

Rockingham County Circuit Court
SERVING THE RESIDENTS OF ROCKINGHAM COUNTY AND THE CITY OF HARRISONBURG
80 Court Square, Harrisonburg, VA 22802

DIVORCE INSTRUCTIONS
(One-Year Separation)

- ❖ If you choose to represent yourself, it is your responsibility to know the law.
- ❖ **FORMS MUST BE TYPED AND COMPLETED IN ENTIRETY.** The section about restoring former name is optional. Case number will be assigned upon filing. **Please review all paperwork prior to filing to make sure all blanks are filled correctly.**
INCOMPLETE OR INACCURATE FORMS MAY DELAY YOUR DIVORCE PROCEEDINGS.
- ❖ A fee of \$91.00 is due at the time of filing. An additional \$28.50 per name change is required if either party wishes to resume their maiden name. We accept personal checks, cash, money orders and credit cards. There is a 4% surcharge on all credit card transactions.
- ❖ The complaint is submitted along with a VS-4 form. The VS-4 form is available in the Clerk's Office in the Civil division.
- ❖ Please bring a valid photo ID with you.
- ❖ After the complaint is docketed in the court, you must decide on how to serve your spouse:
 1. This may be done by a sheriff for a fee of \$12.00 in the Commonwealth of Virginia.
 2. You may give or mail a copy of the complaint along with a form our office provides and they can accept service via notary.
 3. Spouse can come to the courthouse and accept service from a deputy clerk.
- ❖ You will be given a court date and time to appear. All matters related to your case will be heard at that time and the court will then render a decision.

FORMS ARE AVAILABLE ON A COMPUTER IN THE CLERK'S OFFICE FOR COMPLETION AND PRINTING. HANDWRITTEN FORMS WILL BE RETURNED.

Office hours are 8:30 am to 4:30 pm, Monday thru Friday, excluding holidays.
Please call the Civil Division at 540-564-3113 or 540-564-3114 with any questions.

**Court personnel are prohibited by law from giving legal advice, restating the law, or recommending legal action. Questions regarding interpretation of the law should be directed to an attorney licensed in the Commonwealth of Virginia. The forms are provided as a convenience and were not prepared by the Court or the Clerk's office. No representations are made by the Court or Clerk's office as to the appropriateness of the attached forms or information. **

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

Plaintiff

Address

City, State & Zip Code

V.

Case No. _____

Defendant

Address

City, State & Zip Code

COMPLAINT

No Fault – One Year Separation - No Contest

Comes now Plaintiff, named below, and for his/her Complaint, respectfully represents as follows:

1. Plaintiff's full name is: _____.
2. Defendant's full name is: _____.
3. The parties lawfully married one another on the following date: _____.
4. They were married in: _____ City or County
_____ State
5. Your Plaintiff is domiciled in and has been a *bona fide* resident and domiciliary of the Commonwealth of Virginia for at least six months immediately preceding the commencement of this suit.
6. The parties last cohabited together in the following county/city and state:
_____.

7. The parties separated on the following date: _____.

8. At the time of the separation, it was the intent of one or both of the parties that the separation be permanent, and the parties have lived separate and apart without any cohabitation and without interruption for at least one year proceeding the institution of this suit.

9. Neither of the parties hereto are active members of the Armed Forces of the United States and they both are over the ages of eighteen (18) years.

10. There is no hope for reconciliation between the parties.

11. (Check one box) There are are not children born or adopted of the parties. If any, each and every child born or adopted of the parties is noted below:

Full Name and Date of Birth: _____

Full Name and Date of Birth: _____

Full Name and Date of Birth: _____

Full Name and Date of Birth: _____

Full Name and Date of Birth: _____

Full Name and Date of Birth: _____

12. As to the children of the parties who are currently minors, Plaintiff asserts as follows:
(check one)

The Court shall not take jurisdiction on matters of child custody, visitation, or child support. The parties will rely on any previous court orders entered on those issues and may petition a court of competent jurisdiction to seek modification, enforcement or determination of those issues in the future.

OR

The parties entered into a written agreement, not already made a part of a previous order in any court, that decides custody, visitation and child support issues between the parties. There are no further issues for the Court to determine. The written agreement is properly executed and is attached to this Complaint, to be served on the opposing party. Plaintiff asks that it be incorporated as noted below. Plaintiff further requests that all matters regarding the modification or enforcement of child custody, visitation, or child support be referred to the appropriate Juvenile and Domestic Relations District Court.

13. The parties do not have any property or spousal support issues to be addressed by the Court, unless checked as follows:

- The parties entered into a written agreement that decides all property and support issues between the parties and there are no further issues for the Court to determine. The written agreement is properly executed and is attached to the Complaint, to be served on the opposing party. Plaintiff asks that it be incorporated as noted below.

14. The Plaintiff requests a change of name incident to divorce. Plaintiff shall prepare the proper order and the Plaintiff's full name shall be changed to:

_____.
Defendant may make separate application for Defendant's own change of name.

WHEREFORE, Your Plaintiff prays as follows:

That Plaintiff be awarded a *vinculo matrimonii* from the Defendant on the ground of the parties living separate and apart without cohabitation or interruption for a period in excess of one year.

If applicable, that the agreement(s) noted above entered into between the parties, be affirmed, ratified and incorporated, but not merged, into the Final Decree of divorce to the extent permitted under Section 20-109.1 of the Code of Virginia, and the parties may be ordered to comply with the terms therein. Plaintiff requests that Plaintiff's failure to attach a properly executed agreement to the Complaint and have it served on the opposing party be considered a request for the Court to not take jurisdiction on issues of property, spousal support, child custody and visitation, or child support.

