

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

IN RE:

The Marriage / Children Of:

Civil Action No. _____

(Completed by Circuit Clerk's Office.)

_____, and _____
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

PETITION FOR DIVORCE

I, _____, the Petitioner, upon oath, state that the following facts and allegations are true to the best of my personal knowledge and belief; and if I have provided information given to me by others, I believe that information to be true.

Check the boxes and fill in the blanks for all items that apply to your case.

☐ YES ☐ NO Are you currently a party to a domestic violence proceeding?

1. ☐ Petitioner has been a resident of West Virginia for more than one year prior to filing this divorce case.

☐ Respondent has been a resident of West Virginia for more than one year prior to the filing of this divorce case.

☐ Petitioner and Respondent were married in West Virginia, and at least one of them resides in West Virginia at this time.

2. This action is being brought in _____ County, West Virginia because:

☐ This is the county where the Petitioner and Respondent last lived together as spouses.

☐ This is the county where the Respondent now resides.

☐ This is the county where the Petitioner now resides, and the Respondent is not a resident of West Virginia.

☐ Other reasons: (Explain)

3. Petitioner currently resides in _____ County, West Virginia.

4. Respondent currently resides: (*Check only one of the following three items.*)

☐ In _____ County, West Virginia.

☐ At an address unknown to the Petitioner.

☐ Out of state, where the last known address was _____.

5. Petitioner and Respondent were married in _____ County, in the state of _____, on the _____ day of _____, _____.

6. Petitioner and Respondent last lived together as spouses in _____ County, in the state of _____ at the address of _____.
Petitioner and Respondent separated on the _____ day of _____, _____, and that separation has been continuous and uninterrupted since that date.

7. ☐ YES ☐ NO a. Is either party to this case under the age of eighteen?

☐ YES ☐ NO b. Is either party to this case currently serving on active duty with the military services of the United States?

☐ YES ☐ NO c. Is either party to this case legally incompetent?

☐ YES ☐ NO d. Is either party to this case currently incarcerated?

8. Petitioner and Respondent are the parents of:

☐ No children were born during this marriage, and no children are expected.

☐ The children whose names and dates of birth are:

Name	Date of Birth	Name	Date of Birth

In the rest of this Petition, "the children" always means the children whose names you just listed.

☐ A child is currently expected, and the estimated date of delivery is _____.

9. The children currently live with: ☐ Petitioner ☐ Respondent .

☐ Another person, or persons, whose name(s) and address(es) are:

10. During the last five years, if any of the children have lived at addresses other than their current address, use the following space to list where they lived, and for how long. *If there is not enough room in the following space, use an additional sheet of paper.*

I have attached _____ additional sheet(s).

Child's Name	Address	Date of Residence

11. Who provides health insurance for the children?

☐ Petitioner ☐ Respondent ☐ Medicaid ☐ WV CHIP

☐ Another person, whose name and address is

☐ The children DO NOT have health insurance coverage.

The West Virginia Children's Health Insurance Program (WV CHIP) can help parents obtain free or low cost health care for their children. For more information, call 1-877-982-2447, or ask the Family Court staff about WV CHIP.

12. Answer all of the following questions.

☐ YES ☐ NO a. Has the Petitioner been a party or witness in any other proceeding, in any state, concerning the allocation of custodial responsibility for the children?

☐ YES ☐ NO b. Is the Petitioner aware of any other proceeding, past or present, in any state, concerning allocation of custodial responsibility for the children?

☐ YES ☐ NO c. Is the Petitioner aware of any person other than the parties to this case who has physical custody of or claims any custodial right concerning the children?

13. Check all of the following items that apply.

- ☐ The children have resided in West Virginia for at least 6 months immediately preceding the filing of this case, or from birth if less than six months old.
- ☐ The Petitioner believes it is in the best interest of the children for a West Virginia court to assume jurisdiction of this case, because one or both parents have a significant connection to West Virginia, and West Virginia is the location of a substantial number of witnesses and/or other sources of evidence relating to the children's care and upbringing.
- ☐ The children are now present in West Virginia, and have been abandoned here.
- ☐ The children are now present in West Virginia, and the Petitioner believes it is necessary for a West Virginia court to assume jurisdiction of this case on an emergency basis to protect the children, because the children have been subjected to or threatened with mistreatment or abuse, or have otherwise been neglected, or are depending on persons other than their parents.
- ☐ The Petitioner believes no other state has jurisdiction over this case, and it would be in the children's best interest for a West Virginia court to assume jurisdiction.
- ☐ Another state has declined to assume jurisdiction over this case on the ground West Virginia is the best place to decide matters relating to the allocation of custodial responsibility for the children, and for this reason, the Petitioner believes it would be in the children's best interest for a West Virginia court to assume jurisdiction.

