

**VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF CHESAPEAKE**

\_\_\_\_\_,  
**Plaintiff,**

vs.

**Civil No.:** \_\_\_\_\_

\_\_\_\_\_,  
**Defendant.**

**FINAL DECREE OF DIVORCE**

This cause came on this day, in accordance with Virginia Code § 20-106, to be heard upon:

- Affidavits of the moving party and a corroborating witness
- Depositions of the moving party and a corroborating witness
- Evidence heard *ore tenus* by the Court upon proper notice to the opposing party

The Court finds that the defendant was properly served with process:

- By personal service pursuant to Virginia Code § 8.01-296(1)
- By substituted service pursuant to Virginia Code § 8.01-296(2)(a)
- By posted service pursuant to Virginia Code § 8.01-296(2)(b)
- By notarized waiver of service pursuant to Virginia Code § 20-99.1:1
- By notarized acceptance of service within the Commonwealth of Virginia pursuant to Virginia Code § 20-99.1:1
- By signing the proof of service before an officer authorized to administer oaths, pursuant to Virginia Code § 20-99.1:1
- By personal service outside the Commonwealth, and jurisdiction may be exercised over the defendant pursuant to Virginia Code § 8.01-328.1
- By notarized acceptance of service outside the Commonwealth of Virginia, and the defendant is a nonresident of the Commonwealth; therefore, jurisdiction is *in rem* pursuant to Virginia Code § 20-99.1:1(B)
- By personal service outside the Commonwealth, and jurisdiction cannot be exercised over the defendant pursuant to Virginia Code § 8.01-328.1; therefore, jurisdiction is *in rem*

By substituted service outside the Commonwealth, and the defendant is not a resident of the Commonwealth; therefore, jurisdiction is *in rem* pursuant to Virginia Code § 8.01-320(A)

By order of publication pursuant to Virginia Code § 8.01-316; therefore, jurisdiction is *in rem*

Service is not necessary because defendant entered a general appearance

Other: \_\_\_\_\_

The Court further finds that the defendant:

Has failed to plead, answer, or demur

Has filed an Answer

Has filed an Answer and Counterclaim, to which the plaintiff  has /  has not filed an Answer

Has signed a waiver

Has endorsed this decree

Other: \_\_\_\_\_

UPON CONSIDERATION WHEREOF, the Court further finds from the evidence, independently of any admissions of the parties in the pleadings or otherwise, as follows:

(1) That the parties are over the age of eighteen, *sui juris*, and neither party is incarcerated in a mental or penal institution

(2) That the parties were lawfully married in the  City /  County of \_\_\_\_\_, \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

(3) That at least one party was domiciled in and has been an actual bona fide resident of the Commonwealth of Virginia for a period of at least six months immediately preceding the commencement of this suit, to wit:  plaintiff and/or  defendant

(4) That the plaintiff and defendant last cohabitated in the  City /  County of \_\_\_\_\_, \_\_\_\_\_

- (5)  The defendant is not an active duty member of the armed forces of the United States of America
- The defendant is an active duty member of the armed forces of the United States of America and has signed a notarized waiver under the Servicemembers Civil Relief Act (50 U.S.C. app § 501 et seq.)
- The defendant is an active duty member of the armed forces of the United States of America, and has endorsed this decree
- Other: \_\_\_\_\_

- (6)  There are no minor children born of the parties, born of either party and adopted by the other, adopted by both parties, or expected of the parties
- The name(s) and date(s) of birth of the children born of the parties, born of either party and adopted by the other, or adopted by both parties are:

Name:

Date of Birth:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

- (7) The parties have lived separate and apart without any cohabitation and without interruption since the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

- (8)  The parties entered into a written and signed separation agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, which is filed herein
- The parties entered into a written and signed addendum to the separation agreement, dated the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, which is filed herein
- The parties have not entered into a written and signed separation agreement

- (9)  Pursuant to Virginia Code § 20-121.02, the  plaintiff /  defendant has moved to proceed with this action on the grounds set forth in Virginia Code § 20-91(A)(9)(a) and said motion is hereby granted  
 Not Applicable

Accordingly, it is ADJUDGED, ORDERED and DECREED that:

The  plaintiff /  defendant is granted a divorce A VINCULO MATRIMONII from the  plaintiff /  defendant on the grounds that the parties have lived separate and apart without any cohabitation and without interruption for more than one year, pursuant to Virginia Code § 20-91(A)(9)(a) and,

