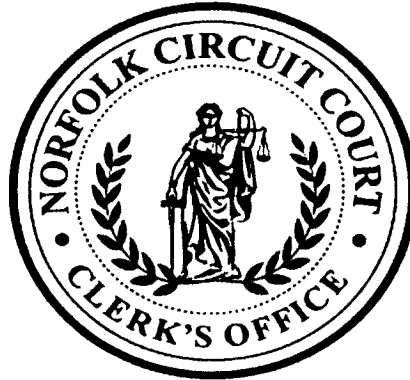


**City of Norfolk
Circuit Court
150 St. Paul's Blvd., Norfolk, VA 23510**



***PRO SE*
UNCONTESTED DIVORCE PACKET**

Norfolk Law Library 2nd Floor 757-622-2910

Circuit Court Clerk's Office 7th Floor 757-389-8942

This packet is available for no cost at the Norfolk Circuit Court Clerk's Office and the Norfolk Law Library. It can also be downloaded from their websites.

The Norfolk Law Library is located at 150 St. Paul's Blvd. on the 2nd Floor. The Library is currently open for In-Person appointments. Appointments are limited to 1 hour in length and are available daily at 10:00 a.m., 11:00 a.m., 2:00 p.m., and 3:00 p.m. Monday thru Friday.

The Library staff are also available from 9:30 a.m. – 4:30 p.m. daily to assist with research remotely.

Appointments and research assistance are available at www.norfolklawlibrary.org/contact-us and by phone at 757-622-2910.

Sample documents – remember these documents are only samples.

You must prepare all documents using the samples as a guide.

You must customize the documents with the information that is specific to your situation.

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WARNING. You should not use this packet or the form complaints if you want support from your spouse (formerly called alimony) or if you want a court-ordered division of property between you and your spouse (including pensions). Use of the complaints in this packet could cause you to lose these rights. If you want either support for yourself or a court-ordered division of property, you should seek the advice of a lawyer.

WARNING. This packet has been prepared to help you obtain your divorce *pro se*, which means representing yourself without an attorney. This packet is only to be used when the divorce is uncontested, meaning the parties have agreed upon all issues before the Court, or it is anticipated that only one side will actively participate. If you expect your spouse to contest the divorce, you should not use this packet, and you should seek the advice of a lawyer.

WARNING. This packet is only for people who are filing for divorce based on no-fault grounds. No-fault divorce suits are those in which the parties only ask for a divorce on the grounds that they have lived separate and apart for the period of time required by law: either one-year or six months. If you are seeking a divorce based on a fault ground, such as adultery, bigamy, cruelty, or desertion, this packet is not for you, and you should seek the advice of a lawyer.

The following instructions explain how to prepare the papers to file with the Court, how to obtain service of those papers on your spouse, and how to schedule your hearing. This packet also contains samples of the documents you will prepare. These instructions are simply a guide, and the documents are meant as samples that must be prepared and revised by you to fit your specific case. The Court expects you to create your own documents which includes being able to write a "Complaint" to begin your case and arrange for proper legal service on and legal notice to your spouse. **Remember**, if you choose to follow the samples in this packet, you **MUST** fill out all information between brackets, e.g., [MONTH] or parentheses, e.g.; (city/county/state). You must also sign the papers you type.

The following is NOT an exhaustive explanation of how to obtain an uncontested divorce, but rather is an overview of the process in the City of Norfolk Circuit Court. If you would like to hire an attorney to represent you but need help finding one, then you should call the Norfolk-Portsmouth Bar Association at (757) 622-3152. If you choose to represent yourself in your divorce proceeding, you will be expected to follow the same rules as a lawyer. The Virginia Code, the Rules of the Supreme Court of Virginia, and Norfolk Circuit Court Civil Rules, are available online and in the Law Library located on the second floor of the Court House at 150 St. Paul's Boulevard. See the Virginia Code at <http://leg1.state.va.us/000/src.htm>; Rules of the Virginia Supreme Court at: <http://www.courts.state.va.us/courts/scv/rulesofcourt.pdf>; and Norfolk Circuit Court Civil Rules at <https://www.norfolkcircuitcourt.us/legal-professionals/local-rules/>.

You are responsible for preparing all documents to be submitted. You may not ask Court personnel for legal advice or assistance, as the law prohibits Court personnel from giving you legal advice or assistance. **The Court and its employees absolutely cannot give you legal advice on how to proceed. If you need such advice, you must hire an attorney. If you believe an employee of the Clerk's Office told you something different from what is in this packet, you should adhere to what this packet states.**

STEPS FOR FILING YOUR COMPLAINT AND REQUIRED DOCUMENTS

1. **Prepare your “Complaint”** based on your situation. Six sample complaints are included in this packet at pages 14-26.
2. **File your complaint** in the Circuit Court Clerk’s Office (150 St. Paul’s Blvd. 7th Floor; 757-389-8942). Throughout this packet the term “Clerk’s Office” means the Circuit Court Clerk’s Office. The General District Court and the Juvenile & Domestic Relations District Court do not grant divorces. Unless your spouse is going to sign a waiver (see page 32), you must file an original complaint and a copy to be served on your spouse.