14. Check all of the following items that apply to your case.

- ☐ Prior to the separation, both parents performed a reasonable share of the caretaking and parenting functions for the children. For this reason, the Petitioner believes it is appropriate for the parents to continue to share the authority for making significant decisions relating to the children's care and upbringing. The Petitioner also believes custodial responsibility for the children should be allocated in proportion to the time each parent spent in caretaking and parenting functions before the separation.
- ☐ Prior to the separation, the Petitioner performed most, if not all of the caretaking and parenting functions for the children. For this reason, the Petitioner believes it is appropriate for the Petitioner to have sole authority for making significant decisions relating to the children's care and upbringing. The Petitioner also believes custodial responsibility for the children should be allocated between the parties in proportion to the time each parent spent performing caretaking duties prior to the parties' separation.

15. Check all of the following items that apply to your case.

The Respondent has:

- ☐ Abused, neglected, or abandoned one or more of the children.
- ☐ Sexually assaulted or abused one or more of the children.
- ☐ Engaged in acts of domestic violence.
- ☐ Repeatedly interfered with Petitioner's access to or contact with the children.
- ☐ Repeatedly made false reports or accusations of domestic violence or child abuse.

15. (continued) Check all of the following items that apply to your case.

For these reasons, the Petitioner believes:

- ☐ It is in the children's best interest that the authority for making significant decisions relating to the children's care and upbringing be allocated to the Petitioner alone.
 - ☐ The court should impose limits on the Respondent's custodial responsibility for, and contact with, the children.
 - ☐ The Respondent should not be allocated any custodial responsibility, or permitted any contact with the children unless the court specifically finds such custodial responsibility or contact will not endanger the children, or the Petitioner.
16. ☐ Petitioner is in need of spousal support.
17. ☐ Petitioner is in need of support for the minor children.
18. ☐ Over the course of the marriage, the Petitioner and Respondent have accumulated marital property and/or debts which the Court will have to divide.
19. ☐ Petitioner wishes to resume using the name _____.
20. ☐ Irreconcilable differences have arisen between the parties.
21. ☐ The parties have lived separate and apart without cohabitation for one year or more.
22. ☐ The Respondent has inflicted cruel and inhuman treatment upon the Petitioner which has destroyed or tended to destroy the mental or physical well-being of the Petitioner, and which renders continued cohabitation with the Respondent unsafe and unendurable.
23. ☐ Other grounds for divorce:

(Consult the Code of West Virginia for information regarding the grounds for divorce.)

THEREFORE, the Petitioner asks the Court to grant a divorce, and to grant such other relief as the Court considers proper, including the matters specifically stated below:

- ☐ Approve the Proposed Parenting Plan filed by the Petitioner.
- ☐ Order the Respondent to pay support for the minor children.
- ☐ Order the Respondent to maintain health insurance coverage on the children, if reasonably available, and to assist with reasonable health care expenses not covered by insurance or by a government medical card.
- ☐ Order the Respondent to pay spousal support.
- ☐ Make a fair and equitable division of marital property.
- ☐ Award the ☐ Petitioner / ☐ Respondent the exclusive use and possession of the marital home located at _____.

☐ Award the ☐ Petitioner/ ☐ Respondent the exclusive use and possession of the following motor vehicles: _____.

☐ Award the ☐ Petitioner/ ☐ Respondent the exclusive use and possession of the furniture, furnishings and appliances located in the marital home.

☐ Award the Petitioner the exclusive use, possession, and ownership of the following marital property:

Description of Property	Estimated Value
	\$
	\$
	\$
	\$
	\$

☐ Order that the Petitioner be held solely responsible for the following debts:

Description of Debt	Amount Owed
	\$
	\$
	\$
	\$
	\$

☐ Order that the Respondent be held solely responsible for the following debts:

Description of Debt	Amount Owed
	\$
	\$
	\$
	\$
	\$

☐ Prohibit the Respondent from conveying or otherwise disposing of any marital property prior to the time the Court divides the property.

☐ Grant Petitioner the right to resume using the name _____.

☐ Prohibit the Respondent from annoying, abusing, threatening, or interfering with the personal liberty and safety of the Petitioner.

☐ Grant this other relief:

Petitioner's Signature

Date

You must sign the following Verification before a Notary Public or Deputy Circuit Clerk.

VERIFICATION

I, _____, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition are true to the best of my personal knowledge and belief; and if I have provided information given to me by others, I believe that information to be true.

Signature

Date

This Verification was sworn to or affirmed before me on the _____ day of _____ 20____.

Notary Public / Other Official

My commission expires: _____.