

# PRO SE DIVORCE PACKET WITH CHILDREN

## **COSTS:**

**PACKET**.....\$10.00..... DUE WHEN PACKET IS RECEIVED

The following site offers free printable and fillable pdf. forms:

<http://www.courtswv.gov/lower-courts/divorce-forms/index-divorce-forms.html>

**FILING FEE**.....\$135.00..... DUE AT TIME OF FILING

### **SERVICE FEE**

**BY SHERIFF**.....\$25.00..... DUE AT TIME OF FILING

+ COPY FEE OF \$1 PER PAGE

**OR**

**BY CERTIFIED MAIL \$20.00** ..... DUE AT TIME OF FILING

+ COPY FEE OF \$1 PER PAGE

**PARENTING CLASS**.....\$25.00..... CAN BE PAID AT TIME OF FILING.

MUST BE PAID BEFORE CLASS DATE.

RECEIPT FOR PAYMENT MUST ACCOMPANY YOU TO YOUR PARENTING CLASS.

**A CONVENIENCE FEE IS ALSO APPLIED IF PAYING BY CREDIT OR DEBIT CARD.**

- The respondent will have 20 days from the date of service to file their answer; a copy is sent by the respondent to the petitioner and the original is delivered to circuit clerk for filing. Upon receipt of this answer either party may contact Family Court to schedule a hearing date. It is that party's responsibility to provide a copy of the Notice of Hearing to the other party as well as the Circuit Clerk for the court file.
- It is the responsibility of each parent to sign up for a parenting class by calling family court. Classes are the fourth Monday of each month (excluding legal holidays) at 2:00 in the upstairs of the court house. It is recommended that classes be completed before the first hearing date.
- If you plan to hire an attorney these forms may not be necessary. To apply for Legal Aid services you may call 1-866-255-4370. **The Circuit Clerk's office staff is, by law, not permitted to assist you with legal questions.**

**FAMILY COURT:**

304-647-7406

106 S. COURT STREET

LEWISBURG, WV 24901

**CIRCUIT CLERK:**

304-772-3017

PO BOX 350

UNION, WV 24983

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## WEST VIRGINIA PETITIONER'S DIVORCE PACKET INSTRUCTIONS

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### **\* IMPORTANT INFORMATION \***

#### **YOUR RIGHTS MAY BE BETTER PROTECTED WITH THE HELP OF AN ATTORNEY.**

You can obtain a divorce without the assistance of an attorney, but if minor children will be involved in your divorce, if you and your spouse own a home or business, or if you or your spouse have a pension or retirement plan, your custody, property, and support rights may be better protected with the help of an attorney.

The staffs of the Circuit Clerk's Office and the Family Court are prohibited by law from providing legal advice.

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#### **TIME DEADLINES**

In a divorce case, the parties must meet certain deadlines, such as filing papers and documents by a specific date. The failure to meet deadlines can result in the Court imposing penalties. If the other party meets the deadline and you do not meet the deadline, the Court can accept the information that was filed by the other party. **FAILURE TO COMPLY WITH DEADLINES CAN HURT YOUR CASE!** These Instructions contain information on deadlines. Read the instructions carefully, and pay attention to the deadlines.

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If you require any special arrangements to fully participate in court proceedings; for example, a language interpreter, hearing or visual aids, or accommodations for physical access, please notify the Circuit Clerk's Office by checking the appropriate box on the Petitioner's Civil Case Information Statement.

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#### **INSTRUCTIONS FOR PETITIONER'S PACKET**

The Petitioner's Divorce Packet contains forms and instructions you will need to represent yourself in your divorce case, without an attorney. As the person who starts the divorce case, you are the Petitioner. Your spouse is the Respondent. The meanings of these terms and others are explained in the "Definitions of Legal Terms" at the end of these instructions. You should take a few minutes to read these definitions before you continue with these instructions.

The first part of your Petitioner's Packet contains the instructions you are now reading. The forms follow the instructions. Please read these instructions carefully, and please write clearly when you fill in the forms. The forms are very important to your case. If required forms are not properly completed and filed on time, your case may be harmed, or delayed. You will file all of your forms and all other required documents in the Circuit Clerk's Office. Unless otherwise indicated, for every form and document you file, you will need an original that will be filed with the Circuit Clerk, a copy you will serve on the opposing party, and a copy for yourself. If the BCSE is a party, you will need a copy that will be served on that agency.

The forms in this packet require you to provide your name, address, and telephone number. **If you believe your safety, liberty, or health, or the safety, liberty, or health of your children would be put at risk by the disclosure of this information, you must check the box in the Important Notice section of the Petitioner's Civil Case Information Statement AND you must file an affidavit to have the information withheld from all persons except court employees who require the information to carry out their duties.** The affidavit you need to file is the Affidavit To Withhold Identifying Information. This affidavit is not included in the Petitioner's Divorce Packet. If you need this affidavit, you can obtain one at the Circuit Clerk's Office. You can file this affidavit in the Circuit Clerk's Office at the beginning of your case, or later, or you can ask the Court to enter an order allowing you to withhold the information. If your identifying information is withheld, the Respondent's court papers will be served through the Circuit Clerk or Family Court, and not directly on you.

**TO BEGIN, you must make certain you can file your divorce in West Virginia.** You can file your divorce in West Virginia **only if:**

1. **You or your spouse have lived in West Virginia for at least one year before the divorce is filed.**

**OR**

2. **You now live in West Virginia, and you and your spouse were married in West Virginia.**

If you can file your divorce in West Virginia, and you want to use the forms in the Petitioner's Divorce Packet to prepare your divorce, you need to begin by studying the following list of forms included in the packet. The list contains the names of the forms, and important information about the forms and how they will be used in your case. The forms on the list are divided into three groups; Forms Required in All Divorces, Forms Required in Divorces Involving Minor Children, and Other Forms You May Need. **Read the list of forms carefully to determine the forms you need to complete.**

### **FORMS REQUIRED IN: ALL DIVORCES.**

1. **PETITION FOR DIVORCE:**

The Petitioner files this document to begin the divorce. The Petition for Divorce tells the Court the reasons a divorce should be granted, and it tells the Court how the Petitioner wants the Court to handle matters such as spousal support, allocation of custodial responsibility for the children, child support, and the division of property. You will file an original and one copy of your Petition in the Circuit Clerk's Office. You will also want to keep a copy for your records.