Contact the Clerk’s Office to determine the filing fee.

- a. For information on what must be included in your Complaint, see page 5.
 - b. The Clerk of Court will assign your case a civil docket number. You must include this number in all correspondence with the Court.
 - c. You must also file a Cover Sheet for filing Civil Actions (see page 35).
 - d. **The Clerk of Court’s staff are not attorneys and therefore cannot give legal advice or advise if your documents are correct.**
3. **Legal Service.** Obtain legal service on your spouse, also called “Service of Process.” For information on how to carry out service of process and sample documents, see the “Service of Process” section of this packet located on pages 6-7.
 4. **Complete and file the remaining documents.** All the necessary documents must be filed in the Clerk’s Office before you call to schedule your hearing. See Filing Checklist on page 10.
 1. Complaint for Divorce
 2. Addendum for protected information (if necessary)
 3. Property Settlement Agreement (required for a divorce based on a six month separation or if you wish your property settlement agreement to be incorporated into the final decree of divorce)
 4. Return of Service (acceptance/waiver; proof of service; or affidavit of publication)
 5. Notice of Hearing (if necessary)
 5. **If your spouse is in prison.** If he/she will not sign a waiver (see page 32), a guardian *ad litem* will have to be appointed for him/her. You will have to pay the guardian *ad litem*. A guardian *ad litem* must be a lawyer.

A complaint for divorce is the initial document that is filed with the Court by which a request is made to end the marriage between two people. There are six sample complaints for divorce included in this packet beginning at page 14. You must select the one that fits your circumstances. A no-fault divorce can be based on (1) **six months of separation** with a property settlement agreement and no minor children; or (2) **one year of separation**. See Va. Code § 20-91.

1. **Grounds of Divorce.** You may request a no-fault divorce based upon either a six month separation or a one-year separation. You may select only one ground of divorce.
 - a. You are eligible for a six-month divorce **ONLY** if you have entered into a written property settlement agreement and there are no minor children born of the parties, born of either party and adopted by the other, or adopted by both parties. These facts must be stated in the complaint.
2. **Date of Separation.** This is the last date when the parties cohabited as a married couple—living together and cooperating to maintain the marital relationship.
 - a. A separation period resets (starts over) when the parties have reconciled (even temporarily).
 - b. **You may not file your complaint for divorce until the statutory period of separation has occurred.**

For example, if you are filing for divorce based on a one year separation, you may not file your complaint until one year has passed since the separation began.
 - c. If you file your complaint for divorce too early (before the statutory period of separation has occurred), your case will be dismissed and you will be required to re-file the complaint, pay a new filing fee, and serve your spouse, because the Court does not have the power to grant divorces until the parties have been separated for the amount of time required by law.
 - d. Separation under the same roof. Many judges are skeptical that an actual separation has occurred. If you claim you are separated under the same roof, you and your corroborating witness should be prepared to answer detailed questions about your living and financial arrangements with your spouse.
3. **Residency.** You or your spouse must be a resident and domiciliary of the Commonwealth of Virginia for at least six months prior to filing suit. See Va. Code § 20-97.
4. **Required Information.** In addition to stating the grounds and residency requirement, the Complaint must include the following:
 - a. Current residences of both parties;
 - b. The date and place (city, state, or country if outside the USA) of marriage;
 - c. The names and dates of birth of all minor children born or adopted into the marriage;
 - d. A statement that both parties are over eighteen years of age;
 - e. A statement of the defendant's military status; and
 - f. A prayer for relief - Your complaint must include a section where you request the relief you are seeking from the Court (*i.e.*, a divorce). The prayer should state not only that you seek a divorce, but also the specific ground of divorce, that is, a six month or one year separation.

5. **Amending Your Complaint.** If you want to make *any* change to your complaint after you file it with the Clerk's Office, you must receive permission from the Court. Permission is liberally granted, but in your motion you must state the nature of the amendment and the reason you request it. A sample motion to amend your complaint is found at page 27. An order allowing the amendment is found at page 28. You must prepare both documents.

SECTION 4

SERVICE OF PROCESS

1. **SERVICE OF PROCESS**

Service of process is the procedure by which the plaintiff in a divorce proceeding gives an appropriate notice of the initiation of legal action to the defendant so as to enable that person to respond to the proceeding.

Service of process is more formal than simply telling your spouse that you have filed for divorce. There are several ways to effect service of process, detailed below. Select one appropriate form of service of process.

A phone call, an email, regular mail, certified mail, and Federal Express ARE NOT legal service of process.

2. **TYPES OF SERVICE**

A. **Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice**

If you and your spouse agree, your spouse may accept service by signing an "Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice" form. This must be signed under oath before a notary public or deputy clerk. See Va. Code §20-99.1:1. A sample of this form is included in this packet at page 32.

If you choose to proceed by an Acceptance/Waiver of Service of Process, a copy of the Complaint must be attached to the waiver or otherwise provided to your spouse.

