

**City of Alexandria
Circuit Court
520 King Street Alexandria, Virginia 22314**



Pro se Uncontested Divorce Packet
REVISED: APRIL 13, 2022
Includes Information Regarding
(1) Ore Tenus Hearings; and
(2) Affidavit in lieu of appearing for Ore Tenus Hearing

Alexandria Law Library
520 King Street, Lower Level
703.746.4077

Clerk of Circuit Court
520 King Street, Room 307
703.746.4044

Circuit Court Judges' Chambers
520 King Street, 4th floor
703.746.4123

1. This packet is provided by the Alexandria Law Library and is available
 - (a) FOR PURCHASE from the Alexandria Law Library for a standard copying charge per page, or
 - (b) BY DOWNLOAD from the Alexandria Law Library
→ <https://alexandria.libnet.info/images/pdfs/alexandria/Law/UncontestedDivorce.pdf>
2. This packet provides a brief overview of the uncontested divorce process in the Alexandria Circuit Court.
3. This packet does not provide exhaustive explanations.
 - If you need additional guidance, you should seek legal counsel.
 - If you need help finding an attorney, Alexandria Lawyer Referral Service is 703.548.1106.
4. This packet is intended for
 - PRO SE LITIGANTS (you are representing yourself without an attorney).
 - UNCONTESTED DIVORCES only (the parties have agreed upon all issues before the Court, or it is anticipated that only one side will actively participate in the divorce proceeding).
 - GROUND~~S~~ for divorce- 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.
 - ONE YEAR SEPARATION; or
 - SIX MONTH SEPARATION with Property Settlement Agreement and No Minor Children born or adopted of the marriage. ONLY.
5. No Legal Advice.

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 Court and its employees absolutely cannot give you legal advice on how to proceed. If you need such advice, you must hire an attorney.** If you need help finding an attorney, Alexandria Lawyer Referral Service is 703.548.1106.

 - Alexandria Circuit Court 703.746.4123 www.alexandriava.gov/CircuitCourt
 - Alexandria Clerk of Circuit Court 703.746.4044 www.alexandriava.gov/ClerkofCourt
 - Alexandria Law Library 703.746.4077 <https://alexlibraryva.org/law-library>
 - Lawyer Referral Service 703.548.1106 Alexandriabarva.org/find-a-lawyer
 - Legal Services of Northern Virginia 703.684.5566 www.lsnv.org
 - Virginia Access to Justice Commission Self-Help <https://selfhelp.vacourts.gov/>
 - Virginia Code <https://law.lis.virginia.gov/vacode>
 - Virginia's Judicial System <http://www.courts.state.va.us/main.htm>

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Step Number	Instructions on page	Sample Document on page
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Step Number	Instructions on page	Sample Document on page
<p>(8) <u>PROPERTY SETTLEMENT AGREEMENT</u> A Property Settlement Agreement (“PSA”) is a written contract that is used to divide property between parties, or to make statements regarding alimony and child custody. The PSA must be signed by both parties. The PSA does not need to be signed in front of Notary Public. A PSA is required for all divorces based on SIX MONTH SEPARATION, even if the parties have no property (in which case the PSA should state “parties have no property”).</p> <p>(9) <u>WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT</u> The Servicemembers Civil Relief Act waiver is required to be if the Defendant is an active duty member of the United States Armed Forces. The waiver must be signed under oath in front of a Notary Public.</p> <p>→ SAMPLE DOCUMENTS FOR STEP #4(B)</p>	<p>37</p> <p>38</p> <p>39</p>	<p>No sample available</p> <p><u>Sample Document #13</u> <u>Waiver of Rights Under the Servicemembers Civil Relief Act</u> on page 60</p>
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Step Number	Instructions on page	Sample Document on page
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<p><u>STEP #8 – AMEND YOUR COMPLAINT</u> Two (2) weeks prior to your ore tenus hearing, or shortly after your affidavit has been filed, a judicial law clerk will review your documents. The plaintiff will be contacted if the documents are incorrect or incomplete.</p> <p>(1) <u>MOTION TO AMEND COMPLAINT</u> The Plaintiff must ask permission to amend the Complaint.</p> <p>(2) <u>ORDER GRANTING LEAVE TO AMEND COMPLAINT</u> The Judge must enter (sign) an Order granting the Plaintiff permission to amend the Complaint.</p> <p>(3) <u>AMENDED COMPLAINT</u></p> <p>→ SAMPLE DOCUMENTS FOR STEP #8</p>	74	<p><u>Sample Document #15</u> <u>Motion to Amend Complaint</u> on page 77</p> <p><u>Sample Document #16</u> <u>Order to Amend</u> on page 78</p> <p>Follow instructions</p>
<p><u>STEP #9 – ATTEND YOUR ORE TENUS HEARING</u></p> <p>(1) Hearings always at 9:00 a.m. (2) Court Reporter required for publication cases (3) Interpreter – if needed, contact Language Services at 703.746.4630 or email dpilarte@vacourt.gov</p>	79	
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INSTRUCTIONS – STEP 1

PREPARE COMPLAINT FOR DIVORCE

1. PARTIES TO THE DIVORCE

PLAINTIFF

- The Plaintiff is the person asking for the Court to grant the divorce.
- The Plaintiff appears at the ore tenus hearing to provide oral testimony as to the facts of the case (or, in the alternative, prepares an affidavit of written testimony instead of appearing at the ore tenus hearing)
- The Plaintiff serves the defendant (the spouse of the plaintiff) with the Complaint.

DEFENDANT

- Is the spouse of the person asking for the divorce.

2. COMPLAINT FOR DIVORCE

The Complaint is the first document the Plaintiff files with the Court when the Plaintiff requests the Court to end the marriage between two people. The Complaint must be typed. If you do not have a computer or printer, you may go to a public library or ask a friend to help you. It is recommended that you SAVE THE COMPLAINT on your computer or keep a copy on a thumb drive; as changes may be necessary if instructed by a law clerk.

The Complaint is filed with the Clerk of Circuit Court
520 King Street, Room 307
Alexandria, VA 22314
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.

The Complaint states the grounds for divorce (i.e., the length of time the parties have been separated), and sets forth the facts upon which the divorce is based.

To use this packet, the divorce must be based on either (a) SIX MONTH SEPARATION with no minor children and a Property Settlement Agreement (“PSA”); or (b) ONE YEAR SEPARATION with or without minor children and with or without a Property Settlement Agreement.

- (a) NAME OF PLAINTIFF AND DEFENDANT - Your name and your spouse’s name;
- (b) CURRENT RESIDENCE OF EACH PARTY - RESIDENCY REQUIREMENT – You (the plaintiff) or your spouse (the defendant) must be a resident and domiciliary of the Commonwealth of Virginia for at least six (6) months prior to filing suit. *See* Section 20-97 of the 1950 Code of Virginia, as amended.
To use this packet, either you or your spouse must meet the residency requirement.

INSTRUCTIONS – STEP 1 (continued)

PREPARE COMPLAINT FOR DIVORCE

- (c) DATE OF YOUR MARRIAGE
- (d) LOCATION OF YOUR MARRIAGE (CITY AND STATE if married inside the United States; COUNTRY if married outside the United States).
- (e) DATE OF SEPARATION –The last date that the parties existed as husband and wife (lived together as husband and wife and cooperated to maintain the relationship)
To use this packet, the parties must have been separated the mandatory minimum length of time (Grounds: SIX MONTHS SEPARATION with a Property Settlement Agreement and no minor children born or adopted of the marriage; or Grounds: ONE YEAR SEPARATION).

IMPORTANT NOTE regarding DATE OF SEPARATION

If the parties reconcile (even temporarily), have intimate relations with each other, or cohabit as husband and wife, etc., the date of separation starts over.

- (f) MINOR CHILDREN born or adopted of the marriage –
The Complaint must include NAME and DATE OF BIRTH for all minor children under the age of 18:
--- born of the parties;
--- born of either party and adopted by the other party; or
--- adopted by both parties.
- (g) MILITARY STATUS of each party.
If Defendant is an active duty member of the United States Armed Forces, the WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT must be signed by the Defendant in front of a Notary Public (see Step #4(B), #9).
- (h) GROUNDS FOR DIVORCE –This packet contains only information for a **NO-FAULT DIVORCE** based on either
(a) GROUNDS: **SIX MONTH SEPARATION** with a Property Settlement Agreement (“PSA”) and with no minor children born or adopted of the marriage; or
(b) GROUNDS: **ONE YEAR SEPARATION** with or without a Property Settlement Agreement. See Date of Separation above.
- (i) PRAYER FOR RELIEF – The Plaintiff must ask the Court to grant the relief being sought (i.e., a divorce). The **prayer for relief** should state that (1) you are seeking a divorce, and (2) the grounds for divorce, based on
(a) Grounds: SIX MONTH SEPARATION with PROPERTY SETTLEMENT and NO MINOR CHILDREN born or adopted of the marriage; or
(b) Grounds: ONE YEAR SEPARATION.
In the alternative, the Plaintiff can cite the section of the Code of Virginia under which relief is sought (i.e., Section 20-91(A)(9)(a)) of the 1950 Code of Virginia, as amended.

INSTRUCTIONS – STEP 1 (continued)

PREPARE COMPLAINT FOR DIVORCE

- (j) NAME CHANGE. If either party previously changed their name pursuant to the marriage and wants their maiden name or former name be restored,
- (1) the request for name change must be included in the Complaint.
 - (2) An additional fee must be paid
 - (3) A name change order must be filed.
 - (4) See Step #6.

3. SAMPLE COMPLAINTS FOR DIVORCE INCLUDED IN PACKET

- A. Sample Complaint #1 **Grounds: 6 MONTH SEPARATION**
-- with Property Settlement Agreement (“PSA”)
-- no minor children born or adopted of the Marriage
- B. Sample Complaint #2 **Grounds: 6 MONTH SEPARATION**
-- with or without PSA

4. PREPARE THE COMPLAINT (RETYPE THE SAMPLE COMPLAINT)

All sample complaints must be retyped. They are not fill-in-the-blank forms.

- A. Brackets [] are sometimes included on the sample complaint to indicate where the Plaintiff provides his/her information. For instance, [PLAINTIFF’S NAME] would be YOUR NAME.
- B. Options are sometimes included on the sample complaint.
- (1) You will need to decide which option is correct for your situation.
 - (2) Include only the correct option in your complaint.
 - (3) Delete the incorrect option.

For instance, Sample document:

[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];

Your Complaint (retyped)

_____ is a member of the Armed Forces of the United States.

OR

Neither party is a member of the Armed Forces of the United States.

INSTRUCTIONS – STEP 1 (continued)
PREPARE COMPLAINT FOR DIVORCE

STEP #1

SAMPLE DOCUMENTS

Sample Document #1

Complaint #1

Grounds: SIX MONTH SEPARATION

-- With Property Settlement Agreement (“PSA”)

-- No minor children born or adopted of the marriage

Sample Document #2

Complaint #2

Grounds: ONE YEAR SEPARATION

-- with or without PSA

**Sample Document #1 Sample Complaint based on
SIX MONTH SEPARATION
With Property Settlement Agreement
No Minor Children born or adopted of the marriage**

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[PLAINTIFF'S NAME]
[PLAINTIFF'S STREET ADDRESS]
[PLAINTIFF'S CITY, STATE AND ZIP CODE]
[PLAINTIFF'S S TELEPHONE NUMBER]
[PLAINTIFF'S S EMAIL ADDRESS]
Plaintiff

vs.