2. **PETITIONER'S CIVIL CASE INFORMATION STATEMENT - DOMESTIC RELATIONS CASES:**

This form gives the Court important information about the case and the parties. When you file your Petition in the Circuit Clerk's Office, you also must file three copies of a completed Petitioner's Civil Case Information Statement.

**3. FINANCIAL STATEMENT:**

You and the Respondent will use this form to list income, assets, and liabilities. Each of you will complete one of these forms. In cases involving minor children and/or spousal support, each of you must file the additional information discussed in Step 1. **You must file your completed Financial Statement with the Petition.** Any additional information required to supplement your financial disclosure, or any updates or changes to your financial statement, must be filed in the Circuit Clerk's Office as required by the scheduling order of the court. If you do not have a scheduling order, then the additional information must be filed no later than 5 days before the first hearing in your case. If one party files the financial information on time, and the other party does not, the Court can proceed with the financial information missing, can refuse to grant requested relief to the party who didn't file the information, and can base a decision solely on the information that was filed on time.

**4. VITAL STATISTICS FORM:**

This form is used to update the state's vital statistics records on births, deaths, marriages, and divorces. You must file this form with your Petition For Divorce.

**FORMS REQUIRED IN: DIVORCES INVOLVING MINOR CHILDREN OR SPOUSAL SUPPORT.**

**1. APPLICATION FOR CHILD SUPPORT AND INCOME WITHHOLDING SERVICES FROM THE BUREAU FOR CHILD SUPPORT ENFORCEMENT:**

If minor children are involved in the divorce, or spousal support is being requested by either party, you must complete this form, and file it in the Circuit Clerk's Office when you file your Petition. The Respondent also must complete this form, and file it in the Circuit Clerk's Office with the Answer to Divorce Petition.

**2. PROPOSED PARENTING PLAN:**

If minor children are involved in the divorce, you and the other parent must attempt to agree on a Joint Proposed Parenting Plan, unless your or your children's safety and well-being would be put at risk. A Joint Proposed Parenting Plan tells the Court in detail how the parents think the responsibilities for raising the children should be shared after the divorce. If you and the other parent cannot agree on a Joint Parenting Plan, each of you must file Individual Proposed Parenting Plans. **In either event, Joint or Individual Plans should be filed prior to the first hearing/conference in the case. If one party files an Individual Plan on time, and the other party does not, the Court can rely solely on the plan that was filed on time.** The Parenting Plan Instructions accompanying the Parenting Plan forms explain Parenting Plans in detail.

**3. PARENT EDUCATION NOTICE:**

This notice explains that each parent must pay a \$25 Parent Education Fee, unless fees have been waived, and must complete a Parent Education Class conducted by specially trained persons approved by the Courts.

## **OTHER FORMS YOU MAY NEED.**

1. **ACCEPTANCE OF SERVICE:**

This form is used if the Respondent voluntarily accepts the divorce papers, or picks them up in the Circuit Clerk's Office.

2. **AFFIDAVIT OF NON-RESIDENCY OR UNKNOWN RESIDENCY:**

You will use this form if the Respondent cannot be served in West Virginia because the address is not known, or if the Respondent lives out of state. You must sign this form in front of a Notary Public or Deputy Circuit Clerk.

3. **SERVICEMEMBERS CIVIL RELIEF ACT WAIVER:**

The Servicemembers Civil Relief Act permits persons serving in the armed forces to delay court cases. A party serving in the armed forces who signs this form agrees to allow the divorce to proceed despite the Servicemembers Civil Relief Act.

4. **DIVORCE ANSWER PACKET:**

This packet contains the forms and instructions the Respondent needs to handle the divorce without an attorney.

Now that you've reviewed the list of forms, you next need to determine the correct forms for your case, and the deadlines for serving and filing those forms. These things are explained in Step 1.

### **STEP 1. WHAT ARE THE CORRECT FORMS FOR YOUR CASE?**

#### **WHAT ARE THE DEADLINES FOR FILING THE FORMS?**

A. **EVERYONE** who files a divorce case **MUST** complete and file the following forms:

**Petition for Divorce - Deadline:** There is no deadline for filing the Petition, but when the Petition is filed, the Court's clock starts.

**Petitioner's Civil Case Information Statement - Deadline:** Must be filed with the Petition.

**Vital Statistics Form - Deadline:** Must be filed with the Petition.

**Financial Statement - Deadline:** Must be filed with the Petition and served on the other party, or parties, and filed in the Circuit Clerk's Office. **AND**, in cases involving minor children, and/or spousal support, the Financial Statement must be accompanied by the additional information explained in items B and C immediately below.

B. If **MINOR CHILDREN** are involved in the divorce, **IN ADDITION** to the forms in Group 1, you **MUST** also complete and file the following forms:

**Application for Child Support Enforcement and Income Withholding Services - Deadline:** Must be filed with the Petition.

**Proposed Parenting Plan - Deadline:** Before the first hearing.

**AND**

**You MUST also file the following information with your Financial Statement:**

1. A copy of your 3 most recent wage or salary stubs showing gross pay, deductions for taxes and other items, and net pay for a normal pay period, and for the year-to-date;

2. Copies of your and your spouse's complete income tax returns for the two years immediately preceding the date the Petition was filed, together with copies of the federal Form W-2 for those years; and a copy of the Form W-2 for the most recent year for which that form is available, even if a tax return has not yet been filed for that year;
3. For self-employed persons and business owners, a copy of a current financial statement showing gross income, expenses, and net income;
4. Copies of any invoices or receipts showing the cost of any extraordinary medical expenses for the party or the children, any child care expenses, and any expenses necessitated by the special needs of the children.

**AND**

**You MUST also complete a Parent Education Class.** **Deadlines:** You must pay the Parent Education Fee when you file your Petition, unless your fees have been waived. You should attempt to complete a Parent Education Class before your first hearing. If you do not, your case may be delayed.