B. **Service by Sheriff**

If you wish to have the Sheriff legally serve your spouse, the Clerk's Office (7th floor) can assist you.

- (1) **Service in Virginia** - If the defendant lives in Virginia, a Virginia Sheriff can serve process on the defendant. The Sheriff will give the person that is being served a copy of the complaint and the summons. The Sheriff will then execute the proof of service of the process and file the proof with the Clerk of the Court within seventy-two hours of service. Service fee is an additional **\$12.00**.
- (2) **Service Out of State** - You will be responsible for contacting the Sheriff's Department of the county where the defendant resides to obtain local requirements and fees for service.

C. **Order of Publication**

This type of service may be used ONLY if you cannot use any of the above types of service. In other words, this may be done in cases in which the defendant is a non-resident of Virginia or the defendant's whereabouts are unknown after you have made all efforts to locate him or her. See Va. Code § 20-104 and § 8.01-316.

An order of publication must be published in a newspaper prescribed by the Court once a week for four successive weeks. It is expensive. A sample Affidavit in Support of Order of Publication and Order of Publication are included in this packet, located on pages 29 and 30. Additionally, these documents can be obtained from the Clerk's Office. If you qualify to file your case *in forma pauperis* you may be able to avoid this expense.

D. **Private Process Service**

You may hire a private process server, who will give the defendant a copy of the complaint and the summons. The process server will execute an affidavit of service and must file the affidavit with the Clerk of the Court where the matter is pending within seventy-two hours of service pursuant to Virginia Code § 8.01-325.

SECTION 5

NOTICE OF HEARING

You may be required to provide notice to the defendant of the hearing.

A. **Notice of hearing IS required**

If your spouse was not personally served with the complaint, but was either served by "posting" (the Sheriff or private process server taped the complaint and summons on the door where your spouse lives) or served the defendant in Virginia by handing the papers to a family member over sixteen years of age who lives with your spouse, then you must serve your spouse with a notice, indicating when you will go to court to ask the judge to sign the final decree. You may not mail this notice. You will have to pay another fee for service either by the Sheriff or by a private process server you hire.

If your spouse has filed an answer not contesting the divorce, you may serve notice by mailing or hand delivery. See Virginia Code § 8.01-296 and § 20-99.

B. **Notice of hearing IS NOT required if the defendant:**

- (1) has signed a waiver of notice of the entry of the final decree of divorce; or,
- (2) has accepted or waived service of process and has not filed an answer in the suit; or,
- (3) was served by order of publication and has not filed an answer in the suit; or,
- (4) was served in person with the complaint and has not filed an answer or other appearance within twenty-one days of service; or
- (5) has made an appearance in the case and signed the final decree of divorce; or,
- (6) was served with the complaint outside Virginia by service on a family member and has not filed an answer or made an appearance.

**WAIVER OF RIGHTS UNDER
SECTION 6 THE SERVICEMEMBERS CIVIL RELIEF ACT**

Military Members: If the defendant is an active duty member of the United States Armed Forces, the defendant **must** sign the “Waiver of Rights Under the Servicemembers Civil Relief Act” form in front of a notary public or deputy clerk. If the defendant is not an active duty member of the United States Armed Forces, this form is not necessary. The Norfolk Circuit Court form waiver on page 32 contains this waiver and no additional form is necessary

SECTION 7 FINAL DECREE OF DIVORCE

The final decree of divorce is the order the judge signs at the hearing granting the divorce. One of the judges’ law clerks will prepare one for you the morning of your hearing or you may bring your own.

If you wish to change your name incident to your divorce, it must be done by separate order and not in the final decree of divorce.

**ADDENDUM OF
SECTION 8 PROTECTED IDENTIFYING INFORMATION**

- A. No protected identifying information (see paragraph D) may be included in the complaint, the copy of the property settlement agreement filed with the Clerk’s Office, or the final decree. If such information is in your property settlement agreement you must redact it in the copy you file with the Clerk’s Office
- B. Unless there is a property settlement agreement, this form will probably not be necessary. If it is necessary, one of the judges’ law clerks can assist you with this the morning of your hearing, and this form will be filed in the Clerk’s Office (7th Floor).
- C. A copy of the Addendum for Protected Identifying Information form is included in this packet at page 33 and can also be found in the Circuit Court Clerk’s Office.
- D. All protected identifying information must be excluded from public documents and submitted in a separate format such as on an “Addendum for Protected Identifying Information.” Such protected information includes **social security numbers**, health insurance policy numbers, credit card or bank account numbers, or any other specific identifying information about the parties’ assets or liabilities. List this information on the addendum and submit it to the Court along with your final decree, **even if** the only protected information is your social security numbers.

If either party changed his/her name pursuant to the marriage and requests that his/her maiden or former name be restored, the party must present the Court with a separate order complying with Virginia Code §§ 20-121.4¹ and 8.01-217². This separate name change order must state the previous/current name, the new name requested, the purpose of the name change, and must not contain any social security numbers. The full name you wish to use after your divorce must be spelled out in the order. The judges' law clerk can assist you with this the morning of your hearing.

