

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 20-97 of the Code of Virginia, relating to domicile and residential requirements for annulment, affirmance, or divorce; members of the Armed Forces of the United States and civilian employees of the United States; return from station.

[H 1382]

Approved

Be it enacted by the General Assembly of Virginia:
1. That § 20-97 of the Code of Virginia is amended and reenacted as follows:
§ 20-97. Domicile and residential requirements for suits for annulment, affirmance, or divorce.

No suit for annulling a marriage or for divorce shall be maintainable, unless one of the parties 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 the Commonwealth, nor shall any suit for affirming a marriage be maintainable, unless one of the parties be domiciled in, and is and has been an actual bona fide resident of, the Commonwealth at the time of filing such suit.

For the purposes of this section only:

1. If a member of the Armed Forces of the United States has been stationed or resided in the Commonwealth and has lived for a period of six months or more in the Commonwealth next preceding the filing of the suit, then such person shall be presumed to be domiciled in and to have been a bona fide resident of the Commonwealth during such period of time.

2. Being stationed or residing in the Commonwealth includes, but is not limited to, a member of the armed forces being stationed or residing upon a ship having its home port in the Commonwealth or at an air, naval, or military base located within the Commonwealth over which the United States enjoys exclusive federal jurisdiction.

3. Any member of the Armed Forces of the United States or any civilian employee of the United States, including any foreign service officer, who (i) at the time the suit is filed is, or immediately preceding such suit was, stationed in any territory or foreign country, or at the time the suit is filed, or immediately preceding such suit, has returned to the Commonwealth following being stationed in any territory or foreign country and (ii) was domiciled resided or lived in the Commonwealth for the six-month period immediately preceding his being stationed in such territory or country shall be deemed to have been domiciled in and to have been a bona fide resident of the Commonwealth during the six months preceding the filing of a suit for annulment or divorce.

4. Upon separation of a married couple, either spouse may establish his own and separate domicile, though the separation may have been caused under such circumstances as would entitle such spouse to a divorce or annulment.