

***INCLUDE INSTRUCTIONS**

***** 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.**

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

VIRGINIA

IN THE FAIRFAX COUNTY CIRCUIT COURT

_____	:	
	:	
Plaintiff,	:	
	:	
v.	:	CL NO. _____
	:	
_____	:	
	:	
Defendant.	:	

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

ON THIS day, _____ personally appeared before the undersigned Notary Public and, after having been first duly sworn according to law, under penalty of perjury, affirms, pursuant to §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 _____. My address is: _____

2. I am the Plaintiff/Defendant (*choose only one*) in the above captioned case, and I

affirm all of the allegations of the Complaint, a copy of which is attached hereto.

3. I am married to the Plaintiff/Defendant (*choose only one*), _____.

4. Neither I, nor my spouse is currently incarcerated.

5. My spouse and I are both over the age of 18.

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

7. 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 bona fide resident and domiciliary of this Commonwealth; (*or your spouse if you were not*)

(Choose either (a) OR (b) – NOT BOTH. Renumber as #8.)

8(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

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

9. I am not pregnant from the marriage (*-or- The Wife is not known to be pregnant from the marriage*).

(Choose either #10(a) OR #10(b) — NOT BOTH. Renumber as #10) (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.)

10(a). Neither party is an active duty member of the military service of the United States; **OR**

(b). My spouse is an active member of the military service of the United States, and has signed a Servicemembers Civil Relief Act Waiver.

11. My spouse and I were married on _____ (month), _____ (day), _____ (year) in _____ (city), _____ (state).

12. My spouse and I separated¹ on _____, and have lived separate and apart, continuously, without interruption and without cohabitation in excess of the statutory period required by Va. Code § 20-91(A)(9).

13. At the time of separation, _____, it was my intention to live separate and apart from my spouse on a permanent basis and that intention has continued to the present date.

14. There is no hope or possibility of reconciliation.

15. I request that the Court grant me a divorce pursuant to Virginia Code § 20-91(A)(9), based upon having lived separate and apart without any cohabitation and without interruption for a period in excess of one year.

16. My spouse and I entered into an Agreement dated _____. *(Delete this is no Agreement and there are no further issues for the court's determination).*

17. I recognize and identify the document filed herein and attached as Exhibit 1 as that Agreement. *(Delete this is no Agreement and there are no further issues for the court's determination).*

¹ If you and your spouse separated while living separate and apart under the same roof, you will need to add additional questions that appear at the end of this document and renumber accordingly.

18. The Agreement contains the signatures of me and my spouse and resolves all issues arising out of our marriage. *(Delete this is no 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 Order of Divorce. *(Delete this is no Agreement and there are no further issues for the court's determination).*