- DO NOT request a name change in your final decree; it MUST be in a separate Order.
- There is an additional charge of **\$26.00** for a name change.
- You may **not** request a name change for your spouse.

This form transfers the divorce information to the Virginia Office of Vital Records and is available at the Clerk's Office, 7th Floor, when you file your documents.

- **NOTE:** Box 23 of the VS-4 asks for the "Legal Grounds or Cause of Divorce." If you are scheduling an uncontested divorce, then there are only two possible grounds of divorce:
 - one year separation; *OR*
 - six month separation with a property settlement agreement.
- The grounds of divorce on the VS-4 must match the grounds of divorce stated in the final decree.
- The judges' law clerk can assist you with this the morning of your hearing. If you complete it yourself, you **must** use **black** ink.

SECTION 11 : PROPERTY SETTLEMENT AGREEMENTS

- A. Property settlement agreements are required when you seek a divorce based on a six month separation [*see* Virginia Code Section 20-91(9)(a)]. Even if you claim that you and your spouse have no property to be divided, and neither of you wants support from the other, you must still have an agreement signed by both parties to that effect.
- B. Parties may choose to create a property settlement agreement even if you do not seek a divorce based on a six month separation. Incorporating a property settlement agreement in the final decree of divorce allows it to be enforced through the Court's contempt power.
- C. Do **not** file the original property settlement agreement with the Clerk's Office; file a complete copy and redact all protected identifying information. (See Section 8, paragraph D). Bring the original to your hearing if you have it.

¹Virginia Code § 20-121.4 states: Upon decreeing a divorce from the bond of matrimony the court shall, on motion of a party who changed his or her name by reason of the marriage, restore such party's former name or maiden name by separate order meeting the requirements of § 8.01-217.

²Virginia Code § 8.01-217 states, in relevant part: The order shall contain no identifying information other than the applicant's former name or names, new name, and current address.

Before calling to schedule your hearing, you must have filed

- A. Complaint for Divorce
- B. Property Settlement Agreement
 - 1. Property settlement agreements are required where parties seek a divorce based on a six month separation
 - 2. You must also file your property settlement agreement if you request it to be incorporated into your final decree of divorce.
- C. Return of Service – one of these three must be filed in the Clerk’s Office (7th Floor).
 - 1. Acceptance/Waiver of Service of Process and Waiver of Future Service of Process and Notice. This document must be signed in front of a notary or deputy clerk and filed in the Clerk’s Office. You may schedule your divorce hearing any day after it is filed.
 - 2. Service by Sheriff or private process server - The proof of service must be filed in the Clerk’s Office and you must wait twenty-one days from the date of service of the complaint on your spouse to schedule your divorce hearing.
 - 3. Affidavit of Publication from the Publisher. This must be filed in the Clerk’s Office and the return date must have passed before you call to schedule your divorce hearing.
- D. Waiver of the Servicemembers Civil Relief Act

Required **ONLY IF** the defendant is in the military and you do not use the Norfolk Circuit Court form waiver (page 32).

1. **Schedule your uncontested divorce hearing**
 - All the documents in Section 12 must be filed in the Clerk’s Office (7th Floor) before you call to schedule your hearing.
 - Have your case number and all your paperwork available.
 - To schedule your uncontested divorce hearing contact the docket Clerk at 757-600-4277 or by email at civildocket@circuitcourtva.us

2. **Provide notice of hearing if necessary** – You may be required to provide notice of the hearing to your spouse. (See Section 5). The Clerk’s Office will prepare and mail a notice to your spouse if that is allowed. The Clerk’s Office will prepare the notice of hearing if it must be served on your spouse, but you will be responsible for arranging it to be served and the Sheriff’s or private process server’s fee.

3. **Schedule an interpreter if necessary.** If you need an interpreter, you must make arrangements with the Docket Clerk, by contacting the Docket Clerk at 757-600-4277 or by email at civildocket@circuitcourtva.us

4. **Arrange to have a witness with you at the hearing.** A witness must appear with you at the divorce hearing. The corroborating witness must be someone who is over the age of 18 and otherwise competent to testify, who can show up on the date scheduled, and who is familiar enough with the circumstances of your marriage and separation to testify as to the facts alleged in your complaint. This way, you can “prove” those allegations, and the judge can “find” the facts by signing the final decree of divorce. The corroborating witness can be a family member, friend or neighbor, as long as the person is over eighteen. Your witness **MAY NOT** be your spouse. Your witness must have known you for at least the period of separation you use as the ground for your divorce.

A. ATTENDING YOUR HEARING

1. **Courtroom Location**

Courthouse – 150 St. Paul’s Boulevard
The Circuit Courtrooms are on the 4th, 5th, and 6th floors.

Look for your name and the courtroom assignment on the Circuit Court docket board in the lobby of the Courthouse.

2. **Be on time for your hearing**

We suggest that you arrive at the courthouse fifteen minutes before your scheduled time so you may pass through security, check in with the judges’ law clerk, and prepare the necessary papers. It may take fifteen minutes to prepare the papers.

