**\*\*\* THIS IS A SAMPLE ONLY AND NOT TO BE USED AS A FILL-IN-THE-BLANK FORM. DO NOT retype the language in the parenthesis ( ) when you retype this form. The information in each paragraph needs to be changed as necessary for your particular case. This form is NOT intended to be legal advice and should NOT be relied upon as such. You are encouraged to consult an attorney.**

**This Complaint can be utilized whether or not the parties have entered into a Separation Agreement (“SA”, which is a written agreement that the parties have separated, and if there is property to be divided, the parties’ agreement regarding the division) but the parties must have been separated for at least one year before filing the Complaint.\*\*\***

**\*\*\* Please note that instructions are in bold and/or italics. You should delete the instructions from your document before filing with the court.**

**V I R G I N I A:**

**In the Circuit Court of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **)**

 **)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*full name*) )**

**Plaintiff )**

 **)**

**v. ) CL No. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

 **)**

 **)**

 **)**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*full name*) )**

**Defendant )**

**SERVE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Full Name of Defendant*)**

 **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Complete Address of Defendant*)**

**Complaint for Divorce**

**On Ground of One Year Separation**

 Plaintiff says:

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

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

 2(b). There are no children born or adopted of this marriage under the age of 18 years;

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

 3. Plaintiff (*or Defendant, if the statement is only true for the Defendant)* is and has been an actual bona fide resident and domiciliary of the Commonwealth of Virginia for at least six months immediately before the filing of this suit.

 4(a). Both parties are over the age of 18 years, and neither is an active-duty member of the military service of the United States; ***OR***

 (b). Both parties are over the age of 18 years, the Defendant is an active member of the military service of the United States, and has signed a Servicemembers Civil Relief Act Waiver, the original of which is attached hereto as Exhibit \_\_\_\_\_.

***(Choose either #4(a) OR #4(b) — NOT BOTH. Renumber as #4)*** *(If the Defendant is in the military, he/she must sign a waiver of rights under the Servicemembers Civil Relief Act, 50 U.S.C. Appx. § 501 et seq.)*

1. The parties last cohabited at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(complete address of the place the parties last lived together)*.

1. The parties have lived separate and apart without any cohabitation and without interruption for more than one year immediately before filing this suit; since \_\_\_\_\_\_\_\_\_ *(month)*, \_\_\_\_ *(day — if you do not remember the exact day, use the last day of the month you just listed)*, \_\_\_\_\_\_\_\_\_\_\_\_\_ *(year)*.
2. The Plaintiff/Defendant *(choose one or both)* formed the intent to remain permanently separated and apart since \_\_\_\_\_\_\_\_ *(day)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(month)*, \_\_\_\_\_\_\_\_\_\_\_\_\_ *(year)*, and the intent to remain separate and apart has continued to date.
3. There is no hope or possibility of reconciliation between the parties.
4. The parties have entered into an Agreement dated \_\_\_\_ *(day)* \_\_\_\_\_\_\_\_\_\_\_\_\_ *(month)* \_\_\_\_\_\_\_\_\_\_\_\_\_ *(year)* resolving all outstanding issues arising out of the marriage.

 ***(If you do not have an Agreement, delete #9 above)***

1. The Plaintiff desires to be restored to her former name of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, and states that this request is not made for any illegal purpose or to the prejudice of third parties.

 **WHEREFORE**, Plaintiff prays as follows:

 A. That he/she *(pick only one)* be granted a divorce from the bond of matrimony on the ground that the parties have lived separate and apart without any cohabitation and without interruption for more than one year; and

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

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

 C. That the Plaintiff’s maiden, or former, name be restored to \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(Plaintiff’s full maiden or former name; you may* ***ONLY*** *ask for this if you are the wife. The husband cannot ask to restore his wife’s name. Please see ATTACHMENT \_\_\_ for a change of name order) (Delete this paragraph if no name change is requested)*; and

 D. That the Plaintiff have such other and further relief as to this Court appears warranted in all of the circumstances herein.

I ASK FOR THIS:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ *(your signed name)*

Plaintiff, *pro se*

*(Type your full name)*

*(Type your complete address)*

*(Type your daytime phone number)*