DOCKET NO. CL _____

[DEFENDANT'S NAME]
[DEFENDANT'S STREET ADDRESS]
[DEFENDANT'S CITY, STATE AND ZIP CODE]
[DEFENDANT'S TELEPHONE NUMBER]
Defendant

COMPLAINT FOR DIVORCE

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW your Plaintiff, [PLAINTIFFS NAME], and for his/her Complaint, respectfully represents as follows:

1. _____ [PLAINTIFF'S NAME] (Plaintiff) and _____
[DEFENDANT'S NAME] (Defendant) were legally married to each other on
_____ [DATE OF MARRIAGE] in _____ [PLACE
OF MARRIAGE (City and State if in the United States; Country if outside the United
States)];

2. ***[Include only one of the following 2 options]***

That there were _____ [NUMBER OF CHILDREN] minor children born or adopted of this marriage. The minor children's names are _____ [MINOR CHILD'S NAME], born _____ [DATE OF BIRTH], _____ [MINOR CHILD'S NAME], born _____ [DATE OF BIRTH], and _____ [MINOR CHILD'S NAME] born _____ [DATE OF BIRTH];

-or-

There were no minor children born of adopted of this marriage;

3. That the parties hereto are over the age of eighteen (18) years;

4. ***[Include only one of the following 4 options]***

That Plaintiff _____ [PLAINTIFF'S NAME] is an active duty member of the Armed Forces of the United States;

-or-

That Defendant _____ [DEFENDANT'S NAME] is an active duty member of the Armed Forces of the United States;

-or-

That both Plaintiff _____ [PLAINTIFF'S NAME] and Defendant _____ [DEFENDANT'S NAME] are active duty members of the Armed Forces of the United States;

-or-

That neither Plaintiff nor Defendant is an active duty member of the Armed Forces of the United States;

5. *[Include only one of the following 2 options]*

That _____ **[PLAINTIFF'S NAME]** (Plaintiff) 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;

-or-

That _____ **[DEFENDANTS NAME]** (Defendant) 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;

6. 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 date; 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; and
7. 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 Plaintiff prays as follows:

1. That the Plaintiff may be awarded a divorce a vinculo matrimonii from the Defendant 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 Section 20-109.1 of the 1950 Code of Virginia, as amended, and that the parties may be ordered to comply with its terms; and further

3. ***[If a name change is requested, use one of the following two options]***

That Plaintiff's maiden name, or former name, be restored to _____;

-or-

That Defendant's maiden name, or former name, be restored to _____;

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

Respectfully submitted,

_____ (Plaintiff's signature required)
Plaintiff, *pro se*

Sample Document #2

**Sample Complaint based on
ONE YEAR SEPARATION
With or without Property Settlement Agreement**

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

[PLAINTIFF'S NAME]
[PLAINTIFF'S STREET ADDRESS]
[PLAINTIFF'S CITY, STATE AND ZIP CODE]
[PLAINTIFF'S S TELEPHONE NUMBER]
[PLAINTIFF'S S EMAIL ADDRESS]
Plaintiff

vs.

DOCKET NO. CL _____

[DEFENDANT'S NAME]
[DEFENDANT'S STREET ADDRESS]
[DEFENDANT'S CITY, STATE AND ZIP CODE]
[DEFENDANT'S TELEPHONE NUMBER]
Defendant

COMPLAINT FOR DIVORCE

TO THE HONORABLE JUDGES OF SAID COURT:

COMES NOW your Plaintiff, _____ [PLAINTIFF'S NAME], and for his/her

Complaint, respectfully represents as follows:

1. _____ [PLAINTIFF'S NAME] (Plaintiff) and _____

[DEFENDANT'S NAME] (Defendant) were legally married to each other on

_____ [DATE OF MARRIAGE] in _____ [PLACE OF

MARRIAGE (City and State if in the United States; Country if outside the United States)];

2. ***[Include only one of the following 2 options]***

That there were _____ [NUMBER OF CHILDREN] minor children born or adopted of this marriage. The minor children's names are _____ [MINOR CHILD'S NAME], born _____ [DATE OF BIRTH], _____ [MINOR CHILD'S NAME], born _____ [DATE OF BIRTH], and _____ [MINOR CHILD'S NAME] born _____ [DATE OF BIRTH];

-or-

There were no minor children born of adopted of this marriage;

3. That the parties hereto are over the age of eighteen (18) years;

4. ***[Include only one of the following 4 options]***

That Plaintiff _____ [PLAINTIFF'S NAME] is an active duty member of the Armed Forces of the United States;

-or-

That Defendant _____ [DEFENDANT'S NAME] is an active duty member of the Armed Forces of the United States;

-or-

That both Plaintiff _____ [PLAINTIFF'S NAME] and Defendant _____ [DEFENDANT'S NAME] are active duty members of the Armed Forces of the United States;

-or-

The neither Plaintiff nor Defendant is an active duty member of the Armed Forces of the United States;

5. ***[Include only one of the following 2 options]***

That _____ [PLAINTIFF'S NAME] (Plaintiff) 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;

-or-

That _____ [DEFENDANTS NAME] (Defendant) 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;

6. 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;

7. ***[Include this paragraph only if the parties have a written Property Settlement Agreement signed by both parties]***

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 Plaintiff prays as follows:

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

2. ***[Include this paragraph only if the parties have a written Property Settlement Agreement signed by both parties]***

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 Section 20-109.1 of the 1950 Code of Virginia, as amended, and that the parties may be ordered to comply with its terms; and further

3. ***[If a name change is requested, use one of the following two options]***

[Option 1] That Plaintiff's maiden name, or former name, be restored to

_____ .

-or-

[Option 2] That Defendant's maiden name, or former name, be restored to

_____ .

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

Respectfully submitted,

_____ (Plaintiff's signature required)

Plaintiff, *pro se*

[PLAINTIFF'S STREET ADDRESS]

[PLAINTIFF'S CITY, STATE AND ZIP CODE]

[PLAINTIFF'S TELEPHONE NUMBER]

[PLAINTIFF'S EMAIL ADDRESS, if any]

INSTRUCTIONS - STEP 2

FILE THE COMPLAINT

1. File all documents filed with Clerk of Circuit Court
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.

2. Do Not File Too Soon – Pay attention to the Date of Separation
The mandatory minimum period of separation must have passed before you can file your complaint (see Step #1, Date of Separation and Grounds of Divorce).
Do not file too soon. If you have not been separated the required length of time when you file your Complaint with the Court, your complaint will be dismissed, and then you will have to file a new Complaint and pay a new filing fee because the Court does not have jurisdiction to grant your divorce.
 - a. **GROUND - SIX MONTH SEPARATION with Property Settlement Agreement and No minor children born or adopted of the marriage** - You must have already been separated a minimum of six (6) months before you file your documents with the Clerk of Circuit Court.
 - b. **GROUND - ONE YEAR SEPARATION** - You must have already been separated a minimum of one year before you file your documents with the Clerk of Circuit Court.

3. Filing fee
Call the Clerk of Circuit Court (703.746.4044) to determine filing fees (information above).
Complaint – filing fee: _____
(if needed) Name change – filing fee: _____

4. Docket number (or “Case Number”)
Will be assigned to your case when the Complaint is filed in the Clerk’s office.
The docket number must be included on all documents you file with the Court in this divorce case.
You will need the docket number whenever you call the Court to discuss your divorce case.

5. Legal Advice Not Allowed
Not attorneys - The staff in the Clerk’s office are not attorneys, and therefore cannot provide legal advice. The staff is not authorized to advise you if your documents are correct, and they cannot advise you how to fill out a document.
If you need legal assistance, you must hire an attorney.
If you need assistance locating an attorney, contact the **Alexandria Lawyer Referral Service at 703.548.1105.**

INSTRUCTIONS – STEP 3

SERVE THE DEFENDANT (SERVICE OF PROCESS)

Either (a) Defendant Agrees to Accept Service; or

(b) Plaintiff must have the Complaint served on the Defendant

Service of process (the process of serving the Defendant with the Complaint) is necessary to allow the Defendant the chance to respond to the Complaint. The Defendant may choose not to file an Answer. However, if Defendant files an Answer, it must be filed within a certain period of time. The Defendant's Answer will determine if the divorce is contested or uncontested.

Service of process is a **formal procedure**. All instructions must be closely followed. The plaintiff cannot simply advise the Defendant by a telephone call or by mailing, emailing or having a friend give the Complaint to the Defendant.

TYPES OF SERVICE		
1	Acceptance/Waiver	Defendant is willing to accept service and waive future service and waive notice of future hearings . --- The acceptance/waiver must be signed under oath in front of a Notary Public. --- Defendant must also sign Final Decree. --- Follow instructions for Option #1 below.
2	Sheriff Service	--- Defendant must live in Virginia. --- Estimated length of time needed to serve Defendant and file Proof of Service to Clerk's office --- In Alexandria: 2 to 4 weeks; or --- Outside of Alexandria: 4 to 6 weeks. --- Cost: \$12 (as of 7/1/2021). --- Follow instructions for Option #2 below.
3	Private Process Service	--- Defendant does not need to live in Virginia. --- Estimated length of time needed to serve Defendant and return Proof of Service to Clerk's office (varies; ask the Private Process Server). --- Cost: Determined by Private Process Server. --- Follow instructions for Option #3 below.
4	Publication Service	--- Can be used only if (a) The Defendant is a non-resident of the Commonwealth of Virginia; or (b) The Defendant's whereabouts are unknown after Plaintiff has made every attempt possible to locate the Defendant --- Cannot be used if the Defendant's address is known to the Plaintiff. --- Follow instructions for Option #4 below.

INSTRUCTIONS – STEP 3 (continued)

SERVE THE DEFENDANT (SERVICE OF PROCESS)

1. ACCEPTANCE/WAIVER DEFENDANT ACCEPTS SERVICE OF COMPLAINT AND WAIVES FUTURE SERVICE AND WAIVES NOTICE OF FUTURE HEARINGS

Option #1

ACCEPTANCE/WAIVER is used if the Defendant agrees to (a) accept service of the Complaint; and (2) waive future service and notice of future hearings.

Alternatives to Acceptance/Waiver Service

- **Sheriff Service** (Option #2); or
- **Private Process Service** (Option #3); or
- **Publication Service** (Option #4) - If Plaintiff is unable to locate the Defendant after making every attempt possible (calling Defendant's telephone number, asking mutual friends, asking relatives, etc.); or the Defendant is a non-resident of the Commonwealth of Virginia.