3. **No cell phones or other electronic devices**

Cell phones and other electronic devices are not allowed in the Courthouse. Lockers are available in the lobby of the Courthouse for \$.50.

4. **Your Witness** must be present.5. **Interpreter** (if needed) must be present.6. **Papers to be prepared.** Before the hearing, one of the judges’ law clerks will help you prepare answers to written questions for yourself and your witness, the final decree of divorce, the form VS-4, and, if you request one, your name change order, and, if necessary, the addendum for protected identifying information.7. **Length of hearing.** The hearing before the judge should last about ten minutes.

B. OBTAINING A COPY OF YOUR FINAL DECREE AFTER IT IS SIGNED BY A JUDGE

Some of the judges will have the law clerk take the final decree to the Clerk’s Office where you may be able to obtain a copy the day of your hearing. Other judges will have the Clerk’s Office mail a copy to you.

Addendum of Protected Identifying Information

- An addendum is a form that is filed along with the final decree and includes protected identifying information such as social security numbers and bank account numbers.

Complaint for Divorce

- A complaint for divorce is one of the initial documents that is filed with the court by which a request is made to end the marriage between two people. Among other things, this form sets forth the facts upon which the divorce is based.

Final Decree of Divorce

- The final decree is a court order that terminates the marriage, establishes the spouses' obligations to one another and to their children and disposes of their property and debts. Once the final decree is signed, the divorce is official.

Name Change Order

- A name change order is a separate order entered by the court that orders a spouse's name be returned to their former name. The party seeking the name change must file a separate name change order to be signed by a judge.

Notice

- Notice is furnished by delivering a set of court documents (called "process") to the person to be served.

Property Settlement Agreement

- A property settlement agreement is a written contract dividing property, spelling out rights, and settling problems such as support and custody. It must be signed by both parties and is required in divorces based on a separation of six months.

Separation

- A physical separation combined with the cessation of the responsibilities of the marital relationship and an intention on the part of at least one party to live separate and apart permanently.

Service of Process

- Service of process is the procedure by which the plaintiff in a divorce proceeding gives an appropriate notice of the initiation of legal action to the defendant so as to enable that person to respond to the proceeding before the court.

VS-4

- This form transfers the divorce information to the Virginia Office of Vital Records for their records.

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL_____

Defendant

Address

City, State & Zip Code

COMPLAINT

(Six month separation; no minor children; separation agreement)

COMES NOW plaintiff, _____ (your name) _____, and for (his/her) Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, _____ (spouse's name) _____, on the _____ day of _____, 20_____, in _____ (city/county/state) _____.
2. That there are no minor children born or adopted by the parties.
3. That 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.

4. That the parties are both over the age of eighteen years and last cohabitated in ___(city, county, state)_____.
5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least six months preceding the institution of this suit.
6. That on the _____ day of _____, 20_____, the parties entered into a Property Settlement Agreement that decides all property and support issues between the parties and there are no further issues for the Court to determine.
7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.
8. That there is no hope of reconciliation between the parties.

WHEREFORE, your Plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of six months. That the Property Settlement Agreement entered into by the parties be affirmed, ratified, and incorporated, but not merged, into the final decree of divorce and the parties be ordered to comply with its terms; and that (he/she) may have such other and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL _____

Defendant

Address

City, State & Zip Code

COMPLAINT

(One year separation; no minor children; no separation agreement)

COMES NOW plaintiff, _____ (your name) _____, and for (his/her) Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, _____ (spouse's name) _____ on the _____ day of _____, 20_____, in (city/county/state) _____.
2. That there are no minor children born or adopted by the parties.
3. That 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.

4. That the parties are both over the age of eighteen years and last cohabitated in

_____ (city/county/state) _____.

5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least one year preceding the institution of this suit.

6. That the parties do not have any property issues to be addressed by the Court.

7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.

8. That there is no hope of reconciliation between the parties.

WHEREFORE, your plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of one year, and that (he/she) may have such other and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL _____

Defendant

Address

City, State & Zip Code

COMPLAINT

(One year separation; minor child(ren); no separation agreement; no J&DR Court order in effect)

COMES NOW plaintiff, (your name) , and for (his/her) Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, (spouse's name) .
on the _____ day of _____, 20_____, in (city/county/state) .

2. That there are minor child(ren) born or adopted by the parties, whose full name(s), and date(s) of birth are as follows:

3. That 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.
4. That the parties are both over the age of eighteen years and last cohabitated in _____ (city/county/state) _____.
5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least one year preceding the institution of this suit.
6. That the parties do not have any property, custody, or support issues to be addressed by the Court.
7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.
8. That there is no hope of reconciliation between the parties.

WHEREFORE, your plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of one year; that the Court not adjudicate any issue concerning the support, custody, or visitation of the child(ren); and that (he/she) may have such other and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL _____

Defendant

Address

City, State & Zip Code

COMPLAINT

(One year separation; minor child(ren); separation agreement; no J&DR Court order in effect)

COMES NOW plaintiff, _____ (your name) _____, and for (his/her) Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, _____ (spouse's name) _____ on the _____ day of _____, 20_____, in _____ (city/county/state) _____.