- C. If you are requesting SPOUSAL SUPPORT, (alimony), IN ADDITION to the Group 1 forms, you MUST also complete and file:**

**Application for Child Support Enforcement and Income Withholding Services -**

**Deadline:** Must be filed with the Petition.

**AND**

**You MUST file WITH your Financial Statement the additional information listed in items B. 1 - 4 immediately above.**

- D. If you serve the Respondent by PUBLICATION, IN ADDITION to the required Group 1, 2, and 3 forms, you ALSO must complete and file an Affidavit of Non-residency.**

Now that you've determined the forms required for your divorce, go to Step 2 to learn about how to fill out the Petition form, and other required forms.

## **STEP 2. HOW TO FILL OUT THE PETITION AND OTHER FORMS.**

Before you begin, you may want to make several copies of each blank form. You can use the copies to practice on, and you'll have extra blank forms if you make an error completing a form.

Filling out the Petition form is a matter of checking the right boxes, and filling in blanks. The form is self-explanatory, but make certain you read everything carefully, and fully understand what you're doing when you check a box or fill in a blank. Items 20, 21, 22, and 23 on the Petition concern the grounds for divorce. Read the last section in this step for information about the grounds for divorce. Complete the Petition form down to the Verification. Don't complete and sign the Verification until you are before a Notary Public. Deputy Circuit Clerks can also notarize your Verification.

Next, take a look at the other forms you must fill out. If necessary, return to Step 1 and review the list of forms to make certain you fill out all of the required forms. Some forms have a set of instructions accompanying them; the Parenting Plan, for example. Other forms have instructions built into the form. Read the instructions and forms carefully, and make certain you understand what you're doing when you check a box or fill in a blank.

## **GROUND FOR DIVORCE**

The Divorce Petition form included in this packet lists three common grounds for divorce. The most common ground is Irreconcilable Differences. This ground is Item 20 in the Divorce Petition. Item 20 does not require a check mark. In other words, when you file the form, Petition for Divorce, you are automatically claiming Irreconcilable Differences as a ground, unless you cross it out. The other two grounds listed in the form Petition, Items 21 and 22, must be checked to be claimed as grounds. The grounds of Irreconcilable Differences and One Year Separation are briefly explained in the next two paragraphs.

### **Irreconcilable Differences**

To obtain a divorce on the ground of Irreconcilable Differences:

1. The Divorce Petition must claim Irreconcilable Differences as a ground. Irreconcilable Differences is automatically claimed by filing the form, Petition for Divorce, included with the Petitioner's Divorce Packet.
2. The Respondent must file an Answer To Divorce Petition, and the Answer must admit Irreconcilable Differences.
3. At least one of the parties to the divorce, you or the Respondent, must attend the final hearing.

### **One Year Separation**

To obtain a divorce on the ground of One Year Separation:

1. You must check Item 21 on the Divorce Petition.
2. At least one witness must testify to the 1 year separation. (Neither you, nor the Respondent, count as this one witness.)
3. At least one of the parties to the divorce, you or the Respondent, must attend the final hearing.

After you've filled out the correct forms, the next step is to determine the county in which you need to file your forms. Step 3 explains this, and also provides information about the filing fee, and other fees and court costs.

## **STEP 3. FILE YOUR FORMS IN THE PROPER COUNTY. FEES AND COURT COSTS.**

After you have completed the correct forms, you'll begin your divorce case by filing the forms in the Circuit Clerk's Office in the proper county. Here's how to determine the county in which to file your divorce.

**If the Respondent lives in West Virginia:**

1. You can file in the county in which the Respondent lives.  
**OR**
2. You can file in the county in which you and the Respondent last lived together.

**If the Respondent's address is unknown, or the Respondent lives out of state:**

1. You can file in the county in which you now live.  
**OR**
2. You can file in the county in which you and the Respondent last lived together.

After you have determined the county in which you will file, take your completed forms to the Circuit Clerk's Office in that county and give them to a Deputy Clerk for filing.

**Important Note.** The law prohibits the Circuit Clerk and Deputy Clerks from providing legal advice. This means they cannot assist you in completing your forms, or "check" your forms to see if you've completed them correctly.

### **Fees and Court Costs.**

The law requires a person filing a court case to pay a filing fee, and certain other fees and costs which are used to help pay the cost of operating the court system. These fees and costs are not refundable if you change your mind about your divorce. Read the following information to learn more about the fees and costs you will have to pay, and to learn what to do if you cannot afford to pay these fees and costs.

The following fees are due at the time you file your divorce.

- \* Fee for filing Divorce Petition - \$135.
- \* Fee if your Petition is served on the Respondent by the Sheriff's Department - \$25.
- \* Fee if your Petition is served on the Respondent by certified mail/restricted delivery - \$20.

If you cannot afford to pay these fees and court costs, you should ask a Deputy Circuit Clerk for an affidavit to waive fees and court costs. You can fill out the affidavit in the Clerk's office. The affidavit requires you to list some basic information about your financial situation with supporting documentation. A Deputy Clerk will review your completed affidavit, and tell you if you meet the legal requirements to have your fees and costs waived. If you meet these requirements, you will not have to pay fees and costs. If you don't meet these requirements, you must pay fees and costs, but you can ask the Court to review your affidavit later. The Court will review your request for waiver of fees at a later hearing and will determine your eligibility even if the clerk has approved your waiver. Criminal charges can be filed against you if you provide false information on this affidavit.

After your divorce has been filed, the next step is having the divorce papers served on the Respondent. To learn how this is done, go to Step 4.

## **STEP 4. HOW TO HAVE DIVORCE PAPERS SERVED ON THE RESPONDENT.**

Before any type of hearing, except an emergency hearing, can be held in your case, the Respondent must be served with a Summons, a copy of your Petition, and the other documents you filed with it. The Summons, your Petition, and the documents you filed with it are sometimes referred to as "the divorce papers," or "the papers." The serving of court papers is called "service of process," or just "service." **It is your responsibility to arrange for the Respondent to be properly served with the divorce papers.** The following paragraphs describe the methods by which the divorce papers can be served. Read this information carefully. **If the Respondent is not properly served, your case will not go forward.**

**PERSONAL SERVICE BY THE SHERIFF'S DEPARTMENT.** The divorce papers are delivered to the Respondent by the Sheriff's Department. This type of service is arranged through the Circuit Clerk's Office. You pay the fee of \$25, and provide precise directions to the Respondent's residence or place of work. The better your directions, the more likely the Sheriff's Department is to find the Respondent. The Respondent has 20 days from the date the divorce papers are delivered to serve you with an Answer.