ACCEPTANCE/WAIVER Procedure

- A. Plaintiff gives the Defendant three (3) documents:
- (1) **Complaint** – a copy of the Complaint that was filed with the Court; and
 - (2) **Acceptance/Waiver** – choose one (1) of the following:
 - (a) Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice (Sample Document #3 that has been retyped by Plaintiff); or
 - (b) CC-1406 - downloaded from the internet or obtained from the Clerk of Circuit Court in Room 307. *See note below regarding the Defendant checking all of the appropriate boxes on CC-1406.*
 - (3) **Final Decree** – If the Defendant signs the acceptance/waiver, the Defendant must also sign the Final Decree.
- B. Defendant signs two (2) documents.
- (1) **Acceptance/Waiver** (either the typed document (a) above or Form CC-1406) must be taken to a Notary Public and signed under oath in front of the Notary Public.
 - a. **IMPORTANT - If using Form CC-1406, the Defendant should read the form completely and check any and all boxes next to the statements to which the Defendant agrees.**
 - (2) **Final Decree** – does not have to be signed in front of a Notary Public.
- C. File documents with Clerk of Circuit Court (see below). Plaintiff is strongly encouraged to keep a copy of both documents.
- (1) **Acceptance/Waiver.**
 - (2) **Final Decree.**

Clerk of Circuit Court

520 King Street, Room 307 Alexandria, VA 22314.

703.746.4044 Office hours 8:00 a.m. to 4:00 p.m.

INSTRUCTIONS – STEP 3 (continued) **SERVE THE DEFENDANT (SERVICE OF PROCESS)**

2. **SHERIFF SERVICE (DEFENDANT MUST LIVE IN VIRGINIA)** Option #2

SHERIFF SERVICE is used if the Defendant will not sign the acceptance/waiver and the Defendant lives in the Commonwealth of Virginia (either in the City of Alexandria or elsewhere).

Alternatives to Sheriff Service

- **Acceptance/Waiver** (Option #1); or
- **Private Process Service** (Option #3); or
- **Publication Service** (Option #4) - If Plaintiff is unable to locate the Defendant after making every attempt possible (calling Defendant's telephone number, asking mutual friends, asking relatives, etc.); or the Defendant is a non-resident of the Commonwealth of Virginia.

SHERIFF SERVICE Procedure

- A. **Prepare request** – The Plaintiff must request Sheriff Service in writing to the Clerk of Circuit Court.
- B. **File documents and pay fee** with Clerk of Circuit Court (see below).
 - Clerk of Circuit Court**
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.
 - (1) The Clerk of Circuit Court prepares the service documents (copy of the Complaint and a Summons) and sends the service documents to the Sheriff's office of the jurisdiction in which the Defendant resides.
 - (2) **Service is executed** by the Sheriff's office of the jurisdiction in which the Defendant resides, and the **Proof of Service** is filed with the Clerk of Court's office. **The Proof of Service** determines how the Defendant was served and if further notice is necessary is before the Final Decree may be entered.
 - (3) Estimated length of time required to serve Defendant and file Proof of Service,
 - (a) If the Defendant lives in Alexandria: typically 2 to 4 weeks.
 - (b) If the Defendant lives outside of the City of Alexandria: typically 4 to 6 weeks.

INSTRUCTIONS – STEP 3 (continued)

SERVE THE DEFENDANT (SERVICE OF PROCESS)

3. PRIVATE PROCESS SERVICE Option #3

PRIVATE PROCESS SERVICE is used if the Defendant will not sign the acceptance/waiver.

Alternatives to Private Process Service

- **Acceptance/Waiver** (Option #1); or
- **Sheriff Service** (Option #2); or
- **Publication Service** (Option #4) - If Plaintiff is unable to locate the Defendant after making every attempt possible (calling Defendant's telephone number, asking mutual friends, asking relatives, etc.); or the Defendant is a non-resident of the Commonwealth of Virginia.

PRIVATE PROCESS SERVICE Procedure

- A. Prepare request – The Plaintiff prepares a written request to the Clerk of Circuit Court requesting Private Process Service and including Defendant's name and address.
- B. File documents with Clerk of Circuit Court (see below).
 - Clerk of Circuit Court
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.
 - (1) Clerk of Circuit Court prepares the service documents (a copy of the Complaint and a Summons).
- C. Pick up service documents from the Clerk of Circuit Court (can be done by private process server).
 - (1) Service is executed (Defendant is served) by the Private Process Server (length of time needed is determined by the Private Process Server).
 - (2) Proof of Service is filed with the Clerk of Court's office. The **Proof of Service** determines how the Defendant was served and if further notice is necessary is before the Final Decree may be entered.

INSTRUCTIONS – STEP 3 (continued)

SERVE THE DEFENDANT (SERVICE OF PROCESS)

4. SERVICE BY PUBLICATION Option #4

SERVICE BY PUBLICATION is used if

- (a) Plaintiff is unable to locate the Defendant after making every attempt possible (calling Defendant’s telephone number, asking mutual friends, asking relatives, etc.); or
- (b) The Defendant is a non-resident of the Commonwealth of Virginia.

NOTE: Service by Publication is NOT AVAILABLE if the Plaintiff knows the Defendant’s address.

PUBLICATION Procedure

A. Prepare documents – The Plaintiff files required document and pays fee to the Clerk of Circuit Court (Room 307).

- (1) **Affidavit in Support of Publication** - Sample Document #5
 - (i) The Clerk of Circuit Court prepares and enters the **Order of Publication**, calculates the **Publication End Date** (the last date for the Defendant to file an Answer to the Complaint) and forwards the document to a newspaper for publication for four (4) successive weeks.
 - (ii) The **Affidavit of Publication** is prepared by the newspaper and sent to the Clerk of Circuit Court.
- (2) The Plaintiff calls the Clerk of Circuit Court (703.746.4044) two (2) weeks after the Publication End Date to determine if a Defendant filed an Answer. (The Clerk of Circuit Court’s office typically takes up to 2 weeks to process an Answer.)
 - (i) No answer filed - If Defendant did not file an Answer, the Plaintiff may schedule an ore tenus hearing - see Step #7(A).
 - (ii) Answer was filed, but Defendant does not contest or object to the divorce, the Plaintiff may schedule an ore tenus hearing - see Step #7(A).
 - (iii) Contested Answer was filed – A contested divorce hearing will need to be scheduled. Contact Judges’ Chambers at 703.746.4123.

NOTE: COURT REPORTER required for all Publication divorce cases.

The Plaintiff must pay for a court reporter to attend the ore tenus hearing and prepare a transcript of the hearing. The judge will not enter (sign) the Final Decree until after the hearing transcript has been received by the Clerk of Circuit Court.

INSTRUCTIONS – STEP 3 (continued)
SERVE THE DEFENDANT (SERVICE OF PROCESS)

STEP #3

SAMPLE DOCUMENTS

Sample Document #3 Acceptance/Waiver of Service of Process and
Waiver of Future Service of Process and Notice

Sample Document #4 CC-1406 (for reference only; can be downloaded
from the internet or obtained from the Clerk of
Circuit Court in Room 307)

Sample Document #5 Affidavit in Support of Publication

Sample Document #3 ACCEPTANCE/WAIVER

** Document must be retyped from scratch.
Do not type the information in this box.*

For use if Defendant chooses to (1) Accept/Waive Service of Process; and
(2) Waive Future Service of Process and Notice

**** DOCUMENT MUST BE SIGNED UNDER OATH IN FRONT OF A NOTARY PUBLIC.**

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

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

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

1. I am the Defendant 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 WAS 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.
4. **I DO NOT WISH TO CONTEST THIS MATTER NOR DELAY A HEARING ON THE COMPLAINT.**
5. **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.

_____ (Defendant's signature required)

Defendant, *pro se*

[DEFENDANT'S NAME]

[DEFENDANT'S STREET ADDRESS]

[DEFENDANT'S CITY, STATE AND ZIP CODE]

[DEFENDANT'S TELEPHONE NUMBER]

[DEFENDANT'S S EMAIL ADDRESS, if any]

COMMONWEALTH OF VIRGINIA

[CITY] [COUNTY] of _____, to wit:

Subscribed and sworn to/affirmed before me this _____ day of _____, 20____

by _____ **[DEFENDANT'S NAME]**.

Notary Public

Registration Number: _____

My Commission Expires: _____

SAMPLE DOCUMENT #4 – ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE

- A. Must be signed in front of a Notary Public
- B. The Defendant should read all 3 sections thoroughly and check any and all appropriate boxes.
The Defendant may check multiple boxes in Section #3 if so desired.

NOTE: Instead of using this form, Plaintiff may retype Sample Document #3.

ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE

Case No.

COMMONWEALTH OF VIRGINIA VA. CODE §§ 8.01-327; 20-99.1:1; Rules 3:5, 3:8

..... Circuit Court

PLAINTIFF

V.

DEFENDANT

I, the undersigned party named below, swear under oath/affirm the following:

1. I am a party plaintiff defendant in the above-styled suit.
2. I have received a copy of the following documents on this date:
 - Complaint
 - filed on DATE, attached
 - pre-filing copy pursuant to Va. Code § 20-99.1(A), attached
 - Summons with copy of Complaint filed on DATE, attached
 - Other – Describe: filed on DATE

I understand that my receipt of these copies and my signature below constitute

- the acceptance of service of process of these copies, or
- waiver of service of process and notice which may be prescribed by law.

3. I agree to voluntarily and freely waive any future service of process and notice as checked below in this case:
 - a. the 21-day time period for filing a responsive pleading.
 - b. any further service of process.
 - c. notice of the appointment of a commissioner in chancery and hearings held by such commissioner in chancery, if a commissioner in chancery is appointed.
 - d. notice of the taking of depositions.
 - e. notice of the filing of any reports by a commissioner in chancery of the filing of depositions.
 - f. notice of testimony to be given orally in open court.
 - g. notice of entry of any order, judgment or decree, including the final decree of divorce.

I understand that, by waiving service of process and notice, I am giving up my right to be notified of the events where indicated above.

DATE

DEFENDANT PLAINTIFF

TO DEFENDANT: Notify the Court in writing of any changes of your address while this case is pending.

State/Commonwealth of, City County of

Subscribed and sworn to/affirmed before me this day of, 20

by

PRINT NAME OF AFFIANT

DATE

CLERK DEPUTY CLERK
 NOTARY PUBLIC (My commission expires)
 Registration No.

FORM CC-1406 MASTER 07/19

Sample Document #5 AFFIDAVIT IN SUPPORT OF PUBLICATION

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION

_____ [PLAINTIFF’S NAME], being duly sworn, deposes and says:

1. _____ [PLAINTIFF’S NAME] is the Plaintiff in the above-styled divorce suit.
2. The above-named Defendant’s last known address is _____ [LIST FULL ADDRESS] **OR** [not known].
3. The Defendant’s present whereabouts are unknown.
4. The Plaintiff has used due diligence to attempt to locate the Defendant without effect.

_____ (Plaintiff’s signature required)

Plaintiff, *pro se*

[PLAINTIFF’S NAME]
[PLAINTIFF’S STREET ADDRESS]
[PLAINTIFF’S CITY, STATE AND ZIP CODE]
[PLAINTIFF’S S TELEPHONE NUMBER]
[PLAINTIFF’S S EMAIL ADDRESS, if any]

COMMONWEALTH OF VIRGINIA

[CITY] [COUNTY] of _____, to wit:

Subscribed and sworn to/affirmed before me this _____ day of _____, 20____

by _____ [PLAINTIFF’S NAME].

Notary Public

Registration Number: _____

My Commission Expires: _____

INSTRUCTIONS – STEP 4

FILE REMAINING DOCUMENTS

All documents are filed with the Clerk of Circuit Court.

After filing the documents, wait at one week before scheduling the ore tenus hearing (which gives the Clerk of Circuit Court time to process the documents into the electronic caseload management system).

Detailed instructions for each document are included on following pages.

1. File all documents with Clerk of Circuit Court
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044 Office hours 8:00 a.m. to 4:00 p.m.