2. That there are minor child(ren) born or adopted by the parties, whose full name(s), and date(s) of birth are as follows:

3. That 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.
4. That the parties are both over the age of eighteen years and last cohabitated in _____
(city/county/state)_____.
5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least one year preceding the institution of this suit.
6. That on the _____ day of _____, 20_____, the parties entered into a Property Settlement Agreement that decides all property, support and custody issues between the parties and there are no further issues for the Court to determine.
7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.
8. That there is no hope of reconciliation between the parties.

WHEREFORE, your plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of one year; that the Property Settlement Agreement entered into by the parties be affirmed, ratified, and incorporated, but not merged, into the final decree of divorce and the parties be ordered to comply with its terms; that (he/she) may have such other and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL _____

Defendant

Address

City, State & Zip Code

COMPLAINT

(One year separation; minor child(ren); no separation agreement; J&DR Court order in effect)

COMES NOW plaintiff, _____ (your name) _____, and for (his/her) Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, _____ (spouse's name) _____ on the _____ day of _____, 20_____, in _____ (city/county/state) _____.
2. That there are minor child(ren) born or adopted by the parties, whose full name(s), and date(s) of birth are as follows:

That the custody and support of the child(ren) named above have been addressed in an Order dated _____, from the _____ (City/County) _____ Juvenile and Domestic Relations District Court.

3. That 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.
4. That the parties are both over the age of eighteen years and last cohabitated in _____ (city/county/state) _____.
5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least one year preceding the institution of this suit.
6. That the parties do not have any property issues to be addressed by the Court.
7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.
8. That there is no hope of reconciliation between the parties.

WHEREFORE, your plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of one year; that the custody, visitation, and support provisions contained in the Order dated _____ from the _____ (City/County) _____ Juvenile and Domestic Relations District Court be left in place and this Court not assume jurisdiction of those issues; that (he/she) may have such other and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

Address

City, State & Zip Code

v.

Civil Case No.: CL _____

Defendant

Address

City, State & Zip Code

COMPLAINT

(One year separation; minor child(ren); separation agreement; J&DR Court order in effect)

COMES NOW plaintiff, _____ (your name) _____, and for his/her Complaint respectfully represents as follows:

1. That your plaintiff was lawfully married to the defendant, _____ (spouse's name) _____, on the _____ day of _____, 20_____, in _____ (city/county/state) _____.

2. That there are minor child(ren) born or adopted by the parties, whose full name(s), and date(s) of birth are as follows:

That the custody and support of the children named above have been addressed in an Order dated _____, from the _____ (County/City) _____ Juvenile and Domestic Relations District Court.

3. That 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.
4. That the parties are both over the age of eighteen years and last cohabitated in _____
(city/county/state)_____.
5. That the parties hereto separated on the _____ day of _____, 20_____, at which time it was the intent of one or both parties that the separation be permanent, and have lived separate and apart without any cohabitation and without interruption for at least one year preceding the institution of this suit.
6. That on the _____ day of _____, 20_____, the parties entered into a Property Settlement Agreement that decides all property issues between the parties and there are no further property issues for the Court to determine.
7. That the defendant is not on active duty in the Armed Forces of the United States or has signed a waiver of (his/her) rights under the Servicemembers Civil Relief Act.
8. That there is no hope of reconciliation between the parties.

WHEREFORE, your plaintiff prays as follows:

That plaintiff be awarded a divorce *a vinculo matrimonii* from the defendant on the ground of the parties living separate and apart without any cohabitation or interruption for a period of one year; that the Property Settlement Agreement entered into by the parties and dated the _____ day of _____, 20_____ be affirmed, ratified, and incorporated, but not merged, into the final decree of divorce and the parties be ordered to comply with its terms; that the custody, visitation, and support provisions contained in the Order dated _____ from the

_____ (County/City) _____ Juvenile and Domestic Relations District Court be left
in place and this Court not assume jurisdiction of those issues; that (he/she) may have such other
and further relief as the nature of this cause and equity may require.

Plaintiff (signature)

Telephone Number

***[SAMPLE]* MOTION ASKING FOR PERMISSION TO AMEND THE COMPLAINT**

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

[PLAINTIFF'S NAME]
Plaintiff

Civil Case No.: CL _____

v.

[DEFENDANT'S NAME]
Defendant

MOTION TO AMEND COMPLAINT

COMES NOW, the plaintiff and requests that this Court grant leave to amend the complaint because _____ (enter your reason for the amendment here) _____. The plaintiff has filed the proposed amended complaint with the Court.

WHEREFORE, the plaintiff prays that this Court grant **[him/her]** leave to amend the complaint to correct this error.

I ASK FOR THIS:

_____ (Signature required)

Plaintiff

[ADDRESS]

[TELEPHONE NUMBER]

[SAMPLE] ORDER TO AMEND THE COMPLAINT

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

[PLAINTIFF'S NAME]
Plaintiff

Civil Case No.: CL _____

v.