**ACCEPTANCE OF SERVICE.** To use this method of service, you must have the Respondent sign an Acceptance of Service form before a Notary Public when you give the Respondent the divorce papers; and you must promptly file that form in the Circuit Clerk's Office. From the date the form is signed, the Respondent has 20 days to serve you with an Answer.

**PERSONAL SERVICE BY PRIVATE PROCESS SERVER.** The law permits persons other than members of the Sheriff's Department to deliver the divorce papers to the Respondent, **but**, service cannot be made by a party to the case, **and** the person serving the papers must be 18 years of age or older. For this type of service to be valid, the person who serves the papers must complete an affidavit which states when and where the papers were served, **and** this affidavit must be filed in the Circuit Clerk's Office. The Respondent has 20 days from the date the divorce papers are delivered to serve you with an Answer.

**SERVICE BY CERTIFIED MAIL.** This type of service is arranged through the Circuit Clerk's Office. You pay a fee of \$20 to the Circuit Clerk. The Circuit Clerk's Office mails the divorce papers to the Respondent by certified mail, with restricted delivery and return receipt requested. If the mailing is accepted, the Clerk's Office will receive the return receipt postcard with the signature of the person who accepted the mailing. If the mailing is returned undelivered, or if a person other than the Respondent accepts the mailing and signs the receipt, you don't have good service, and your case will not go forward. The Respondent has 20 days from the date the divorce papers were delivered to serve you with an Answer.

**SERVICE BY PUBLICATION.** In this type of service, a legal notice of your Divorce Petition is published in a newspaper in the county in which you filed your divorce. Service by Publication can be used in only two situations.

1. The Respondent's location/address is unknown.  
**OR**
2. The Respondent lives out of state, and will not sign the Return Receipt for Service by Certified Mail.

**BUT**, even if one of these situations applies to your case, you should know that, **if you use Service by Publication, the Court's ability to award child support and/or spousal support will be limited.**

**AND**, even if one of these situations applies to your case, DO NOT use Service by Publication if the only ground you claim for divorce is irreconcilable differences.

**To attempt Service by Publication, follow these steps.**

1. Complete the Affidavit of Non-Residency or Unknown Residency form, and take it to the Circuit Clerk's Office.
2. A Deputy Clerk will fill out an Order of Publication.
3. Immediately take the Order of Publication to a newspaper in the county in which you filed your divorce if the Respondent's location is unknown. If the Respondent lives out-of-state and will not sign the Return for Service by Certified Mail, then take the Order of Publication to a newspaper in the county of the last known address of the Respondent. You will be required to pay the newspaper for the publication cost, unless your fees and costs have been waived. The Notice will be published once a week for two weeks in a row. If fees and costs have been waived, the Circuit Clerk will send your Order of Publication to the proper newspaper for publication.

4. After the Notice of Divorce has been published twice, the newspaper will complete an Affidavit of Publication to confirm the publication has taken place. In some counties, the newspaper mails this Affidavit to the Circuit Clerk's Office. In some counties, the newspaper mails this Affidavit to the Petitioner. If the newspaper mails you the Affidavit, you must immediately file it in the Circuit Clerk's Office. Without the Affidavit of Publication in your file, you have no proof of service, and your divorce will not go forward. A copy of the Notice of Divorce from the newspaper is not good proof of service.
5. The Respondent has 30 days from the date of the Notice's first publication to Answer.

**Now that you've gotten your case underway by having the Respondent served with the divorce papers, move on to Step 5 to learn about the Respondent's Answer to your Divorce Petition.**

### **STEP 5. THE RESPONDENT'S ANSWER.**

The Answer is the Respondent's written reply to your Petition. As you learned in Step 4, the Respondent will have 20 or 30 days to serve you with an Answer, depending on the method by which the divorce papers were served.

If the Respondent doesn't have a lawyer, he or she should obtain a Divorce Answer Packet from a Circuit Clerk's Office, or you can get one and pass it along. These forms are also available online at [www.courtsww.gov](http://www.courtsww.gov).

#### **Important reminder about the Respondent's answer and "no-fault" divorces.**

To obtain a "no-fault" divorce on the ground of irreconcilable differences, the Respondent must file an Answer admitting irreconcilable differences, and certain other requirements must be met. Return to Step 1 for more information about the requirements for obtaining a "no-fault" divorce.

**Next, proceed to Step 6, and learn how the hearings and conferences in your case will be conducted.**

### **STEP 6. CONFERENCES & HEARINGS: WHAT TO EXPECT.**

In Step 6, we'll discuss how the conferences and hearings in your case will be conducted. In Step 7, you'll learn what you need to do to prepare for your first conference or hearing. Conferences are conducted by the Family Court's Case Coordinator or the Family Court Judge. Hearings are conducted by the Family Court Judge. Conferences and hearings are set by the family court office.

In Family Court, all hearings and conferences are set by Scheduling Orders. **It is very important that you attend all hearings, show up on time, and come prepared.** You risk hurting your case if you fail to attend hearings, show up late, or come unprepared. Find out where the hearings will be held and allow plenty of time to get there on time.

If you receive a Scheduling Order notifying you of a hearing or conference, and you will not be able to attend, you **must** send the Family Court a written request to reschedule. This is called a Motion for Continuance. You **must** state the reason you cannot attend the originally scheduled hearing. The Family Court must receive your motion to continue **not less than 7 business days** before the date of the hearing you want rescheduled, and you must serve this motion on the Respondent.

Family Court hearings are not open to the public. Only the parties, attorneys for parties, and witnesses are allowed to attend hearings. All hearings are recorded with video and audio equipment. Everyone who testifies must swear or affirm to tell the truth. Everyone is expected to behave in a courteous and dignified manner. Courts will not tolerate improper conduct. The Rules of Court prohibit photographs, videotaping, and sound recording in the courtroom, and in all public areas associated with the courtroom.

Some Family Court Judges question the parties and their witnesses. Others want the attorneys and the self-represented parties to present evidence and question witnesses. If you are representing yourself, you will be expected to present your evidence and question witnesses. Ask a member of the Family Court staff how the judge will conduct your hearing.

