



DIVORCE

Can Legal Aid help me with a divorce?

If you and your spouse are living separate and apart and you intend for that separation to be a permanent one, Southwest Virginia Legal Aid (SVLAS) may be able to represent you in filing for divorce.

You can contact Southwest Virginia Legal Aid to apply online at www.svlas.org or you may call toll free to 1-888-201-2772.



What do I need to do?

First you need to contact our Intake Office to find out if you are financially eligible for our services. Next, you and your spouse must have settled any issues you have concerning the custody and support of minor children of the marriage as well as any claims for spousal support, the division of your property or the future payment of debts. A divorce in which both spouses have resolved issues by agreement is called an uncontested divorce.

How can we settle these issues?

If you and your spouse are in agreement, you can prepare a separation agreement signed by each of you describing what you have agreed to. SVLAS does not ordinarily prepare Separation Agreements but we can provide a sample agreement for you to go by. Another option is to file petitions for custody, visitation, child and/or spousal support in the Juvenile Court and obtain an order from the Judge which resolves the issues.

What else do I need to do?

You need to have an address for your spouse where he or she can be served with a copy of the Complaint for Divorce. You also need to have a copy of your marriage license.

There is a filing fee to be paid to the Court; however, if your income is below a certain amount, the Judge may allow you to file for Divorce without paying the filing fee.

What if my spouse and I can't agree about issues?

If you and your spouse own property and you cannot agree about how to divide it or you have custody or support issues which have not been resolved, these matters can be dealt with by a Judge in a divorce after he or she hears evidence and reviews documents. A divorce in which a Judge makes rulings to settle support, custody or property issues is called a contested divorce. SVLAS does not handle contested divorces.