2. DOCUMENT CHECKLIST

A. REQUIRED DOCUMENTS

- _____ Complaint
- _____ Addendum for Protected Information
- _____ Final Decree of Divorce
 - (1) Beneficiary information must be in bold type
 - (2) If Defendant signed the Acceptance/Waiver, the Defendant must also sign the Final Decree (Final Decree does not need to be notarized)
- _____ Proof of Service
- _____ VS-4 Form

B. ADDITIONAL DOCUMENTS THAT MAY BE NEEDED BASED ON YOUR SITUATION

- _____ Co-Parenting Class (COPE) Certificate
- _____ Name Change order
- _____ Notice of Hearing
- _____ Property Settlement Agreement (“PSA”) - Required for divorces based on SIX MONTH separation
- _____ Waiver of the Servicemembers Civil Relief Act (to be notarized)

INSTRUCTIONS – STEP 4(A) REQUIRED DOCUMENTS (continued)

**** REQUIRED DOCUMENTS**

1. **ADDENDUM FOR PROTECTED INFORMATION (“Privacy Addendum”)**

Neither the Plaintiff’s nor the Defendant’s personal identifying information is contained in the Complaint or the Final Decree. Therefore, a separate document is required to be filed in every divorce case, even if the only protected information is the Plaintiff’s and the Defendant’s social security number.

Protected identifying information includes, both the Plaintiff’s and the Defendant’s

- a. **social security numbers**
- b. driver’s license numbers
- c. health insurance policy numbers
- d. credit card account numbers
- e. any specific identifying information about the parties’ assets or liabilities.

Notes

- A. If Defendant’s information is not known, write “unknown”.
- B. Addendum for Protective Information can be obtained from
 - (1) In this packet (Sample Document #7); or
 - (2) From the Clerk of Circuit Court (Room 307); or
 - (3) On-line “search Privacy Addendum Virginia”.

2. **FINAL DECREE OF DIVORCE**

The Final Decree is the Order that is prepared by the Plaintiff for the judge to sign. Your divorce is granted when the judge enters (signs) the Final Decree.

The Final Decree must restate (include) all of the basic information contained in the Complaint, including

- the parties’ names,
- the date of marriage,
- the place of marriage,
- the date of separation,
- the length of separation (SIX MONTHS or ONE YEAR),
- the Name(s) and Date(s) of birth of any MINOR CHILDREN
born or adopted of the marriage,
- Etc.

INSTRUCTIONS – STEP 4(A) REQUIRED DOCUMENTS (continued)

- (1) **Final Decree Sample #1** (Sample Document #8)
 - a. **CHILD SUPPORT not included**
 - b. **SPOUSAL SUPPORT not included**
 - c. **GROUND: SIX MONTH SEPARATION**
 - With Property Settlement Agreement (“PSA”)
 - No minor children born or adopted of the marriage

-or-

 - a. **ONE YEAR SEPARATION**
 - With or without PSA
 - No minor children born or adopted of the marriage

- (2) **Final Decree Sample #2** (Sample Document #9)
 - a. **CHILD SUPPORT included (can be omitted)**
 - b. **SPOUSAL SUPPORT included (can be omitted)**
 - c. **GROUND: ONE YEAR SEPARATION**
 - With minor children born or adopted of the marriage
 - With or without Property Settlement Agreement

- (3) **Final Decree Sample #3** (Sample Document #10)
 - a. **CHILD SUPPORT not included**
 - b. **SPOUSAL SUPPORT included (can be omitted)**
 - c. **GROUND: SIX MONTH SEPARATION**
 - With Property Settlement Agreement (“PSA”)
 - No minor children born or adopted of the marriage

-or-

 - a. **ONE YEAR SEPARATION**
 - With or without PSA
 - No minor children born or adopted of the marriage

Important Notes regarding Final Decrees

- (a) Beneficiary Designation must be in bold type - The Notice regarding Beneficiary Designations must appear in the order. **The Beneficiary Designation paragraph must be in bold type. The bold type requirement is mandatory.**
**All final decrees without the Beneficiary Designation in bold will be rejected.

- (b) Defendant’s signature on Final Decree is Required - If Defendant signed the Acceptance and Waiver, the Defendant must also sign the Final Decree. *See* Section 20-99.1:1 of the 1950 Code of Virginia, as amended.

INSTRUCTIONS – STEP 4(A) REQUIRED DOCUMENTS (continued)

3. **PROOF OF SERVICE**

See Step #5.

4. **VS-4 (VIRGINIA STATE FORM 4)**

The VS-4 form is required to be filed in all divorce cases (see Sample Document #11). The form is used to transfer the divorce information to the Virginia Department of Health/Division of Vital Statistics.

1. The VS-4 form must be obtained from the Clerk of Circuit Court (Room 307). The form is printed on special paper and cannot be downloaded.
2. PAY SPECIAL ATTENTION TO
 - (A) All boxes must be completed.
 - (B) Social Security Numbers - Box #3 for Plaintiff; and Box #12 for Defendant
 - (1) If unknown, write “UNKNOWN”
 - (2) If none, write “NONE”
 - (C) Box 27 – Legal Grounds of Divorce
 - (1) Must match the grounds of divorce in the Complaint;
 - (2) Must be
 - a. **SIX MONTHS SEPARATION** with Property Settlement Agreement; or
 - b. **ONE YEAR SEPARATION**
 - (D) Box 28 – Informant’s Signature
 - (1) Sign the VS-4 form.

INSTRUCTIONS – STEP 4(B) ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED BASED ON YOUR SITUATION

5. CO-PARENTING CLASS (“COPE”) CERTIFICATE

Co-Parenting Class is Required (by Local Rule) 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.

Only the Plaintiff is required to attend the COPE class.

COPE is not required (a) if the divorce case is uncontested; (b) if custody has already been determined by a separate court order, or (c) if the parties have minor children but the Final Decree does not make a ruling as to custody.

The COPE parenting seminar is called “Trans-Parenting/COPE (Helping Children Cope with Divorce or Separation)”. It is a four (4) hour seminar that addresses the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities.

Seminar Providers are available on the Supreme Court of Virginia’s website at <http://webdev.courts.state.va.us/cgi-bin/parented/providers.cgi/g?510C>

During COVID-19, the COPE parenting education seminar may be taken by live webinar. A list of live webinars providers is on the Supreme Court of Virginia’s website.

COPE Certificate – A certificate of completion will be issued after the Plaintiff attends the seminar. The COPE certificate must be filed with the Clerk of Circuit Court.

Waiver of COPE requirement - If the Plaintiff wishes to request a waiver

1. The Plaintiff shall write a letter stating your situation, why you think a waiver of the COPE requirement is warranted, and include your contact information.
2. The letter should be addressed to the Chief Judge at 520 King Street, 4th Floor, Alexandria, VA 22314.
3. The Court will review the waiver request and respond in a timely fashion.
4. If you do not hear from the Court within a reasonable amount of time, call Judges’ Chambers (703.746.4123).

INSTRUCTIONS – STEP 4(B) ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED BASED ON YOUR SITUATION (continued)

6. NAME CHANGE ORDER

If either party (Plaintiff or Defendant) wishes to have their former name restored by reason of divorce,

- A. Request for Name Change must be included in the Complaint (see sample Complaints).
- B. Name change fee (in addition to the filing fee for the Complaint for Divorce) must be paid to the Clerk of Circuit Court (703.746.4044).
- C. Name Change order must comply with applicable Code sections:
 - (1) Virginia Code § 8.01-217 - The order shall contain no identifying information other than the applicant's former name or names, new name, and current address.
 - (2) Virginia Code § 20-121.4 - 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.
- D. Name Change order must include
 - (1) Current name – including the middle name (not just the middle initial);
 - (2) Previous or former name or names, if any – of the person requesting the name change;
 - (3) New Name requested, including the middle name (not just the middle initial);
 - (4) Purpose of the name change – restore to previous name; etc.
- E. Name Change order must NOT include
 - (1) Social security number; or
 - (2) Any protected identifying information.

7. NOTICE OF ORE TENUS HEARING

Service of Notice of Ore Tenus Hearing is required – Unless Defendant has signed the Acceptance/Waiver under oath in front of a Notary Public, the Plaintiff is required to properly serve the Defendant with the Notice of Hearing.

The Notice of Hearing must include the date and time of the final hearing, and the specific address of the final hearing. See Sample Notice of Ore Tenus Hearing (Sample Document #13). **Before scheduling your ore tenus hearing, review the following instructions to determine if a Notice of Hearing is required.**

INSTRUCTIONS – STEP 4(B) ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED BASED ON YOUR SITUATION (continued)

* FAMILY MEMBER SERVICE – The Defendant was not at the Defendant’s usual residence when the Sheriff or Private Process Server attempted to serve the Complaint and Summons. The Complaint and Summons were served to a member of the Defendant’s family who lives with the Defendant, other than a guest, over sixteen (16) years of age.

* PERSONAL SERVICE – The Defendant was personally served by the Sheriff or Private Process Server.

* POSTED SERVICE – The Defendant was not at the Defendant’s usual residence when the Sheriff or Private Process Server attempted to serve the Complaint and Summons. The Complaint and Summons were “posted” (taped) to the Defendant’s front door or such other door as appeared to be the main entrance of such place of abode.

	Type of Service	Response	Notice of Hearing	
			Required	To be Served By
1	Acceptance/Waiver signed; Defendant checked all appropriate boxes ** Defendant must also sign the Final Decree	No answer (c) Defendant did not file contested answer	No	-----
		Uncontested answer	No	-----
		Defendant did not file contested answer	No	-----
2	Acceptance/Waiver signed; Defendant did not check all appropriate boxes ** Defendant must also sign the Final Decree	---	Yes	Mail notice to Defendant
3	Family Member service	No answer	Yes	Sheriff or Private Process Service
4	Personal Service	No answer	No	-----
		Uncontested answer	Yes	Mail or hand-delivery to Defendant
		Defendant signed Final Decree	No	-----
5	Posted Service	No answer	Yes	Sheriff or Private Process Service
		Uncontested answer	Yes	Mail or hand-delivery to Defendant
6	Publication Service	No answer filed	No	-----
7	Any type of service	Final Decree signed by Defendant	No	-----

INSTRUCTIONS – STEP 4(B) ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED BASED ON YOUR SITUATION (continued)

Procedure for NOTICE OF HEARING SERVICE on Defendant

- (1) Schedule the ore tenus hearing (if needed)
 - (a) Plaintiff calls Judges’ Chambers (703.746.4123).
 - (b) Schedule the ore tenus hearing for at least 3 or 4 weeks after calling Judges’ Chambers. This will allow time for the proof of service to be filed with and processed by the Clerk of Circuit .
- (2) Prepare the typed Notice of Hearing--see Sample document #13.
- (3) File the Notice of Hearing with and pay the service fee to the Clerk of Circuit Court for either Sheriff Service or Private Process Service.
Clerk of Circuit Court
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.
- (4) One week before your ore tenus hearing:
 - (a) Call the Clerk of Circuit Court to confirm Proof of Service has been filed. (703.746.4044). The Proof of Service must be received by the Clerk of Circuit Court at least 7 days prior to the ore tenus hearing.
 - (b) The ore tenus hearing will be canceled if the proof of service has not been received by the Clerk of Circuit Court.

8. PROPERTY SETTLEMENT AGREEMENT

A Property Settlement Agreement (“PSA”) is a written contract that is used to divide property between parties, or to make statements regarding alimony and child custody issues. The PSA must be signed by both parties. The PSA does not need to be signed in front of a notary public.

