

Plaintiff: \_\_\_\_\_ Defendant: \_\_\_\_\_

**AFFIDAVIT OF MOVING PARTY IN DIVORCE PROCEEDING**

1. My full legal name is: \_\_\_\_\_
2. My full current address is: \_\_\_\_\_
3. I am currently married to: \_\_\_\_\_
4. My spouse and I were married on (date) \_\_\_\_\_ in (location of marriage) \_\_\_\_\_
5. I affirm that both parties are over the age of 18. Yes  No
6. I affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months preceding the filing of the suit, a bona fide resident and domiciliary of Virginia. Yes  No
7. Has either party been incarcerated in a mental or penal institution at any time since the filing of the suit? Yes  No
8. I verify that both parties are mentally competent. Yes  No
9. Have either you or your spouse been a member of the armed forces of the United States on active duty at any time since the filing of this divorce? Yes  No  If Yes:
  - a. Was the military member stationed in or residing in Virginia and has lived for a period of least six months or more in Virginia immediately preceding the filing of this divorce? Yes  No
  - b. Has the military member filed an answer or a waiver of Service Members Civil Relief Act rights? Yes  No  or  N/A because the only military member is Plaintiff
10. Have you and your spouse separated? Yes  No  If yes, date of separation: \_\_\_\_\_
11. On the date you and your spouse physically separated did one of you intend for the separation to be permanent? Yes  No  If No, when did one of you form that intent? (State date) \_\_\_\_\_.
12. Since the date of the separation, have you and your spouse lived separate and apart, continuously, without cohabitation and without interruption? Yes  No
13. Are there any children born or adopted of the marriage? Yes  No . If yes, state names and dates of birth: \_\_\_\_\_.
14. Do you affirm that neither party is known to be pregnant from the marriage? Yes  No
15. Have you and your spouse entered into a written and signed property settlement agreement? Yes  No  If yes, do you want the court to affirm, ratify and incorporate the property settlement agreement into the final divorce decree? Yes  No
- 15(a). Have you and your spouse entered into an addendum(s) to the signed property settlement agreement? Yes  No  If yes, do you want the court to affirm, ratify and incorporate the addendum(s) to the property settlement agreement into the final divorce decree? Yes  No
16. Is there a request to have a former name restored? Yes  No  If yes, state full name to be restored to: \_\_\_\_\_
17. What grounds do you request the court grant you a divorce based upon: Having lived separate and apart without cohabitation and without interruption for  a period in excess of one year; **OR**  six months.
18. If applicable, matters pertaining to spousal support and child support, custody and visitation to be transferred to the juvenile and domestic relations district court for modification?  YES  NO

Date: \_\_\_\_\_ Signature of Affiant \_\_\_\_\_

**NOTARY CERTIFICATE**

City/County of \_\_\_\_\_ State of \_\_\_\_\_

Subscribed and sworn to (or affirmed) before on \_\_\_\_\_ by above named affiant.

Seal:

Notary Public Signature: \_\_\_\_\_  
 Registration number: \_\_\_\_\_  
 My commission expires: \_\_\_\_\_