- The Counterclaim of the defendant is dismissed  
 The Complaint of the plaintiff is dismissed  
 Not applicable

It is further ADJUDGED, ORDERED and DECREED as follows:

(1) **Social Security Numbers of the Parties:**

Pursuant to Virginia Code §§ 20-91(B) & 20-121.03, the Social Security numbers (“SSN”) of the parties are contained in a separate sealed addendum, which is hereby incorporated into this decree

(2) **Separation Agreement:**

- Not Applicable  
 The written and signed separation agreement entered into between the parties on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and filed herein, is affirmed, ratified, and incorporated by reference, but not merged, into this decree, pursuant to Code § 20-109.1  
 The written and signed addendum to the separation agreement entered into between the parties on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, and filed herein, is affirmed, ratified, and incorporated by reference, but not merged, into this decree, pursuant to Code § 20-109.1

(3) **Spousal Support:**

Denied to both parties  
 Reserved to both parties  
 Payable by the  plaintiff /  defendant to the  plaintiff /  defendant as follows: \_\_\_\_\_

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

Further, it is  denied /  reserved to the  plaintiff /  defendant.  
The statutory notices required pursuant to Virginia Code § 20-60.3 are provided below.

Not ordered because jurisdiction is *in rem*

Other: \_\_\_\_\_  
\_\_\_\_\_

(4) **Equitable Distribution:**

Denied to both parties except as specified in the final decree  
 Denied to both parties except as specified in the separation agreement (including any addenda) incorporated herein, and the final decree  
 Reserved to both parties, as the Court has determined that such action is clearly necessary pursuant to Virginia Code § 20-107.3(A).

Not ordered because jurisdiction is *in rem*

As provided on page 14-A, attached at this end of this decree

Other: \_\_\_\_\_  
\_\_\_\_\_





(7) **Health Insurance:**

Health insurance for the children shall be provided as follows:

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Health insurance is not available at a reasonable cost as defined in § 63.2-1900; therefore, the issue is reserved.

(8) **Transfer Pursuant to Virginia Code § 20-79(c):**

Not applicable or not decreed

Enforcement of the Court's order(s) pertaining to the support, custody, and visitation of the child(ren) is transferred to the \_\_\_\_\_

Juvenile and Domestic Relations District Court

Enforcement of the Court's order(s) pertaining to spousal support are transferred to the \_\_\_\_\_ Juvenile and Domestic

Relations District Court

On motion of the  plaintiff /  defendant, all matters pertaining to modification of child support, custody, and visitation, are transferred to the

\_\_\_\_\_ Juvenile and Domestic Relations District Court

On motion of the  plaintiff /  defendant, all matters pertaining to modification of spousal support and maintenance are transferred to the

\_\_\_\_\_ Juvenile and Domestic Relations District Court

(9) **Transfer Pursuant to Virginia Code § 20-107.3(L):**

Not applicable or not decreed

Upon motion of the  plaintiff /  defendant, and it appearing that neither party resides in the City of Chesapeake, the authority to make additional orders pursuant to Code § 20-107.3(K) or to carry out or enforce any stipulation, contract, or agreement between the parties that has been affirmed, ratified, and incorporated by reference pursuant to Code §20-109.1 is hereby transferred to the \_\_\_\_\_ Circuit Court, which is the jurisdiction in which the  plaintiff /  defendant currently resides

**Statutory Notices Required by Virginia Code § 20-60.3**

- (1) Support payments may be withheld as they become due pursuant to § 20-79.1 or § 20-79.2, from income as defined in § 63.2-1900, without further amendments of this order or having to file an application for services with the Department of Social Services.
  
- (2) Support payments may be withheld pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 without further amendments to the order upon application for services with the Department of Social Services.
  
- (3) The name, date of birth, and last four digits of the social security number of each child to whom a duty of support is owed:

<u>Name:</u>	<u>Date of Birth:</u>	<u>Last four digits of SSN:</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(4)

<u>Plaintiff:</u>	<u>Defendant:</u>
Name: _____	Name: _____
Date of Birth: _____	Date of Birth: _____
Last Four Digits of SSN: _____	Last Four Digits of SSN: _____
Residential Address: _____	Residential Address: _____
_____	_____
_____	_____
_____	_____

Mailing Address:

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

Mailing Address:

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

Home Tel. No.: \_\_\_\_\_

Home Tel. No.: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_

Driver's License No.: \_\_\_\_\_

Name and Address of Employer:

Name and Address of Employer:

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

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

Employer Tel. No.: \_\_\_\_\_

Employer Tel. No.: \_\_\_\_\_

\_\_\_ 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, therefore only the name of the party shall be included in the order pursuant to Virginia Code § 20-60.3(4).