[DEFENDANT'S NAME]
Defendant

ORDER GRANTING LEAVE TO AMEND

This cause came on this day upon plaintiff's motion to amend the complaint;

IT APPEARING that **[ENTER REASON FOR AMENDMENT HERE. EXAMPLES INCLUDE: complainant failed to request a divorce in the original complaint, complainant seeks to change the grounds of divorce from six months to one year, complainant entered the wrong date of separation in the original complaint, etc.]** ;

AND IT FURTHER APPEARING that no party is prejudiced by this amendment and Rule 1:8 states leave to amend shall be liberally granted.

It is therefore

ADJUDGED, ORDERED, and DECREED that, plaintiff's motion to amend is GRANTED; and the amended complaint filed herein relates back to the date of the original complaint.

ENTERED this _____ day of _____, 20__.

JUDGE

I ASK FOR THIS:

_____ (Signature required)

Plaintiff
[ADDRESS]
[TELEPHONE NUMBER]

SAMPLE] AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

[PLAINTIFF'S NAME]

Plaintiff

Civil Case No.: CL _____

v.

[DEFENDANT'S NAME]

Defendant

AFFIDAVIT IN SUPPORT OF ORDER OF PUBLICATION

[PLAINTIFF'S NAME], being duly sworn, deposes and says:

1. **[PLAINTIFF'S NAME]** is the plaintiff in the above-styled divorce suit.
2. The above-named defendant's last known address is **[LIST FULL ADDRESS] OR [not known]**.
3. The defendant's present whereabouts are unknown.
4. The plaintiff has used due diligence to attempt to locate the defendant without effect by **[STATE EFFORTS MADE TO LOCATE YOUR SPOUSE OR WHY NONE HAVE BEEN MADE]**.

_____ (Signature required)

Plaintiff

[ADDRESS]

[TELEPHONE NUMBER]

COMMONWEALTH OF VIRGINIA

[CITY] [COUNTY] of _____, to wit: Subscribed and sworn to/affirmed before me this

[DATE] by **[PLAINTIFF'S NAME]**.

Notary Public

My Commission Expires: _____

[SAMPLE] ORDER OF PUBLICATION

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

[PLAINTIFF'S NAME]
Plaintiff

Civil Case No.: CL _____

v.

[DEFENDANT'S NAME]
Defendant

ORDER OF PUBLICATION

The object of this suit is to obtain a divorce from the bond of matrimony from the defendant on the ground of having lived separate and apart for a period exceeding **[six months OR one year]** **[AND set forth other relief prayed for, if any]**.

It appearing by affidavit that **[the defendant is not a resident of this Commonwealth AND/OR diligence has been used by or on behalf of the plaintiff to ascertain in what county or city the defendant is, without effect]**, it is ORDERED that defendant appear before this Court on or before **[DATE]** and protect **[his OR her]** interests herein.

And it is further ORDERED that the above paragraphs be published once a week for four successive weeks in the **[name of newspaper]**, a newspaper of general circulation in the City of Norfolk. The Clerk of this Court shall post this Order at the front door of the courthouse and shall mail a copy of this Order to the Respondent at the address, if any, given in the affidavit of the Complainant filed herewith.

Clerk of the Circuit Court

I ASK FOR THIS:

(Signature required)

Plaintiff, *pro se*

[ADDRESS]

[TELEPHONE NUMBER]

VIRGINIA: IN THE CIRCUIT COURT OF THE CITY OF NORFOLK

Plaintiff

v.

Civil Docket No.: CL _____

Defendant

NOTICE OF HEARING

TAKE NOTICE that on _____, 202__, at _____, or as soon thereafter as he/she may be heard in the Norfolk Circuit Court, 150 St. Paul's Boulevard, Norfolk, Virginia, the plaintiff will present testimony and move the Court to grant the final decree of divorce in this cause.

Plaintiff

Telephone Number

ACCEPTANCE/WAIVER OF SERVICE OF PROCESS AND WAIVER OF FUTURE SERVICE OF PROCESS AND NOTICE AND WAIVER OF OTHER RIGHTS

COMMONWEALTH OF VIRGINIA
Norfolk Circuit Court

Case No. CL_____

_____ v. _____
PLAINTIFF DEFENDANT

I, the undersigned, defendant in the above-styled suit, swear under oath/affirm the following:

1. I have received a copy of the complaint, and I understand that my receipt of the complaint and my signature below constitute a waiver of service of process and notice which may be prescribed by law. If a summons is attached to the complaint, I understand that my receipt of these papers and my signature below constitute the acceptance of service of process.

2. I voluntarily and freely waive any future service of process, notice of testimony to be given orally in open court, and notice of entry of any order or decree, including the final decree of divorce and any requirement I sign any proposed final decree of divorce. I understand that by waiving future service of process I am giving up my right to be notified of these events.

3. If I AM A MEMBER OF THE ARMED FORCES OF THE UNITED STATES, I waive my rights under the Servicemembers Civil Relief Act.