Not all hearings produce an immediate decision. Sometimes, the issues in dispute just aren't ready for a decision. For instance, the judge may decide more evidence is needed on an issue. Sometimes, the judge will want to think things over before making a decision. Sometimes, the judge will announce a decision at the conclusion of a hearing. Whatever the circumstances, once made, all decisions are written down in the form of Orders, and filed in the Circuit Clerk's Office. If there's an attorney in the case, the Family Court Judge may ask the attorney to draft an Order which will be sent to the judge and the other party for review. If neither party has an attorney, the Family Court Judge will prepare the Orders.

**Now that you've learned some things about the way hearings are conducted, move to Step 7, and learn what you need to do to prepare for the first hearing or conference in your case.**

## **STEP 7. PREPARING FOR THE FIRST HEARING OR CONFERENCE.**

In Step 7, we'll discuss what will happen at the first hearing or conference in your case, and what you need to do to prepare. To begin, review the following list of important reminders of things that must be done before the first hearing or conference.

### **THINGS YOU NEED TO DO BEFORE THE FIRST HEARING OR CONFERENCE.**

**Parent Education:** If minor children are involved in the divorce, both parents must complete an approved Parent Education Class, and file a Class Completion Certificate in the Circuit Clerk's Office. You need to schedule and attempt to complete a Parent Education Class before the first conference/hearing. If you do not, your case may be delayed.

**Proposed Parenting Plan:** If minor children are involved in the divorce, before the first hearing/conference, you and the other parent need to file a Joint Proposed Parenting Plan together, or each of you need to file Individual Proposed Parenting Plans.

**Witness Subpoenas:** If you think you will need witnesses to testify at a hearing, you need to make certain those witnesses will attend. If you are not certain a witness will show up, you need to obtain a subpoena. To arrange for a subpoena, go to the Circuit Clerk's Office. You should do this at least 10 days before the hearing. To obtain witness subpoenas, you need to provide the Deputy Clerk with the names and addresses of the witnesses, and pay a Clerk's Fee of .50 cents per subpoena, and a service fee of \$25 per subpoena, unless your fees have been waived.

## **THE FIRST CONFERENCE OR HEARING: WHAT TO EXPECT.**

If a party makes a written motion for temporary relief, the first hearing may be a hearing on temporary relief. Temporary relief hearings deal with matters such as allocation of custodial responsibility, allocation of time spent with the children, child support, medical support, spousal support, and possession of the marital residence.

The first conference or hearing will be held after the Respondent has been served with your Petition, and the time for the Respondent to serve you with an Answer has ended.

This first hearing is called a case management conference/hearing. You will receive a Scheduling Order telling you the date, time, and place, and whether the proceeding will be a conference conducted by the Case Coordinator, or a hearing conducted by the Family Court Judge. The Scheduling Order will tell you if you need to complete and file any additional forms, file any additional information, or take care of any other matters before you come to the hearing.

One of the purposes of the case management conference/hearing is to determine what issues are disputed in your case, and how many hearings and how much time your case will require. If your case has no disputed issues, the first hearing may be the only hearing necessary; and the Court may suggest making the first hearing the final hearing. This can only be done if there is a good reason to do it, all necessary papers have been filed, and you and the Respondent agree to it.

In cases involving minor children, the most important subject discussed at the first conference/hearing will be the development of a Parenting Plan. Read the Parenting Plan Instructions to learn the things you need to know about Parenting Plans.

## **HOW TO PREPARE FOR HEARINGS.**

As the Petitioner, you will be required to prove the grounds for divorce you claimed in your Petition. The other issues that will be the subject of hearings in your case depend on the nature of your case and the particular issues in dispute between you and the Respondent. Issues frequently in dispute in divorce cases include, but are not limited to, allocation of custodial responsibility, child support, division and possession of marital property, spousal support, and the division of marital assets and debts. To prepare for a hearing, the first thing you need to do is make sure you understand what issues will be addressed at that hearing. The second thing you need to do is decide how you can prove your case on these issues. You can prove your case by your testimony, by documents, or by the testimony of witnesses. The Respondent will be given the same opportunities to testify and present evidence. Make a plan for how you will present your case. It's best to write things down. List the things you want to prove, and for each thing you want to prove, list how you will prove it; by witness testimony, or a document, for example.

As you have learned, in some cases the first hearing may be the only hearing necessary. In other cases, a number of hearings may be required before the case reaches a final hearing. What happens after the final hearing is discussed in Step 8.

## **STEP 8. WHAT HAPPENS AFTER THE FINAL HEARING?**

The final hearing will result in a Final Order concluding the case and settling all issues in dispute. Both parties will receive copies of the Final Order. **You are NOT legally divorced until a Final Order has been signed by the Family Court Judge!**

Any party may file a Motion for Reconsideration of a Final Order for one of the five types of reasons specified in Chapter 51, Article 2A, Section 10 of the West Virginia Code. A Motion for Reconsideration can be filed only for one of these reasons. A Motion for Reconsideration is made to the Family Court, and must be filed with the Circuit Clerk within a reasonable time after the Final Order was entered, or within one year, depending on the reason for which the motion is filed.

Any party may appeal a Final Order of Family Court to the Circuit Court. An appeal to the Circuit Court is made by filing a Petition for Appeal from Family Court Final Order with the Circuit Clerk. A Petition for Appeal must be filed within 30 days after the date the Final Order was entered. The Circuit Court may refuse to consider a Petition for Appeal. The other parties have a right to file a Reply to a Petition for Appeal, and file a Cross Petition; and the party filing the Petition for Appeal has a right to file a Reply to a Cross Petition. If the Circuit Court does not rule on the petition within the time required, all parties will receive a notice the appeal will be automatically transferred to the West Virginia Supreme Court of Appeals unless all parties file written objections to the transfer. If an appeal is transferred to the Supreme Court, the parties are not required to file any additional papers.

If the Circuit Court refuses to consider a Petition for Appeal, or if a party disagrees with the Circuit Court's ruling on a Petition for Appeal, an appeal may be made to the Supreme Court of Appeals.

Under some circumstances, a Final Order of Family Court may be appealed directly to the Supreme Court of Appeals. This may be done if all parties, together or separately, file a Notice of Intent to Appeal Family Court Final Order and Waiver of Right to Appeal to Circuit Court. Filing this Notice requires a waiver of the right to file a Petition for Appeal to the Circuit Court. The Notice must be filed within 14 days after the date the Final Order was entered.

