and

 6. In determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

 **NOTICE, required by Virginia Code § 20-111.1 is hereby given that: 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.**

 ADJUDGED, ORDERED, and DECREED, as required by Virginia Code § 20-91(B) the parties social security numbers or driver’s license numbers are hereby incorporated through their addendum for protected information previously filed

 ADJUDGED, ORDERED AND DECREED that the Clerk of this Court shall cause a copy of this Decree to issue to Complainant, and

 THIS CAUSE IS FINAL and should be removed from the docket.

 ENTERED this day of , 20 .

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 JUDGE

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required)

Complainant, *pro se*

**[ADDRESS]**

**[TELEPHONE NUMBER]**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (Signature required if service was made by

Defendant, *pro se* acceptance of service and waiver of notice)

**[ADDRESS]**

**[TELEPHONE NUMBER]**

 ***[SAMPLE]* ADDENDUM FOR PROTECTED IDENTIFYING INFORMATION**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

**ADDENDUM FOR PROTECTED**  CL:\_\_\_\_\_\_\_\_\_\_\_\_

**IDENTIFYING INFORMATION— CONFIDENTIAL**

**Commonwealth of Virginia**

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[**COMPLAINANT’S NAME**] v [**RESPONDENT’S NAME**]

**This addendum is filed with the document(s) indicated below, from which the protected identifying information contained herein has been removed by the attorney or party whose signature appears below. This addendum shall be used to distribute such information only as required by law, and may be made available only to the parties, to their attorneys, and to other person(s) as the court may allow.**

[ ] Petition [ ] Motion [ ] Order [X] Decree [ ] Other Pleading:

[ ] Agreement(s) of the Parties [ ] Transcripts [ ] Other:

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PARTY NAME (LAST, FIRST, MIDDLE) PARTY NAME (LAST, FIRST, MIDDLE)

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

SOCIAL SECURITY NUMBER SOCIAL SECURITY NUMBER

|  |  |  |  |
| --- | --- | --- | --- |
| NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD | IDENTIFYING ACCOUNT NUMBER | NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD | IDENTIFYING ACCOUNT NUMBER |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |
|  |  |  |  |

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CHILD NAME (LAST, FIRST, MIDDLE) SOCIAL SECURITY NUMBER

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

CHILD NAME (LAST, FIRST, MIDDLE) SOCIAL SECURITY NUMBER

Attach additional sheet(s) for other information, as needed.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

DATE [ ] PARTY [ ] ATTORNEY

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

PRINT NAME ADDRESS/TELEPHONE NUMBER OF SUBSCRIBER PHONE NUMBER

FORM CC-1426 MASTER 5 08

VA CODE § 20-121.03

***[SAMPLE]* NAME CHANGE ORDER**

(Do not type the above language on the top of the page)

**-----------------------------------------------------------------------------------------------------**

VIRGINIA

 IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

In the matter of the change of name from

 : Case #: CL\_\_\_\_\_\_\_\_\_\_\_\_\_

to :

 **ORDER**

This day came the Petitioner, seeking to change his/her name by reason of divorce.

It appearing to the Court that:

1. The Petitioner’s current full name is .

2. The Petitioner’s current address is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

3. The Petitioner previously went by the following names \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

4. The Petitioner seeks to change his/her name to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

5. The Petitioner does not seek this name change for any fraudulent or unlawful purpose.

 ADJUDGED, ORDERED and DECREED that the name of the Petitioner is hereby changed from

 to , and further

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

Entered this day of , 20\_\_\_.

 JUDGE

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(Signature required)

Petitioner

**[ADDRESS]**

**[TELEPHONE NUMBER]**

1. Virginia Code § 20-121.4 states: Upon decreeing a divorce from the bond of matrimony the court shall, on motion of a party who changed his or her name by reason of the marriage, restore such party’s former name or maiden name by separate order meeting the requirements of § 8.01-217. [↑](#footnote-ref-1)
2. Virginia Code § 8.01-217 states, in relevant part: The order shall contain no identifying information other than the applicant’s former name or names, new name, and current address. [↑](#footnote-ref-2)