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

Respectfully Submitted,

Plaintiff

Plaintiff's Phone Number: _____

Defendant's Phone Number: _____

VIRGINIA: IN THE CIRCUIT COURT OF ROCKINGHAM COUNTY

PLAINTIFF

v.

Civil Action No: _____

DEFENDANT

**ADDENDUM FILED PURSUANT TO
§20-121.03 OF THE CODE OF VIRGINIA, 1950,
AS AMENDED**

This Addendum is filed in the above referenced matter pursuant to §20-121.03 of the Code of Virginia, 1950, as amended. Its distribution is restricted in accordance with the terms of that statute.

The Social Security Number of the Plaintiff is _____ . The Social
SOCIAL SECURITY NUMBER
Security Number of the Defendant is _____ .
SOCIAL SECURITY NUMBER

The names, dates of birth and Social Security of any children under eighteen (18) years of age who are referred to in the Bill of Complaint are:

| NAME OF CHILD | DATE OF BIRTH | SOCIAL SECURITY NUMBER |
|---------------|---------------|------------------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

(If additional space is required, file an additional addendum.)

Dated: _____

PLAINTIFF

COVER SHEET FOR FILING CIVIL ACTIONS

COMMONWEALTH OF VIRGINIA

Case No.

(CLERK'S OFFICE USE ONLY)

Rockingham County

Circuit Court

v./In re:

PLAINTIFF(S)

DEFENDANT(S)

I, the undersigned [X] plaintiff [] defendant [] attorney for [] plaintiff [] defendant hereby notify the Clerk of Court that I am filing the following civil action. (Please indicate by checking box that most closely identifies the claim being asserted or relief sought.)

GENERAL CIVIL

Subsequent Actions

- [] Claim Impleading Third Party Defendant
[] Monetary Damages
[] No Monetary Damages
[] Counterclaim
[] Monetary Damages
[] No Monetary Damages
[] Cross Claim
[] Interpleader
[] Reinstatement (other than divorce or driving privileges)
[] Removal of Case to Federal Court

Business & Contract

- [] Attachment
[] Confessed Judgment
[] Contract Action
[] Contract Specific Performance
[] Detinue
[] Garnishment

Property

- [] Annexation
[] Condemnation
[] Ejectment
[] Encumber/Sell Real Estate
[] Enforce Vendor's Lien
[] Escheatment
[] Establish Boundaries
[] Landlord/Tenant
[] Unlawful Detainer
[] Mechanics Lien
[] Partition
[] Quiet Title
[] Termination of Mineral Rights

Tort

- [] Asbestos Litigation
[] Compromise Settlement
[] Intentional Tort
[] Medical Malpractice
[] Motor Vehicle Tort
[] Product Liability
[] Wrongful Death
[] Other General Tort Liability

ADMINISTRATIVE LAW

- [] Appeal/Judicial Review of Decision of (select one)
[] ABC Board
[] Board of Zoning
[] Compensation Board
[] DMV License Suspension
[] Employee Grievance Decision
[] Employment Commission
[] Local Government
[] Marine Resources Commission
[] School Board
[] Voter Registration
[] Other Administrative Appeal

DOMESTIC/FAMILY

- [] Adoption
[] Adoption - Foreign
[] Adult Protection
[] Annulment
[] Annulment - Counterclaim/Responsive Pleading
[] Child Abuse and Neglect - Unfounded Complaint
[] Civil Contempt
[X] Divorce (select one)
[] Complaint - Contested*
[X] Complaint - Uncontested*
[] Counterclaim/Responsive Pleading
[] Reinstatement - Custody/Visitation/Support/Equitable Distribution
[] Separate Maintenance
[] Separate Maintenance Counterclaim

WRITS

- [] Certiorari
[] Habeas Corpus
[] Mandamus
[] Prohibition
[] Quo Warranto

PROBATE/WILLS AND TRUSTS

- [] Accounting
[] Aid and Guidance
[] Appointment (select one)
[] Guardian/Conservator
[] Standby Guardian/Conservator
[] Custodian/Successor Custodian (UTMA)
[] Trust (select one)
[] Impress/Declare/Create
[] Reformation
[] Will (select one)
[] Construe
[] Contested

MISCELLANEOUS

- [] Amend Death Certificate
[] Appointment (select one)
[] Church Trustee
[] Conservator of Peace
[] Marriage Celebrant
[] Approval of Transfer of Structured Settlement
[] Bond Forfeiture Appeal
[] Declaratory Judgment
[] Declare Death
[] Driving Privileges (select one)
[] Reinstatement pursuant to § 46.2-427
[] Restoration - Habitual Offender or 3rd Offense
[] Expungement
[] Firearms Rights - Restoration
[] Forfeiture of Property or Money
[] Freedom of Information
[] Injunction
[] Interdiction
[] Interrogatory
[] Judgment Lien-Bill to Enforce
[] Law Enforcement/Public Official Petition
[] Name Change
[] Referendum Elections
[] Sever Order
[] Taxes (select one)
[] Correct Erroneous State/Local
[] Delinquent
[] Vehicle Confiscation
[] Voting Rights - Restoration
[] Other (please specify)

[] Damages in the amount of \$ are claimed.

DATE

[X] PLAINTIFF

[] DEFENDANT

[] ATTORNEY FOR

[] PLAINTIFF
[] DEFENDANT

PRINT NAME

ADDRESS/TELEPHONE NUMBER OF SIGNATOR

EMAIL ADDRESS OF SIGNATOR (OPTIONAL)

*"Contested" divorce means any of the following matters are in dispute: grounds of divorce, spousal support and maintenance, child custody and/or visitation, child support, property distribution or debt allocation. An "Uncontested" divorce is filed on no fault grounds and none of the above issues are in dispute.