A party filing an appeal to the Circuit Court or Supreme Court may make a Motion for a Stay. A Motion for a Stay asks that the terms of a Final Order not be carried out until the appeal has been resolved. A Motion for a Stay is made in the Family Court. If the Family Court denies the motion, the motion may be made in the Circuit Court. The payment of spousal support and child support cannot be stayed. The payment of past due child support may be stayed.

Forms and instructions for appeals to the Circuit Court and Supreme Court are available in Family Court and Circuit Clerk offices. These forms are also available online at [www.courtsww.gov](http://www.courtsww.gov).

## DEFINITIONS OF LEGAL TERMS

### **Affidavit**

A written statement of facts sworn to before a Notary Public.

### **Alimony**

Money paid by a divorced person for the support of the ex-spouse. Alimony is now called "spousal support." Alimony is not the same as child support.

### **Allocation of Custodial Responsibility**

The allocation of custodial responsibility determines how the parents will share custody of the children after the divorce. Formerly referred to as "child custody."

### **Answer**

The Respondent's written response to the Petition for Divorce.

### **Application For Child Support Enforcement And Income Withholding Services**

In cases involving minor children, both parents must fill out this form to request or decline child support enforcement and income withholding services from the Bureau For Child Support Enforcement.

### **Bureau For Child Support Enforcement (BCSE)**

The state agency that enforces parents' child support obligations and helps collect child support payments.

### **Case Coordinator**

The Family Court staff person who keeps track of cases, and holds conferences with the parties.

### **Child Support**

The money paid by a divorced parent to help pay the expenses of raising the children. The Family Court Judge sets the amount of support by using West Virginia's child support formula.

### **Circuit Clerk**

The court official who keeps all court files and documents. All papers filed in a court case are filed in the Circuit Clerk's Office. Most service of process is arranged through the Circuit Clerk's Office.

### **Circuit Court**

The court of general jurisdiction for a county, or for several counties grouped together as a circuit.

### **Divorce**

The termination of a marriage by a Court based on proof provided by the parties.

### **Family Court**

The Court that handles divorces, paternity cases, and other types of family cases.

### **Financial Statements**

Forms that provide the Court with financial information about the income, assets, and liabilities of the parties.

**Grounds**

The reasons for a divorce. Two common grounds for divorce in West Virginia are irreconcilable differences and one year separation.

**Irreconcilable Differences**

One of the grounds for a divorce. Irreconcilable differences means the parties cannot get along with each other, and don't think they ever will.

**Mediation**

A way of settling Parenting Plan disagreements. A neutral third party, the Mediator, helps the parties agree on a Parenting Plan.

**Mediator**

A person trained to help persons settle disagreements.

**Notary Public**

An individual certified to witness and authenticate the signing of legal documents.

**Order**

A written document recording a Court decision.

**Parent Education Class**

A class designed to help divorcing parents understand the negative effects of divorce and child custody disputes on children, and to teach parents ways to lessen those negative effects. Parent Education Classes are taught by specially trained persons approved by the Courts.

**Parenting Plan**

A document which states in detail how divorcing parents will share the responsibilities for raising their children after the parents no longer live together.

**Party**

In a divorce, the Petitioner is one party, and the Respondent is the other party.

**Petition for Divorce**

The Petition for Divorce is filed by the party who begins the divorce case, the Petitioner. The Petition states the grounds for divorce, and states what actions the Petitioner wants the Court to take on matters such as the allocation of custodial responsibility for children, child support, spousal support, and the division of marital property.

**Petitioner**

The person who begins the divorce by filing a Petition for Divorce.

**Petitioner's Civil Case Information Statement**

A form filed in the Circuit Clerk's Office by the Petitioner at the beginning of the case to provide the Court with information about the case. It is filed with the Petition For Divorce.

**Premediation Screening**

In divorce cases involving minor children, a process in which a trained Premediation Screener meets separately with both parties to determine if a Mediator can help the parties agree on a Joint Parenting Plan.

**Relief**

What a party to a court case requests from the Court. For example, spousal support would be one type of relief a party might request.

**Respondent**

The person on the other side of the divorce case from the Petitioner.

**Respondent's Civil Case Information Statement**

A form filed in the Circuit Clerk's Office by the Respondent to provide the Court with information about the case. It is filed with the Answer To Divorce Petition.

**Self-Represented Party**

A person who acts as her/his own attorney in a court case. Persons who represent themselves are also referred to as *pro se* litigants, pronounced "pro say."

**Separation**

In divorce cases, a situation in which Petitioner and Respondent live in separate households and no longer have marital relations.

**Service**

The delivery, by authorized methods, of a court document.

**Servicemembers Civil Relief Act Waiver**

This form waives the federal protection to active duty Servicemembers under the Servicemembers Civil Relief Act found at 50 U.S.C. App. § 501 *et seq.*

**Shared Parenting**

The sharing by divorced parents of their responsibilities for raising their children.

**Spousal Support**

Money paid by a divorced person to the ex-spouse. Formerly called "alimony."

**Spouse**

A term used to mean an individual who is legally married; i.e.: the Petitioner or Respondent in a divorce action.

**Summons**

The court document that notifies the Respondent of the filing of the Petitioner's case, and states the amount of time the Respondent has to serve an Answer.

**The End**



IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

IN RE:
The Marriage / Children Of:

Civil Action No.
(Completed by Circuit Clerk's Office.)

Petitioner (First/Middle/Last) and 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 Monroe 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)

Blank lines for explaining other reasons.

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:

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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

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- 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: \_\_\_\_\_.