1. If your divorce is based on **GROUND OF SIX (6) MONTH SEPARATION**,
 - (a) a Property Settlement Agreement (“PSA”) is **REQUIRED** by Section 20-91(9)(a) of the 1950 Code of Virginia, as amended.
 - (b) If the parties do not have property to be divided, a PSA must still be prepared and signed by both parties. The PSA should state “parties have no property” or “there is no property to be divided”. Both parties must sign the PSA.
2. If your divorce is based on **GROUND OF ONE YEAR SEPARATION**,
 - (a) a PSA is **NOT REQUIRED** by the Virginia Code.
 - (b) Parties may choose to create a PSA if they wish.

INSTRUCTIONS – STEP 4(B) ADDITIONAL DOCUMENTS THAT MAY BE REQUIRED BASED ON YOUR SITUATION (continued)

3. Incorporation of the PSA - If the Final Decree incorporates a Property Settlement Agreement, include
 - (a) “there is no property” (do not use “not applicable” or “n/a”); and
 - (b) Include the date the PSA was entered into force.

4. **Statutorily required notices** must be included in the PSA, even if the divorce is based on ONE YEAR separation and the PSA is not required by the Virginia Code.
 - (a) Child Support - If the Property Settlement Agreement provides for the payment of child support, then the Final Decree must contain all the notices required by Section 20-60.3 of the 1950 Code of Virginia, as amended. **See Final Decree Sample #2 for statutorily required notices.**

 - (b) Spousal Support - If the Property Settlement Agreement provides for the payment of spousal support, then the Final Decree must contain all the notices required by Section 20-107.1(H) of the 1950 Code of Virginia, as amended. **See Final Decree Sample #3 for statutorily required notices.**

 - (c) Child Custody - If the Property Settlement Agreement provides for child custody, then the Final Decree must contain notices required by Section 20-124.5 of the 1950 Code of Virginia, as amended. **See Final Decree Sample #2 for statutorily required notices.**

9. **WAIVER OF RIGHTS UNDER THE SERVICEMEMBERS CIVIL RELIEF ACT**

If the Defendant **is** an active duty member of the United States Armed Forces, the defendant is REQUIRED to sign the waiver under oath in front of a Notary Public.
See Sample Document #13.

STEP #4
SAMPLE DOCUMENTS

STEP #4(A) – REQUIRED DOCUMENTS FOR ALL DIVORCES

Sample Document #6 Addendum for Protected Information (“Privacy Addendum”)

Sample Document #7 Final Decree Sample #1
a. CHILD SUPPORT not included
b. SPOUSAL SUPPORT not included
c. CHILD CUSTODY not included
d. Grounds - **SIX MONTHS SEPARATION**
 --- With Property Settlement Agreement
 --- No minor children born or adopted of the marriage
 or
 ONE YEAR SEPARATION
 --- With or without Property Settlement Agreement

Sample Document #8 Final Decree Sample #2
a. CHILD SUPPORT included
b. SPOUSAL SUPPORT included (may be omitted)
c. CHILD CUSTODY included (may be omitted)
d. Grounds - **ONE YEAR SEPARATION**
 --- With or without Property Settlement Agreement

Sample Document #9 Final Decree Sample #3
a. CHILD SUPPORT not included
b. SPOUSAL SUPPORT included (may be omitted)
c. CHILD CUSTODY not included
d. Grounds - **SIX MONTHS SEPARATION**
 --- With Property Settlement Agreement
 --- No minor children born or adopted of the marriage
 or
 ONE YEAR SEPARATION
 --- With or without Property Settlement Agreement

Sample Document #10 VS-4 Form (Sample only; must be obtained from
Clerk of Circuit Court in Room 307)

STEP #4(B) – DOCUMENTS MAY BE NEEDED BASED ON YOUR SITUATION

Sample Document #11 Name Change Order

Sample Document #12 Notice of Ore Tenus Hearing

Sample Document #13 Waiver of Rights Under the Servicemembers Civil Relief Act (notarized)

Sample Document #6 FORM CC-1426
ADDENDUM FOR PROTECTED IDENTIFYING INFORMATION

** Form available on-line or from the Clerk of Circuit Court (Room 307).*

**ADDENDUM FOR PROTECTED
IDENTIFYING INFORMATION**
— **CONFIDENTIAL**
Commonwealth of Virginia

DOCKET NO. CL _____

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

_____ v. _____
[Plaintiff's Name] [Defendant's Name]

This addendum is filed with and incorporated by reference in 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.

Complaint Petition Motion Order Decree Other Pleading _____
 Agreement(s) of the Parties Transcripts Other _____

PARTY NAME (LAST, FIRST, MIDDLE)

PARTY NAME (LAST, FIRST, MIDDLE)

ADDRESS

ADDRESS

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 Document #7 FINAL DECREE SAMPLE #1

** Document must be retyped from scratch.
* Do not type the information in this box.*

- a. **CHILD SUPPORT not included**
 - b. **SPOUSAL SUPPORT not included**
 - c. **CHILD CUSTODY not included**
 - d. **Grounds: SIX MONTH SEPARATION**
 - with Property Settlement Agreement (“PSA”)
 - No minor children born or adopted of the marriage
- *or* ONE YEAR SEPARATION**
- with or without Property Settlement Agreement (“PSA”)

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

Defendant

DOCKET NO. CL _____

FINAL DECREE OF DIVORCE

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

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 MINOR CHILDREN, _____ NAME(S), _____ DATE OF BIRTH(S) OR NO MINOR CHILDREN**] minor children born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither party is an active duty member of the Armed Forces of the United

States **[IF ONE OR BOTH PARTIES' ARE MEMBERS OF THE ARMED FORCES, SO STATE]**; that the Plaintiff **[AND/OR DEFENDANT]** 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 Plaintiff is entitled to the relief prayed for; it is thereby

ADJUDGED, ORDERED, and DECREED that the Plaintiff, _____ **[PLAINTIFF'S NAME]**, be and hereby is, granted a divorce a vinculo matrimonii from the Defendant, _____ **[DEFENDANT'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

[NOTE: THE FOLLOWING PARAGRAPH MUST BE INCLUDED IF THE DIVORCE IS BASED ON A SIX MONTH SEPARATION. THE PARAGRAPH IS NOT REQUIRED, BUT MAY BE INCLUDED IF THE DIVORCE IS BASED ON A ONE YEAR SEPARATION.]

[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 Section 20-109.1 of the 1950 Code of Virginia, as amended, and the parties are hereby ordered to comply with its terms; and it is further]

ADJUDGED, ORDERED, and DECREED, as required by Section 20-91(B) of the 1950 Code of Virginia, as amended, 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 Plaintiff, and

NOTICE, required by Virginia Code Section 20-111.1 is hereby given that: Beneficiary designations for any death benefit, as defined in subsection B of Section 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:

Plaintiff, *pro se* [Plaintiff's signature required]
[ADDRESS]
[PHONE NUMBER]

Defendant, *pro se*
Defendant's Name _____

**Defendant's signature required if service was by Notarized Acceptance/Waiver;
Defendant's signature on Final Decree does not need to be notarized*

Sample Document #8 FINAL DECREE SAMPLE #2

** Document must be retyped from scratch.*

** Do not type the information in this box.*

- a. **CHILD SUPPORT** included
- b. **SPOUSAL SUPPORT** included (may be omitted)
- c. **CHILD CUSTODY** included (may be omitted)
- d. **Grounds: ONE YEAR SEPARATION**
 --- with or without Property Settlement Agreement (“PSA”)

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

FINAL DECREE OF DIVORCE

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

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 MINOR CHILDREN**] minor children born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither party is an active duty member of the Armed Forces of the United

States **[IF ONE OR BOTH PARTIES ARE MEMBERS OF THE ARMED FORCES, SO STATE]**; that the Plaintiff **[AND/OR DEFENDANT]** 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 Plaintiff is entitled to the relief prayed for; it is thereby

ADJUDGED, ORDERED, and DECREED that the Plaintiff, _____ **[PLAINTIFF'S NAME]**, be and hereby is, granted a divorce a vinculo matrimonii from the Defendant, _____ **[DEFENDANT'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

[NOTE: THE FOLLOWING PARAGRAPH IS NOT REQUIRED FOR DIVORCES BASED ON ONE YEAR SEPARATION, BUT MAY BE INCLUDED IF THE PARTIES HAVE A SIGNED PROPERTY SETTLEMENT AGREEMENT.]

[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 Section 20-109.1 of the 1950 Code of Virginia, as amended, and the parties are hereby ordered to comply with its terms; and it is further]

ADJUDGED, ORDERED, and DECREED that _____ **[PLAINTIFF'S NAME OF DEFENDANT'S NAME]** is required to pay spousal **[AND/OR]** child support to _____ **[PLAINTIFF'S NAME OR DEFENDANT'S NAME]**, and therefore,

Section 20-60.3 of the 1950 Code of Virginia, as amended, is applicable; and

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

[NOTE: IF THERE IS A DETERMINATION OF CHILD CUSTODY IN THE FINAL DECREE OF DIVORCE OR IN THE PROPERTY SETTLEMENT AGREEMENT, THE FOLLOWING PARAGRAPH MUST BE INCLUDED.]

[ADJUDGED, ORDERED, and DECREED pursuant to Section 20-124.5 of the 1950 Code of Virginia, as amended, and for so long as custody or visitation is the subject of an order of this Court, thirty (30) days advance written notice shall be given to the Court and the other party by any party intending to relocate, and of any intended change of address, unless the Court for good cause shall order otherwise; and]

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 section 20-79.1 or 20-79.2, from income as defined in Section 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 (Section 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 (Section 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 Section 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

Section 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

8 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];** -or-

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

9. **[IF SUPPORT ARREARAGES EXIST, (a) STATE TO WHOM AN ARREARAGE IS OWED AND THE AMOUNT OF THE ARREARAGE, (b) THE PERIOD OF TIME FOR WHICH SUCH ARREARAGE IS CALCULATED, AND (c) 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]; -or- 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, or if payments are ordered to be paid directly to the obligee, the obligor must keep the court informed, of (i) **[HIS OR HER]** name, address and telephone number of his current employer, (ii) any change to **[HIS OR HER]** employment status; and (iii) if **[HE OR SHE]** has filed a claim for or is receiving benefits under the provisions of Title 60.2. The provision shall further specify that any such change in employment status or filing of a claim shall be communicated to the Department of Social Services or the court in writing within 30 days of such change or filing;

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 Section 20-78.2, interest on the arrearage at the judgment rate as established by Section 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 (Section 63.2-1900 et seq.) of Title 63.2 and in accordance with Sections 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 Section 20-111.1 is hereby given that: Beneficiary designations for any death benefit, as defined in subsection B of Section 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 Section 20-91(B) of the 1950 Code of Virginia, as amended, 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 Plaintiff, and

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

ENTERED this ____ day of _____, 20__.

