**UNCONTESTED DIVORCE INFORMATION**

If you choose to represent yourself, you will be expected to follow the same procedures as an attornet. Court personnel are prohibited by state law to give you legal advise or assistance. You are strongly encouraged to hire an attorney.

To obtain a divorce in Virginia, either you or your spouse must be a resident of Virginia for at least six months prior to filing for divorce.

For an uncontested divorce, if there are no children from the marriage, you must be separated for a minimum of six months and have a writtten property settlement agreement, signed and notarized by both parties before you may file for divorce. If there are children from the marriage, you must be separated a minimum of one year before you may file for divorce.

A Chancery Commissioner, appointed by the Circuit Court, will hear uncontested cases, filed by parties without and attorney on either side.

An uncontested divorce is one in which all the issues have been agreed to by the parties, the grounds are separation for the statury period, and a motion for a no-fault divorce will be made pursuant to Virginia Code §20-121-02; and child support, spousal support, custody and/or visitation are not requested.

The fees associated with the filing of a divorce case are:

* An $84.00 fee is required to file a complaint
* Chancery Commissioner’s fee is $150.00
* Name Change Application to resume maiden name $39.00

When your Complaint and a copy of your Marriage License, with appropriate fees is presented to the Clerk’s Office, your case will be assigned a case number and you will be given a waiver for your spouse to sign and have his or her signature notarized. You are responsible for returning the waiver to the Clerk’s Office. Once the waiver has been filed, the Judge will sign a Decree of Reference, allowing you to make an appointment with the Chancery Commissioner.

For more information, or for answers to specific questions, we suggest you review the Code of Virginia and contact a lawyer. If you a lawyer, please contact the Virginia Lawyer Referral Service at 804-775-0808 or 800-552-7977 or Legal Aid Society of Eastern Virginia at 757-442-3014

The Clerk’s Office makes no representation, either expressed or implied, that this would be an appropriate Complaint for your particular interest and is provided simply as a guide.

**It is your responsibility to prepare a NEW document with your information.**

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VIRGINIA:

IN THE CIRCUIT COURT FOR THE COUNTY OF ACCOMACK

FIRST MIDDLE LAST NAME

ADDRESS

COMPLAINANT

vs. CIVIL

FIRST MIDDLE LAST NAME

ADDRESS

RESPONDENT

COMPLAINT

Your Plaintiff, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, respectfully represents as follows:

1. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ and \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ were married on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, \_\_\_\_\_\_\_(STATE)\_\_\_\_\_\_\_\_.
2. There were no children born of this marriage. **OR** There was one child born of this marriage, namely \_\_\_\_\_\_\_\_\_\_(FULL NAME OF CHILD)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, DOB \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The Complainant **OR** Respondent is not pregnant as a result of this marriage.
3. The Complainant and Respondent are over the age of eighteen years, are of sound mind, and neither of them is in the military service of the United States.
4. The Complainant is and has been an actual bona fide resident and domiciliary of Accomack County and the Commonwealth of Virginia for more than six months next preceding the commencement of this suit. **OR If both parties live in Accomack County:** The Complainant and Respondent are and have been actual bona fide residents and domiciliaries of Accomack County and the Commonwealth of Virginia for more than six months next preceding the commencement of this suit.
5. That neither party has been incarcerated in a penal institution or hospitalized in a mental institution during the pendency of this proceeding.
6. The Complainant and Respondent last cohabitated at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, County, \_\_\_\_\_(STATE)\_\_\_\_
7. That the parties have lived separate and apart, continuously, without interruption, and with an intention to live separate and apart permanently since \_\_\_\_\_\_\_\_\_\_\_\_\_.
8. That reconciliation is improbable.

Wherefore, your Complainant prays that she/he be awarded a divorce *a vinculo matrimonii* from the Respondent pursuant to Section 20-91(9) of the Code of Virginia (1950), as amended, pursuant to Section 20-109.1 of the Code of Virginia (1950), as amended; and for such other and further relief as to equity may seem meet and as the nature of this case may require.

**OR**

**For a 6-month separation with no children:**

That on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, the parties entered into a Separation Agreement with regard to the division of personal and real property of the parties, a copy of said Agreement being attached hereto and made port of hereof by reference.

Wherefore, your Complainant prays that she/he be awarded a divorce a vinculo matrimonii from the Respondent pursuant to Section 20-91 (9) of the Code of Virginia (1950), as amended; that the Agreement dated \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, between the parties be affirmed and ratified by this Court and incorporated as part of any decree entered herein, pursuant to Section 20-109.1 of the Code of Virginia (1950), as amended; and for such other and further relief as to equity may seem meet and as the nature of this case may require.

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

NAME