IN RE:  
The Marriage / Children Of:

Case No. \_\_\_\_\_

Judge: \_\_\_\_\_

\_\_\_\_\_, and \_\_\_\_\_  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**PETITIONER'S CIVIL CASE INFORMATION STATEMENT  
DOMESTIC RELATIONS CASES**

PETITIONER'S IDENTIFYING INFORMATION	IMPORTANT NOTICE
<p>Street Address _____</p> <p>City / State / Zip Code _____</p> <p>( ) - <input type="checkbox"/> Male / <input type="checkbox"/> Female</p> <p>Phone Number _____ / _____ / _____</p> <p>Social Security Number _____ Date of Birth _____</p> <p>Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Hispanic  <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black  <input type="checkbox"/> Unknown <input type="checkbox"/> White</p>	<p><input type="checkbox"/> Check this box if you wish to keep the information in this box <b>CONFIDENTIAL</b> because you fear for your safety and/or the safety of your children.</p> <p>If the box above is checked, this page is sealed in the file and <b>NOT TRANSMITTED</b> with the Petition and Summons.</p> <p>You must complete the form, Affidavit To Withhold Identifying Information, and file it at the Circuit Clerk's Office.</p>

List all minor children affected by this action:

Name	Date of Birth	Social Security Number
	/ /	- -
	/ /	- -
	/ /	- -
	/ /	- -

YES  NO Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

- IF YES, SPECIFY:
- Wheelchair accessible hearing room and other facilities;
  - Interpreter or other auxiliary aid for the hearing impaired;
  - Reader or other auxiliary aid for the visually impaired;
  - Spokesperson or other auxiliary aid for the speech-impaired;
  - Other: \_\_\_\_\_

Original and \_\_\_\_\_ copies of petition enclosed/attached.



PETITIONER: \_\_\_\_\_

Case No. \_\_\_\_\_

RESPONDENT: \_\_\_\_\_

Days To Answer: \_\_\_\_\_ Type of Service: \_\_\_\_\_

1: RESPONDENT'S IDENTIFYING INFORMATION	
Street Address _____	
City / State / Zip Code _____	
( ) - _____	<input type="checkbox"/> Male / <input type="checkbox"/> Female
Phone Number _____	/ /
Social Security Number _____	Date of Birth _____
Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Hispanic	
<input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black	
<input type="checkbox"/> Unknown <input type="checkbox"/> White	

2: TYPE OF CASE RELIEF  
(Check All That Apply)

- Divorce Without Children
- Divorce With Children
- Grandparent Visitation
- Annulment
- Separate Maintenance
- Child Support Only
- Child Custody Without Divorce
- Paternity
- Modification
- Contempt
- Infant Guardianship
- Other (specify): \_\_\_\_\_

3.  YES  NO Is either party seeking child support or alimony?
4.  YES  NO Is a Domestic Violence Protective Order in effect now?
5.  YES  NO Is there an active Child Protective Services (CPS) investigation of the children or was an investigation conducted in the last year prior to filing this action?
6.  I am proceeding without an attorney.

OR

I have an attorney. (Complete attorney information below.)

Attorney Name: \_\_\_\_\_

Firm: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: ( ) - \_\_\_\_\_

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

**INFORMATION REQUESTED BY DIVISION OF VITAL STATISTICS**

**[Pertaining to Divorces and Annulments]  
Chapter 16, Article 5, Section 34 of  
Code of West Virginia, as Amended**

Civil Action Number: \_\_\_\_\_

Petitioner's Full Name: \_\_\_\_\_

Respondent's Full Name: \_\_\_\_\_

Petitioner's and/or Respondent's Maiden Name: \_\_\_\_\_

Petitioner's Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Respondent's Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Place of Marriage: \_\_\_\_\_  
[COUNTY] [STATE]

Date of Marriage: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Divorce:  Yes /  No

Annulment:  Yes /  No

Names of Children Under 18 Years of Age	Date of Birth
	/ /
	/ /
	/ /
	/ /
	/ /
	/ /
	/ /

Date of Decree: \_\_\_\_\_  
[To be Completed by Clerk]

IN RE:

Civil Action No. \_\_\_\_\_

The Marriage / Children Of:

\_\_\_\_\_, and \_\_\_\_\_  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**FINANCIAL STATEMENT**

**This form MUST be completed in ALL DIVORCE, CHILD SUPPORT, AND PATERNITY CASES.**

**The Petitioner and the Respondent must each complete one of these forms.**

**The completed form MUST be filed in the Circuit Clerk's Office at the time of filing the Petition for Divorce and/or the Answer to Divorce Petition, and a copy must be served on the opposing party. If the Bureau For Child Support Enforcement is a party, a copy of the completed form must also be served on their local office.**

**If your case involves minor children, or either party requests spousal support, you MUST file the following information WITH your completed Financial Statement.**

1. A copy of your most recent wage or salary stub showing gross pay, deductions for taxes and other items, and net pay for a normal pay period, and for the year-to-date;
2. Copies of your and your spouse's complete income tax returns for the two years immediately preceding the date the petition was filed, together with copies of the federal Form W-2 for those years; and a copy of the Form W-2 for the most recent year for which that form is available, even if a tax return has not yet been filed for that year;
3. For self-employed persons and business owners, a copy of a current financial statement showing gross income, expenses, and net income;
4. Copies of any invoices or receipts showing the cost of any extraordinary medical expenses for the party or the children, of any child care expenses, and of any expenses necessitated by the special needs of the children.

**If the information you provide in this form changes, or any information you file along with this form changes, you MUST immediately provide the new information. Any updates or changes to the financial statement must be filed in the Circuit Clerks office, and a copy served on the opposing party, pursuant to the scheduling order of the Court. If you do not have a scheduling order, then the information must be filed at least 5 days prior to any hearing.**

**The information you provide on this form is ONLY for use in the judicial system, and is required by law and court rule to be kept CONFIDENTIAL.**

**Check this box if you have filed the Affidavit for Withholding Identifying Information.**

**If this box is checked you do not have to provide your home or employment address or telephone.**

Read each question carefully. Provide all requested information. Write or print clearly. After you have completed the form, you MUST sign the Verification on the last page before a Notary Public.

Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Address: \_\_\_\_\_

Phone Number: ( \_\_\_\_\_ ) - \_\_\_\_\_ Age: \_\_\_\_\_

Any Physical or Mental Disability: \_\_\_\_\_

Education:

Less than High School  High School or Equivalent  Vocational  College  Postgraduate

Employer: \_\_\_\_\_ Type of Work: \_\_\_\_\_

Employer Address: \_\_\_\_\_

Phone Number: ( \_\_\_\_\_ ) - \_\_\_\_\_ Date Employed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Gross Pay Per Pay Period: \$ \_\_\_\_\_

Paid:  Weekly  Every Two Weeks  Twice a Month  Monthly

Yes  No: Do you receive TANF benefits? If "Yes," list monthly amount: \$ \_\_\_\_\_

**YOUR INCOME:** You MUST attach written documentation for all income. For wage earning employees who work fluctuating hours and/or overtime, provide wage history of at least six months, or length of most recent employment, whichever is less. Wage/salary history MUST be documented by W-2 forms, and/or year-to-date figures on the most recent pay stubs. For self-employed individuals, income MUST be verified by documents which show gross income and expenses.