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

(6) A petition may be filed for suspension of any license, certificate, registration or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in an amount of

\$5,000 or more. Indicate below whether either or both parents currently hold such an authorization and, if so, the type of authorization(s) held: \_\_\_\_\_

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

(7) The monthly amount of support is: \$ \_\_\_\_\_

The effective date of the order is: \_\_\_\_\_

\_\_\_ In proceedings on initial petitions, the effective date shall be the date of filing of the petition; in modification proceedings, the effective date may be the date of notice to the responding party. The first monthly payment shall be due on the first day of the month following the hearing date and on the first day of each month thereafter. In addition, an amount shall be assessed for any full and partial months between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation.

\_\_\_ Other: \_\_\_\_\_

\_\_\_\_\_

(8) (a) \_\_\_ Health insurance for the minor children shall be provided by \_\_\_ plaintiff / \_\_\_ defendant. The health insurance policy information (***including policy number***) is as follows: \_\_\_\_\_

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

\_\_\_ Health insurance is not available at a reasonable cost as defined in § 63.2-1900

Further, there \_\_\_ is / \_\_\_ is not an order for health care coverage for a spouse or former spouse, as follows: \_\_\_\_\_

\_\_\_\_\_

(b) A statement as to whether cash medical support, as defined in § 63.2-1900, is to be paid by or reimbursed to a party pursuant to subsections D and G of § 20-108.2, and if such expenses are ordered, then the provisions governing how such payment is to be made: \_\_\_\_\_

\_\_\_\_\_

- (9)  No support arrearages currently exist.  
 An arrearage in the amount of \$ \_\_\_\_\_ is owed to  plaintiff /  
 defendant. The period of time for which the arrearage is calculated is:

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

All payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages.

- (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, the obligor must keep the Department of Social Services informed of the name, address and telephone number of his current employer, or if payments are order to be paid directly to the obligee, the obligor is required to keep the Court informed of the name, address and telephone number of his current employer.

- (12) If child support payments are ordered to be paid through the Department of Social Services, the party obligated to provide health care coverage is required to 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 is required to keep the other party informed of any changes in the availability of the health care coverage for the minor child or children.

- (13)  The separate amounts due to each person under the order are: \_\_\_\_\_

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

- The Court specifically ordered a unitary award of child and spousal support  
 This order affirms a separation agreement containing a provision for a unitary award of child and spousal support.

- (14) In determination of a support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law. Pursuant to § 20-78.2, interest on the arrearage will be at the judgment rate as established by § 6.2-302 unless the obligee, in a writing submitted to the Court, waives the collection of interest.
- (15) On and after July 1, 1994, the Department of Social Services may, pursuant to Chapter 19 (§ 63.2-1900 et seq.) of Title 63.2 and in accordance with §§ 20-108.2 and 63.2-1921, initiate a review of the amount of support ordered by any Court.
- (16) 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) 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.

**Statutory Notice Required by Virginia Code § 20-111.1**

**Beneficiary designations for any death benefit, as defined in subsection B of § 20-111.1 of the Code of Virginia, made payable to a former spouse may or may not be automatically revoked by operation of law upon the entry of a final decree of annulment or divorce. If a party intends to revoke any beneficiary designation made payable to a former spouse following the annulment or divorce, the party is responsible for following any and all instructions to change such beneficiary designation given by the provider of the death benefit. Otherwise, existing beneficiary designations may remain in full force and effect after the entry of a final decree of annulment or divorce.**

THERE BEING nothing remaining to be done herein, it is hereby ORDERED that this cause is removed from the docket and placed in the ended causes.

IT IS SO ORDERED.

ENTER:

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Judge

I ASK FOR THIS:

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Counsel for Plaintiff;  Plaintiff  
 Counsel for Defendant;  Defendant

SEEN AND AGREED:

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Counsel for Plaintiff;  Plaintiff  
 Counsel for Defendant;  Defendant  
 Defendant Signed a Waiver  
 Endorsement of Defendant Not Required