JUDGE

I ASK FOR THIS

Plaintiff, *pro se* [Plaintiff's signature required]

[ADDRESS]

[PHONE NUMBER]

Defendant, *pro se*

Defendant's Name _____

**Defendant's signature required if service was by Notarized Acceptance/Waiver;*

Defendant's signature on Final Decree does not need to be notarized

Sample Document #9 FINAL DECREE SAMPLE #3

** Document must be retyped from scratch.
Do not type the information in this box.*

- a. **CHILD SUPPORT not included**
 - b. **SPOUSAL SUPPORT included (may be omitted)**
 - c. **CHILD CUSTODY not included**
 - d. **Grounds: SIX MONTH SEPARATION**
 - with Property Settlement Agreement (“PSA”)
 - No minor children born or adopted of the marriage
- *or* ONE YEAR SEPARATION**
- with or without Property Settlement Agreement (“PSA”)

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

FINAL DECREE OF DIVORCE

THIS CAUSE came to be heard upon Plaintiff’s Complaint filed herein; service of process upon the Defendant in a proper manner [**OR ACCEPTANCE OF SERVICE OF PROCESS BY DEFENDANT**]; notice of the hearing upon the Defendant in a proper manner [**OR WAIVER OF NOTICE BY THE DEFENDANT**]; and, upon an ore tenus hearing having been held or an affidavit having been submitted.

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 MINOR CHILDREN**] minor children born or adopted of this marriage; that the parties hereto are over the age of eighteen (18) years; neither is an active duty member of the Armed Forces of the United States [**IF ONE OR BOTH PARTIES ARE MEMBERS OF THE**

ARMED FORCES, SO STATE]; that the Plaintiff [**AND/OR DEFENDANT**] 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 Plaintiff is entitled to the relief prayed for; it is thereby

ADJUDGED, ORDERED, and DECREED that the Plaintiff, _____ [**PLAINTIFF'S NAME**], be and hereby is, granted a divorce a vinculo matrimonii from the Defendant, _____ [**DEFENDANT'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

[NOTE: THE FOLLOWING PARAGRAPH MUST BE INCLUDED IF THE DIVORCE IS BASED ON A SIX MONTH SEPARATION. THE PARAGRAPH IS NOT REQUIRED, BUT MAY BE INCLUDED IF THE DIVORCE IS BASED ON A ONE YEAR SEPARATION.]

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 Section 20-109.1 of the 1950 Code of Virginia, as amended, and the parties are hereby ordered to comply with its terms; and it is further

ADJUDGED, ORDERED, and DECREED that _____ [**PLAINTIFF OR**

DEFENDANT] is required to pay spousal support to _____ **[PLAINTIFF OR DEFENDANT]**, and therefore, Section 20-107.1(H) of the 1950 Code of Virginia, as amended, is applicable; and

ADJUDGED, ORDERED, and DECREED in accordance with the provisions of Section 20-107.1 of the 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 Section 20-111.1 is hereby given that: Beneficiary designations for any death benefit, as defined in subsection B of Section 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 Section 20-91(B) of the 1950 Code of Virginia, as amended, 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 Plaintiff, and

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

ENTERED this ____ day of _____, 20____.

JUDGE

I ASK FOR THIS

Plaintiff, *pro se* [Plaintiff's signature required]

Defendant

Defendant's Name _____

**Defendant's signature required if service was by Notarized Acceptance/Waiver;
Defendant's signature on Final Decree does not need to be notarized*

Sample Document #10 VS-4 FORM
VIRGINIA STATE FORM 4

***Cannot be downloaded from internet*
*** Available only from the Clerk of Circuit Court (Room 307)*

SAMPLE ONLY – CANNOT BE DOWNLOADED
MUST OBTAIN FROM CLERK OF CIRCUIT COURT (ROOM 307)

NOTE:
 ITEMS 1-30 ON THIS
 FORM TO BE
 COMPLETED BY
 PETITIONER OR
 ATTORNEY AND FILED
 WITH CLERK OF COURT
 WITH PETITION OR
 DECREE

PLEASE PREPARE BY
 TYPEWRITER OR PRINT
 IN BLACK UNFADING INK.
 THIS IS A PERMANENT
 RECORD

CLERK OF COURT WILL
 CERTIFY AND FORWARD
 TO STATE REGISTRAR BY
 10TH DAY OF MONTH
 FOLLOWING DATE FINAL
 DECREE IS GRANTED

Section 32.1-268
 CODE OF VIRGINIA

VS4 2/17

COMMONWEALTH OF VIRGINIA – REPORT OF DIVORCE OR ANNULMENT					
Department of Health – Division of Vital Records – Richmond					
1. CIRCUIT COURT FOR CITY OR COUNTY OF			STATE FILE NUMBER		
PARTY A (check one) <input type="checkbox"/> HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/> SPOUSE					
2. FULL NAME (first, middle, last, suffix)		(maiden name, if any)		3. SOCIAL SECURITY NUMBER	
4. PLACE OF BIRTH (state or foreign country)	5. DATE OF BIRTH	6. RACE	7. SEX		
8. NUMBER OF THIS MARRIAGE (first, second, etc.)		9. EDUCATION (specify only highest grade completed)			
		Elementary or Secondary (0-12) _____		College (1-4 or 5+) _____	
10. USUAL RESIDENCE (street number or rural route number)		(city or town)	(county if not independent city)		(state)
PARTY B (check one) <input type="checkbox"/> HUSBAND <input type="checkbox"/> WIFE <input type="checkbox"/> SPOUSE					
11. FULL NAME (first, middle, last, suffix)		(maiden name, if any)		12. SOCIAL SECURITY NUMBER	
13. PLACE OF BIRTH (state or foreign country)	14. DATE OF BIRTH	15. RACE	16. SEX		
17. NUMBER OF THIS MARRIAGE (first, second, etc.)		18. EDUCATION (specify only highest grade completed)			
		Elementary or Secondary (0-12) _____		College (1-4 or 5+) _____	
19. USUAL RESIDENCE (street number or rural route number)		(city or town)	(county if not independent city)		(state)
20. PLACE OF MARRIAGE (city or town)		(county)	(state or foreign country)	21. DATE OF MARRIAGE	22. DATE OF SEPARATION
23. NUMBER OF CHILDREN UNDER 18 IN THIS FAMILY		24. NUMBER OF CHILDREN UNDER 18 IN THIS FAMILY WHOSE PHYSICAL CUSTODY WAS AWARDED TO:			
		Party A _____ Party B _____ Joint (Party A/Party B) _____ Other _____ <input type="checkbox"/> No Children			
25. PLAINTIFF		26. DIVORCE GRANTED TO		27. LEGAL GROUND OR CAUSE OF DIVORCE (# annulment – so state)	
<input type="checkbox"/> PARTY A <input type="checkbox"/> PARTY B <input type="checkbox"/> BOTH		<input type="checkbox"/> PARTY A <input type="checkbox"/> PARTY B <input type="checkbox"/> BOTH			
28. INFORMANT'S SIGNATURE		<input type="checkbox"/> PETITIONER <input type="checkbox"/> ATTORNEY FOR PETITIONER			
29. NAME OF INFORMANT (Type or Print)		30. ADDRESS OF INFORMANT (street number or rural route number) (city or town) (state)			
I CERTIFY THAT A FINAL DECREE OF _____ WAS ENTERED _____ CONCERNING THE ABOVE (divorce or annulment) (date of divorce or annulment)					
MARRIAGE AND WAS NUMBERED _____		SIGNATURE OF CLERK OF COURT OR DEPUTY			
(court file number)		NAME OF CLERK OR DEPUTY _____ (Type or Print)			

Sample Document #11 NAME CHANGE ORDER

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

In the matter of the change of name from

_____ : Docket No. 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 Section 8.01-217 of the 1950 Code of Virginia, as amended, 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]

Sample Document #12 NOTICE OF ORE TENUS HEARING

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

NOTICE OF ORE TENUS HEARING

PLEASE TAKE NOTICE that on _____ [MONTH] ____ [DAY], 20 _____ [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 Plaintiff will testify to support the facts
alleged in the Complaint. The Plaintiff will then move the court to enter a Final Decree of Divorce. If the Court
accepts the testimony of the Plaintiff, then the Court will enter a Final Decree of Divorce.

Plaintiff's signature required
[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 _____ [MONTH] ____ [DAY], 20 _____ [YEAR] to:

[DEFENDANT'S NAME]
[DEFENDANT'S CURRENT ADDRESS]

Plaintiff's signature required

**Sample Document #13 WAIVER OF RIGHTS UNDER THE
SERVICEMEMBERS CIVIL RELIEF ACT**

**Document must be retyped from scratch. Do not type the information in this box.
Must be signed under oath in front of a notary public.

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

**WAIVER OF RIGHTS UNDER THE
SERVICEMEMBERS CIVIL RELIEF ACT**

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

1. I am the Defendant in this divorce case, currently pending in the Circuit Court of the City of Alexandria and I am an active duty 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.
4. **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.**
5. **I UNDERSTAND THAT I SHOULD NOTIFY THE COURT IN WRITING IF I CHANGE MY ADDRESS WHILE THIS CASE IS PENDING.**

_____ (Signature required)
Defendant, *pro se*

COMMONWEALTH OF VIRGINIA
[CITY] [COUNTY] of _____, to wit:

Subscribed and sworn to/affirmed before me this _____ day of _____, 20____
by _____ [DEFENDANT’S NAME].

Notary Public

My Commission Expires: _____
Registration Number: _____

INSTRUCTIONS – STEP 5

PROOF OF SERVICE

Types of Service		
1	Acceptance/Waiver	<p>a. Defendant agrees to <u>accept service</u> and <u>waive future service</u> and <u>waive notice of future hearings</u>.</p> <p>b. Defendant either signs a typed Acceptance/Waiver (Sample Document #3) or signs Form CC-1406 (Sample Document #4) in front of a Notary Public.</p> <p>c. The Defendant must also sign the Final Decree. The Final Decree does not need to be notarized.</p>
2	Family Member Service	<p>a. The Complaint and Summons were served to a member of the Defendant’s family who lives with the Defendant, other than a guest, over sixteen (16) years of age. (The Defendant was not at the Defendant’s usual residence when the Sheriff or Private Process Server attempted to serve the Complaint and Summons.)</p> <p>b. Defendant may file an Answer within a certain period of time; or Defendant may choose not to file an Answer.</p> <p>c. If an Answer is filed, it may be contested or uncontested (see Step #6).</p>
3	Personal Service	<p>a. The Defendant was personally served by the Sheriff or Private Process Server.</p> <p>b. Defendant may file an Answer within a certain period of time; or Defendant may choose not to file an Answer.</p> <p>c. If an Answer is filed, it may be contested or uncontested (see Step #6).</p>
4	Posted Service	<p>a. The Complaint and Summons were “posted” (taped) to the Defendant’s front door or such other door as appeared to be the main entrance of such place of abode. (The Defendant was not at the Defendant’s usual residence when the Sheriff or Private Process Server attempted to serve the Complaint and Summons.)</p> <p>b. Defendant may file an Answer within a certain period of time; or Defendant may choose not to file an Answer.</p> <p>c. If an Answer is filed, it may be contested or uncontested (see Step #6).</p>
5	Publication	<p>a. Order of Publication is published in the newspaper for four successive weeks.</p> <p>b. Defendant may file an Answer within a certain period of time; or Defendant may choose not to file an Answer.</p> <p>c. If an Answer is filed, it may be contested or uncontested (see Step #6).</p>

INSTRUCTIONS – STEP 5 PROOF OF SERVICE (continued)

1. Plaintiff must determine
 - (a) If the defendant has been served;
 - (b) How the defendant was served (see below); and
 - (c) If the defendant filed an Answer; and if so, is it a contested Answer or an uncontested Answer.

2. Plaintiff should contact the Clerk of Circuit Court (703.746.4044) to obtain the above information. You may also go to the Clerk's office (Room 307) to review the file.