4. If I HAVE BEEN CONVICTED OF A FELONY AND AM NOW CONFINED, I waive my right to the appointment of a guardian *ad litem*.

_____ DATE _____ DEFENDANT

TO DEFENDANT: Notify the Court in writing of any changes of your address while this case is pending.

State/Commonwealth of _____, [] City [] County of _____

Subscribed and sworn to/affirmed before me this _____ day of _____, 202__ by

_____ DEFENDANT'S NAME

_____ [] CLERK [] DEPUTY CLERK [] NOTARY PUBLIC

My commission expires: _____

(Rev. 1/21)

**ADDENDUM FOR PROTECTED IDENTIFYING INFORMATION—
CONFIDENTIAL**

Commonwealth of Virginia

Case No.

In the Circuit Court of the [] City [] County of

..... V.

This addendum is filed with and incorporated by reference in the document(s) indicated below, from which the protected identifying information contained herein has been removed by the attorney or party whose signature appears below. This addendum shall be used to distribute such information only as required by law, and may be made available only to the parties, to their attorneys, and to other person(s) as the court may allow.

[] Complaint [] Petition [] Motion [] Order [] Decree [] Other Pleading:

[] Agreement(s) of the Parties [] Transcripts [] Other:

PARTY NAME (LAST, FIRST, MIDDLE)	PARTY NAME (LAST, FIRST, MIDDLE)
ADDRESS	ADDRESS
SOCIAL SECURITY NUMBER	SOCIAL SECURITY NUMBER
DATE OF BIRTH	DATE OF BIRTH

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

NAME OF ASSET, LIABILITY, ACCOUNT, CREDIT CARD	IDENTIFYING ACCOUNT NO.

CHILD NAME (LAST, FIRST, MIDDLE)	SOCIAL SECURITY NUMBER	DATE OF BIRTH
CHILD NAME (LAST, FIRST, MIDDLE)	SOCIAL SECURITY NUMBER	DATE OF BIRTH

Attach additional sheet(s) for other information, as needed.

..... DATE [] PARTY [] ATTORNEY

..... PRINT NAME ADDRESS /TELEPHONE NUMBER OF SUBSCRIBER

ORDER FOR CHANGE OF NAME (ADULT)

Commonwealth of Virginia VA. CODE §§ 8.01-217, 20-121.4

Case No.

VIRGINIA: In the Circuit Court of the [] City [] County of

In re:

This day came the applicant having filed his/her verified application requesting the change of his/her name from

.....
FIRST	MIDDLE	LAST	SUFFIX
		to	
.....
FIRST	MIDDLE	LAST	SUFFIX

Additional former name(s) of the applicant:

The applicant's address is:

- The Court finds that
 - the application complies with the requirements of subsection B of Virginia Code § 8.01-217,
 - a motion was made pursuant to Va. Code § 20-121.4 incident to divorce,
 the change of name is not sought for any fraudulent purpose, and the change of name would not otherwise infringe upon the rights of others.
- The Court previously found that the applicant is presently incarcerated, a probationer, or a person for whom registration with the Sex Offender and Crimes Against Minors Registry is required but found good cause for consideration of the application and conducted a hearing on the application.
 - The Court finds that the change of name would not frustrate a legitimate law enforcement purpose, is not sought for a fraudulent purpose, and would not otherwise infringe upon the rights of others. The basis for this finding is as follows:

Accordingly, it is ADJUDGED and ORDERED that

- The applicant's name is hereby changed, effective this date, to

.....
and this cause is ended.

- The Clerk of this Court shall forthwith spread this Order upon the current deed book, indexing the order in both the old and new names.
- The Clerk of this Court shall further transmit a certified copy of this Order and the application to the State Registrar of Vital Records and to the Central Criminal Records Exchange.
- This change of name is granted incident to a divorce and the Clerk shall not transmit any copy of this Order to the Registrar of Vital Records or to the Central Criminal Records Exchange.
- Public recording of the name change would pose a serious threat to the health or safety of the applicant/applicant's family and the record of this cause is hereby Ordered sealed. The Clerk shall not spread or index this Order and shall not transmit any copy of this Order to the Registrar of Vital Records or to the Central Criminal Records Exchange.
- The application for change of name is hereby denied and this cause is dismissed.

Entered this day of, 20

JUDGE

COVER SHEET FOR FILING CIVIL ACTIONS
COMMONWEALTH OF VIRGINIA

Case No. _____
(CLERK'S OFFICE USE ONLY)

..... Circuit Court

..... v./In re: _____
PLAINTIFF(S) DEFENDANT(S)

I, the undersigned 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
- Divorce (select one)
 - Complaint – Contested*
 - 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 _____

PRINT NAME _____

ADDRESS/TELEPHONE NUMBER OF SIGNATOR _____

EMAIL ADDRESS OF SIGNATOR (OPTIONAL) _____

PLAINTIFF DEFENDANT ATTORNEY FOR PLAINTIFF
 DEFENDANT

*"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.