Ask the following questions. Write down the answers.

For Sheriff or Private Process Service

- (a) Has the Affidavit of Service been filed? _____
- (b) What date was the defendant served? _____
- (c) How was the defendant served? _____
- (d) Has the defendant filed an Answer? _____

For Service by Publication

- (e) Has the Affidavit of Publication been filed? _____
- (f) When was the end date of publication? _____
- (g) Has the defendant filed an Answer? _____

3. Answer filed? Go to Step 6.

4. No answer filed? Go to Step 7.

INSTRUCTIONS – STEP 6

DEFENDANT’S ANSWER

1. NO ANSWER FILED - If the Defendant did not file an Answer within the required time frame, the Plaintiff may schedule an uncontested divorce hearing [Step 7(A)] or proceed by written, sworn affidavit [Step 7(B)].
2. ANSWER FILED – If the Defendant filed an Answer, the Plaintiff must determine if the answer was CONTESTED OR UNCONTESTED.
 - (a) Go to Clerk of Circuit Court (Room 307) to get a copy of the Answer.
 - (b) Read the answer.
 - If answer is uncontested – go to #3.
 - If answer is contested – go to #4.
3. UNCONTESTED ANSWER – If Defendant agrees to the divorce, and agrees that there are no outstanding issues (property distribution, child support, spousal support, etc.) for the Court to decide, the Plaintiff may

Schedule an uncontested ore tenus divorce hearing	Step 7(A)
File a written, sworn affidavit	Step 7(B)
4. CONTESTED ANSWER - If Defendant objects to the divorce or there are unresolved, outstanding issues (property distribution, child support, spousal support, etc.) for the Court to decide, the Plaintiff and Defendant must schedule a trial date. Contact Judges’ Chambers for information.

Briefly, both parties (or their attorneys) must call Judges’ Chambers together on the same phone call to schedule a contested divorce or equitable distribution trial date. If the Court does not hear from the parties four (4) months after the case was initiated, a status conference will be scheduled by the Court and a notice will be mailed to both parties (or parties’ counsel) requesting parties contact the Court to discuss the status of the case and/or schedule a trial date.

Circuit Court Judges’ Chambers

703.746.4123

Telephone hours: 8:30 a.m. to 1:00 p.m.
2:00 p.m. to 4:00 p.m.

INSTRUCTIONS – STEP 7

ENTRY OF FINAL DECREE

The divorce is granted when the Final Decree is entered (signed) by a Judge. There are two options to have your Final Decree entered.

Choose only one option

- | | | |
|-----------|-----------|---|
| Option #1 | Step 7(A) | Attend an In-person Ore Tenus Hearing; or |
| Option #2 | Step 7(B) | File a Written, Sworn Affidavit in front of a Notary Public |

INSTRUCTIONS – STEP 7(A)

ATTEND AN IN-PERSON ORE TENUS HEARING IN COURTROOM

1. Review the filing checklist to confirm all documents have been filed.

Required Documents – in all divorce cases

- Complaint
- Addendum for Protected Information (“Privacy Addendum”)
- Final Decree of Divorce
- Proof of Service (or Acceptance/waiver) – The proof of service must be received by the Clerk of Circuit Court and processed before the plaintiff may call to schedule the ore tenus hearing.
- VS-4 Form

Documents that May be Needed Based on Your Situation

- COPE certificate
- Name Change Order
- Notice of Hearing (cannot be completed until after scheduling calling Judges’ Chambers)
- Property Settlement Agreement (“PSA”)
- Waiver of Servicemembers Civil Relief Act

2. Call Judges’ Chambers to schedule your ore tenus hearing (703.746.4123).
 - Do not go to Judges’ Chambers.
 - Have your docket number with you when you call.
 - Have a copy of all of your paperwork available.

Date and time of Ore Tenus Hearing - 9:00 a.m. on _____

INSTRUCTIONS – STEP 7(A) ORE TENUS HEARING (continued)

3. **NOTICE OF ORE TENUS HEARING (if necessary)** - If your spouse was **not personally** served with the Complaint, you are required to provide Notice of Ore Tenus Hearing to the defendant - see Step 4(B).
4. **Schedule court reporter for publication cases.** If service was by publication, you must hire a court reporter to attend the divorce hearing with you. The Court Reporter will prepare a transcript of the ore tenus hearing, which will be sent to you or the Court. The Judge will not sign the Final Decree of Divorce until after the transcript has been received. Court Reporters are available by searching “Alexandria Virginia Court Reporters” on the internet.
6. **Schedule interpreter if necessary.** If you need an interpreter, you are encouraged to contact the Court’s Foreign Language Services Division. Please state your name, telephone number, docket number, language required, and court date and time.
Doralisa Pilarte
703.746.4630 dpilarte@courts.state.va.us
7. **Court review of your Documents**
Two (2) weeks prior to your court date, a Judicial Law Clerk will review all of your documents for accuracy and completeness. This is the earliest the documents can be reviewed by a law clerk.

Judicial law clerks in Circuit Court Judges’ Chambers (703.746.4123) are the only court personnel who are authorized to advise if documents are correct. If any of the documents are missing, incorrect, or incomplete, a law clerk will call you at the telephone number on your Complaint to discuss necessary corrections.

The Clerk of Circuit Court staff are NOT ATTORNEYS and are NOT AUTHORIZED to advise if documents are correct. The Clerk’s Office staff cannot give legal advice, cannot advise if a document is correct, and cannot give instructions regarding any documents.

INSTRUCTIONS – STEP 7(A) ORE TENUS HEARING (continued)

9. **Correction Deadline**

- A. The corrections must be filed with the Court (and a courtesy copy to Judges' Chambers) by the deadline below. If the documents are not filed by the deadline, your case will be removed from the docket and you will need to reschedule the hearing after the corrections are completed.
- B. To confirm receipt of documents by the deadline, Plaintiff is strongly encouraged to call Judges' Chambers (703.746.4123).

Correction Deadline

1:00 p.m. on the day before your hearing

Documents to:

- (a) Room 307; and**
- (b) Judges' Chambers on 4th floor of courthouse**

Failure to submit corrected documents by deadline will result in removal of case from the docket

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

Amending Your Complaint – See Step #8.

INSTRUCTIONS – STEP 7(B)

ENTRY OF FINAL DECREE BY AFFIDAVIT

Option #2 for Entry of Final Decree

Step 7(B) File a Written, Sworn Affidavit signed in front of a Notary Public

1. Plaintiff may choose to file a Written, Sworn Affidavit that was signed in front of a Notary Public instead of appearing in-person for an ore tenus hearing.

The affidavit (written testimony) is substituted for the oral testimony provided at the ore tenus hearing. If an affidavit is filed, there is no need for an ore tenus hearing.

** As of 7/1/2021, only one affidavit (from the Plaintiff) needs to be filed. An affidavit from a corroborating witness is no longer required.

2. Before filing your Affidavit, review the filing checklist to confirm all documents have been filed. Checklist on page 31.

3. Prepare affidavit of Plaintiff

The affidavit must include all of the facts that are stated in the Complaint and all of the questions that the Plaintiff would have answered orally under oath at the ore tenus hearing. **The affidavit must be signed under oath in front of a notary public.**

A sample affidavit is included as Document #15.

4. File documents with Clerk of Circuit Court
520 King Street, Room 307 Alexandria, VA 22314.
703.746.4044 Office hours 8:00 a.m. to 4:00 p.m.

INSTRUCTIONS – STEP 7(B) AFFIDAVIT DIVORCE (continued)

5. Court review of your paperwork.
- (a) All documents are filed with the Clerk of Circuit Court.
 - (b) The Clerk of Circuit Court processes the documents into the electronic caseload management system and forwards the documents to Judges' Chambers.
 - (c) A Judicial Law Clerk will review your affidavit and all of your documents for accuracy and completeness within four to six weeks.

Judicial law clerks in Circuit Court Judges' Chambers (703.746.4123) are the only court personnel who are authorized to advise if documents are correct. If any of the documents are missing, incorrect, or incomplete, a law clerk will call you at the telephone number on your Complaint to discuss necessary corrections.

The Clerk of Circuit Court staff are NOT ATTORNEYS and are NOT AUTHORIZED to advise if documents are correct. The Clerk's Office staff cannot give legal advice, cannot advise if a document is correct, and cannot give instructions regarding any documents.

- (d) If all of your documents are correct, a Judge will enter the Final Decree of Divorce. Your file will then be returned to the Clerk of Circuit Court, where the Final Decree will be processed into the electronic caseload management system.
- (e) If any of your documents are missing, incorrect, or incomplete, a Judicial Law Clerk will call you at the telephone number on your Complaint to discuss necessary corrections.

STEP #7(B)

SAMPLE DOCUMENTS

Sample Document #14

Affidavit of Plaintiff in Support of Divorce
Pursuant to Virginia Code Section 20-106

**Sample Document #14 AFFIDAVIT OF PLAINTIFF IN SUPPORT OF DIVORCE
PURSUANT TO VIRGINIA CODE SECTION 20-106**

** Document must be retyped from scratch.
Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

AFFIDAVIT OF PLAINTIFF IN SUPPORT OF DIVORCE
PURSUANT TO VIRGINIA CODE SECTION 20-106

FINAL DECREE OF DIVORCE

ON THIS DAY, _____ [PLAINTIFF'S NAME], personally appeared before the undersigned Notary Public and, after having been first duly sworn according to law, under penalty of perjury, affirms, pursuant to Section 20-106 of the 1950 Code of Virginia, as amended, that he/she (**choose only one**) is over eighteen (18) years of age, competent to testify to the contents of this affidavit, and that the following facts are true and correct based on personal knowledge:

1. My name is _____ [PLAINTIFF'S NAME]. My address is _____ [STREET ADDRESS, CITY, STATE, and ZIP CODE].

2. I am the Plaintiff in the above captioned case, and I affirm all of the allegations of the Complaint, a copy of which is attached hereto. [ATTACH A COPY OF THE COMPLAINT TO THIS AFFIDAVIT.]

3. I am married to the Defendant _____ [DEFENDANT'S NAME].

4. Neither I, nor my spouse ("the Defendant"), is currently incarcerated.

5. The Defendant and I are both over eighteen (18) years of age.

6. The Defendant and I are each of sound mind and free from any condition that renders either of us legally incompetent.

7. ***[Choose only one paragraph; omit the other paragraph]***

I 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 bond fide resident and domiciliary of the Commonwealth of Virginia;

-or-

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 bond fide resident and domiciliary of the Commonwealth of Virginia;

8. ***[Choose only one paragraph; omit the other paragraph. Minor children are those children under the age of eighteen (18).]***

There is/are _____ minor child/children ***[insert number of children]*** born or adopted of the marriage, namely: _____ born on _____; _____ born on _____; and _____ born on _____; ***(list all minor children's names and their dates of birth)***

-or-

There are no minor children born or adopted of the marriage.

9. Neither I, nor the Defendant, is pregnant from the marriage.

10. ***[Choose only one paragraph; omit the other paragraph.]***

a. Neither party is an active duty member of the United States Armed Forces;

-or-

b. Defendant is an active duty member of the United States Armed Forces, and has signed a Waiver of the Servicemembers Civil Relief Act.

11. The Defendant and I separated on _____ *[DATE OF SEPARATION]*, and have lived separate and apart, continuously, without interruption and without cohabitation in excess of the statutory period required by Section 20-91(A)(9) of the 1950 Code of Virginia, as amended.

12. At the time of separation on _____ *[DATE OF SEPARATION]*, it was my intention to live separate and apart from the Defendant on a permanent basis and that intention has continued to the present date.

13. There is no hope or possibility of reconciliation.

Include the following paragraph if Plaintiff and Defendant separated while living separate and apart under the same roof. Otherwise; delete the paragraph and renumber the remaining paragraphs]

14. I hereby aver and affirm that the Defendant and I separated on _____ *[DATE OF SEPARATION]*, and we have remained living separate and apart.

- (1) We have not shared the same bedroom;
- (2) _____ *[state who moved]* moved to a different portion of the house;
- (3) We have not had sexual relations;
- (4) We have not had meals together;
- (5) We have each done our own laundry;
- (6) We have not purchased groceries together;
- (7) I have told others that my spouse (the Defendant) and I have separated;
- (8) We have not attended family functions together or celebrated holidays together; and
- (9) We have lived separate lives.

15. I request that the Court grant me a divorce pursuant to Section 20-91(A)(9) of the 1950 Code of Virginia, as amended, based upon having lived separate and apart without interruption and without any cohabitation in excess of the statutory period required by Section 20-91(A)(9) of the 1950 Code of Virginia, as amended.

16. *[Delete this Paragraph if the parties do not have an Agreement and there are no further issues for the Court's determination.]* The Defendant and I entered into an Agreement dated

_____ *[Date of Agreement].*

17. I recognize and identify the document filed herein and attached as Exhibit 1 as that Agreement. *[Delete this paragraph if the parties do not have an Agreement and there are no further issues for the Court's determination.]*

18. The Agreement contains my signature and the Defendant's signature. The Agreement resolves all issues arising out of our marriage. *[Delete this paragraph if the parties do not have an Agreement and there are no further issues for the Court's determination.]*

19. I request the Court affirm, ratify and incorporate, but not merge, the Agreement into the Final Decree of Divorce. *[Delete this paragraph if the parties do not have an Agreement and there are no further issues for the Court's determination.]*

I, _____, [PLAINTIFF'S NAME], do hereby swear or affirm that my answers given above are true and accurate to the best of my knowledge.

Plaintiff

COMMONWEALTH OF VIRGINIA

[CITY] [COUNTY] of _____, to wit:

Subscribed and sworn to/affirmed before me this _____ day of _____, 20____

by _____ [PLAINTIFF'S NAME].

Notary Public

Registration Number: _____
My Commission Expires: _____

INSTRUCTIONS – STEP 8

AMEND YOUR COMPLAINT (if instructed by a Judicial Law Clerk)

1. As stated previously,
Two (2) weeks prior to your court date, a Judicial Law Clerk will review all of your documents for accuracy and completeness. This is the earliest the documents can be reviewed by a law clerk. If any of your documents are missing, incorrect, or incomplete, a law clerk will call you at the telephone number on your Complaint to discuss necessary corrections.

Judicial law clerks in Circuit Court Judges' Chambers (703.746.4123) are the only court personnel who are authorized to advise if documents are correct. If any of the documents are missing, incorrect, or incomplete, a law clerk will call you at the telephone number on your Complaint to discuss necessary corrections.

The Clerk of Circuit Court staff are NOT ATTORNEYS and are NOT AUTHORIZED to advise if documents are correct. The Clerk's Office staff cannot give legal advice, cannot advise if a document is correct, and cannot give instructions regarding any documents.

2. If you receive a telephone call from a Judicial Law Clerk
 - a. There is a problem with your documents, and your hearing WILL NOT go forward necessary corrections are filed before the deadline; or
 - b. If you filed an Affidavit (instead of appearing for an in-person ore tenus hearing), your Final Decree of Divorce will not be entered until the necessary corrections are filed.
3. Corrections needed - The law clerk will explain the necessary corrections. Listen closely to the law clerk's instructions. Make notes if possible. If you cannot understand the law clerk's instructions, you may have to hire an attorney.
4. Deadline - The law clerk will give you a deadline to file the necessary corrections.

Correction Deadline

1:00 p.m. on the day before your hearing

Documents to:

(a) Room 307; and

(b) Judges' Chambers on 4th floor of courthouse

Failure to submit corrected documents by deadline will result in removal of case from the docket

INSTRUCTIONS – STEP 8 AMEND YOUR COMPLAINT (continued)

6. Amended Complaint Procedure

- A. If your original complaint was incorrect, three (3) documents will need to be filed.
1. **Prepare MOTION TO AMEND COMPLAINT**
The Plaintiff must ask permission from the Court to amend the Complaint.
 - (a) Type the Motion to Amend Complaint – Sample Document #16.
 - (1) The law clerk will instruct what needs to be included in the Motion to Amend Complaint.
 - (2) This reason for the amended complaint must be included in the section of the Motion to Amend that says [ENTER REASON FOR AMENDMENT HERE].
 2. **Prepare ORDER TO AMEND COMPLAINT**
The Judge must enter an order granting the Plaintiff permission to file an Amended Complaint.
 - (a) Type the Order to Amend Complaint – Sample Document #17.
 3. **Prepare AMENDED COMPLAINT**
The Amended Complaint is the corrected version of the original Complaint.
 - (a) Change the title from “Complaint” to “Amended Complaint”.
Make all necessary corrections as instructed by law clerk.
- B. File the documents Clerk of Circuit Court
520 King Street, Room 307
703.746.4044
Office hours 8:00 a.m. to 4:00 p.m.
- C. Service of the Amended Complaint.
Follow law clerk instructions.

STEP #8

SAMPLE DOCUMENTS

STEP #4(A) – REQUIRED DOCUMENTS FOR ALL DIVORCES

Sample Document #15	Motion to Amend Complaint
Sample Document #16	Order to Amend Complaint
(No sample document)	Amended Complaint Follow law clerk instructions

Sample Document #15 **MOTION TO AMEND COMPLAINT**

Use only if law clerk instructs you to file a Motion to Amend Complaint.

* Document must be retyped from scratch.

Do not type the information in this box.

VIRGINIA

IN THE CIRCUIT COURT OF THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

MOTION TO AMEND COMPLAINT

COMES NOW, Plaintiff and requests that this Court grant leave to amend the complaint. Plaintiff 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 Plaintiff has filed the proposed Amended Complaint with the Court.

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

I ASK FOR THIS:

(Plaintiff's signature required)
Plaintiff, *pro se*

Sample Document #16

ORDER TO AMEND COMPLAINT

Use only if law clerk instructs you to file an Order to Amend Complaint.

**Do not type the information in this box.*

VIRGINIA

IN THE CIRCUIT COURT FOR THE CITY OF ALEXANDRIA

Plaintiff

vs.

DOCKET NO. CL _____

Defendant

LEAVE TO AMEND ORDER

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

IT APPEARING that _____

[ENTER REASON FOR AMENDMENT HERE (FOLLOW LAW CLERK INSTRUCTIONS)]. **Some examples are: Plaintiff failed to request a divorce in the original complaint; Plaintiff seeks to change the grounds of divorce from six months to one year, Plaintiff entered the wrong date of separation in the original complaint, etc.] ;**

AND IT FURTHER APPEARING that parties are not prejudiced by this amendment and Rule 1:8 states leave to amend shall be liberally granted.

It is therefore

ADJUDGED, ORDERED, and DECREED that Plaintiff’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:

_____ (Plaintiff’s signature required)

Plaintiff, *pro se*

[PLAINTIFF’S NAME]

INSTRUCTIONS – STEP 9

ATTEND ORE TENUS HEARING IN THE COURTROOM

Where Alexandria Courthouse 520 King Street, Alexandria, VA 22314
4th floor
Look for your name on the bulletin board and go to that courtroom.

When Arrive between 8:30 and 8:45 am
Hearings start promptly at 9:00 a.m.

Who The Plaintiff is required to attend the ore tenus hearing.
The Defendant may choose to attend the hearing, but is not required to do so.
If the Defendant does attend the hearing, it will be for observation only. The Defendant will not have a speaking role at the ore tenus hearing.

Notes

1. Cell phone lockers - Cell phones and electronic devices are not allowed in the courthouse. Small lockers are available in the courthouse vestibule for a small fee (\$.25).
2. Court Reporter is paid for by the Plaintiff and must be present for all publication divorce cases. The Court Reporter attends the ore tenus hearing and prepares a hearing transcript. The Judge will not enter (sign) the Final Decree until after the hearing transcript is filed with the Clerk of Circuit Court.
To find a court reporter, conduct an internet search for “Alexandria Virginia court reporter”.
3. Final Decree will be entered (signed by the Judge) and your divorce will be granted at your ore tenus hearing. *EXCEPTION: If the defendant was served by Publication in a newspaper, the Court reporter will prepare a transcript of the final hearing. The Final Decree will not be signed by a judge until after the transcript is filed and processed in the Clerk of Circuit Court’s office.*
4. Interpreter – If the assistance of an interpreter is needed, the Plaintiff should contact Interpreter Services at 703.746.4630 or email dpilarte@vacourts.gov
5. Testimony - Oral testimony is required to be provided by the Plaintiff at the ore tenus hearing.

INSTRUCTIONS – STEP 10

OBTAIN COPY OF YOUR FINAL DECREE AFTER IT HAS BEEN SIGNED BY A JUDGE

If you wish to obtain a copy of your Final Decree after it has been entered (signed by a Judge)

A. ORE TENUS HEARING

Service by **Acceptance/Waiver**, **Sheriff Service** or **Private Process Service**

1. Ore Tenus hearing held at 9:00 a.m.
2. The Plaintiff provides oral testimony at the hearing.
3. The Judge will sign your Final Decree at the hearing, and the divorce will be granted.
4. The files are sent to the Clerk of Circuit Court by 10:00 a.m. on the morning of the hearing.
5. Go to Room 307 (Clerk of Circuit Court).
6. Tell the clerk you had your ore tenus hearing this morning, and you would like a copy of the Final Decree.

B. ORE TENUS HEARING

Service by **Publication**

1. Ore Tenus hearing held at 9:00 a.m.
2. The Plaintiff provides oral testimony at the hearing.
3. A **COURT REPORTER** is required to be present at the hearing.
 - a. The Court Reporter files a hearing transcript with the Clerk of Circuit Court.
4. After the hearing transcript is filed, the Judge will sign your Final Decree, and the divorce will be granted.
5. The Clerk of Circuit Court will mail each of the parties (if addresses are available) a certified copy of the Final Decree after the Final Decree has been entered by the Judge.
6. Plaintiff may call the Clerk of Circuit Court (703.746.4044) to determine if the Final Decree has been entered.

C. AFFIDAVIT DIVORCE CASES

1. All documents are filed with the Clerk of Circuit Court (Room 307).
 - A. The Clerk's office processes the documents, scans the documents into the electronic caseload management system, and forwards the documents to Judges' Chambers.
2. A judicial law clerk reviews all documents within 4 to 6 weeks.
 - A. The Plaintiff is contacted if documents are incomplete or incorrect.
3. If documents are correct, a judge enters (signs) the Final Decree, and the file is sent to the Clerk of Circuit Court.
4. The Clerk of Circuit Court will mail each of the parties (if addresses are available) a certified copy of the Final Decree after the Final Decree has been entered by the Judge.
5. Plaintiff may call the Clerk of Circuit Court (703.746.4044) to determine if the Final Decree has been entered.