INCOME SOURCE	MONTHLY AMOUNT	INCOME SOURCE	MONTHLY AMOUNT
1. Salary	\$	6. Payments from a Pension Plan	\$
2. Wages	\$	7. Social Security, SSI	\$
3. Commissions	\$	8. Severance Pay, Unemployment	\$
4. Bonuses	\$	9. Worker's Compensation	\$
5. Tips	\$	10. Other ( <i>explain below</i> )	\$

Other Income (*from No. 10*): \_\_\_\_\_

**PROPERTY**

List ALL property in which you, and /or your spouse have an interest. In the "Who owns?" column, check "M" for marital property; "P" if separate property of Petitioner; "R" if separate property of Respondent.

PROPERTY DESCRIPTION	MARKET VALUE	AMOUNT OWED	WHO OWNS
Marital Home	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Other Real Estate	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Mobile Home	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Motor Vehicles	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Household Goods	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Checking Accounts	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Saving Accounts / CDs	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Money Market Certificates	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Stocks	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Credit Union Accounts	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Profit Sharing Plans	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Trusts	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Stocks / Mutual Funds	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Bonds	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Pension Plans	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
IRA / SEP Accounts	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Whole Life Insurance	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Annuities	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Guns	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Tools	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Jewelry	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
Personal Property Not Located In Marital Home	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
*Other	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$	\$	<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R

\*Other includes, but is not limited to: coin collections; art; state and federal tax refunds; money owed to you or your spouse; business interests; money expected from a lawsuit or settlement; education benefits; patents; copyrights; royalties; contents of safe deposit boxes; and anything else of value.

**PROPERTY CONVEYED TO OTHERS**

List all real or personal property with a value of \$500.00 or more that was sold, given away, or otherwise transferred by you and/or your spouse within the last 5 years. Describe each such item; list market value when transferred; list type of transfer; provide name of the person to whom property was transferred; list amount received.

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**DEBTS**

List all debts owed by you, and/or your spouse. In the "Whose debt?" column, check "M" for marital debt; "P" if separate debt of Petitioner; "R" if separate debt of Respondent.

OWED TO WHOM?	AMOUNT OWED	FOR WHAT?	SECURED BY?	WHOSE DEBT?
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
	\$			<input type="checkbox"/> M <input type="checkbox"/> P <input type="checkbox"/> R
<b>TOTAL OWED: \$</b>		<b>TOTAL OF ALL MONTHLY PAYMENTS: \$</b>		

**CHILDREN**

List the names; ages; birth dates; and social security numbers of all minor children involved in this case. Then, answer the list of questions below about the children.

NAME	AGE	DATE OF BIRTH	SOCIAL SECURITY NO.
		/ /	- -
		/ /	- -
		/ /	- -
		/ /	- -
		/ /	- -
		/ /	- -
		/ /	- -

Yes  No: Do your children receive social security benefits?

If "Yes," list amount per month: \$ \_\_\_\_\_.

Yes  No: Do your children receive income or wages?

If "Yes," list amount per month: \$ \_\_\_\_\_.

Yes  No: Do your children have any special needs that result in extraordinary expenses that should be taken into account when the court sets the amount of child support?

If "Yes," explain: \_\_\_\_\_  
\_\_\_\_\_

Yes  No: Are child care expenses currently being paid so that the parent who takes care of the children can work or seek work?

If "Yes," how much per month: \$ \_\_\_\_\_. You MUST attach receipts.

Yes  No: Are you the parent of minor children OTHER than the minor children involved in this case?

Yes  No: Do you provide support for any disabled adult children?

If "Yes," list these children's names, ages, the nature of their disability, and the amount of support you provide each month. You must attach receipts or other documentation for the support you provide.

NAME	AGE	AMOUNT PER MONTH	NATURE OF DISABILITY
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	
		\$	

**HEALTH INSURANCE**

Yes  No: Is health insurance available to you through your employment?

If you answered "No," you **MUST** provide written verification from your employer that health insurance is not available to you. If you have health insurance from ANY source, you **MUST** complete the following table.

INSURANCE COMPANY NAME		ADDRESS	
POLICY NUMBER	GROUP NUMBER	OTHER ID NO.	RESTRICTIONS
PERSONS COVERED		DEDUCTIBLES	CHILDREN'S PORTION OF PREMIUM (AMT)
		\$	\$

Yes  No: Do you have recurring, out-of-pocket health expenses for yourself or your children that are not covered by insurance?

If "Yes," you **MUST** attach documents that verify these expenses.

**CHILD SUPPORT PAYMENTS**

Yes  No: Do you currently pay court-ordered child support payments for any children OTHER than the children involved in this case?

If "Yes," you **MUST** attach a copy of the Support Order, and records showing your payment history; and you must list the following information for each child: full name; birth date; social security number; monthly payment for that child.

FULL NAME	DATE OF BIRTH	SOCIAL SECURITY NO.	MONTHLY PAYMENT
	/ /	- -	\$
	/ /	- -	\$
	/ /	- -	\$
	/ /	- -	\$
	/ /	- -	\$
	/ /	- -	\$
	/ /	- -	\$



**SPOUSAL SUPPORT**

If you are requesting spousal support, you **MUST** complete the following list of monthly expenses. These are the amounts you now pay if you are living separate from your spouse. If you have not yet separated, list the amounts you estimate you will have to pay when you do separate.

**MONTHLY EXPENSES**

ITEM	MONTHLY AMOUNT	ITEM	MONTHLY AMOUNT
Credit Card Payments/Other Payments on Unsecured Debts:	\$	Rent or Mortgage:	\$
Car Payments:	\$	Home Repair / Maintenance:	\$
Car Repairs:	\$	Electric:	\$
Car Insurance:	\$	Water / Sewer:	\$
Gasoline:	\$	Gas:	\$
Food:	\$	Trash:	\$
Clothing:	\$	TV / Cable:	\$
Child Care:	\$	Telephone:	\$
Health Insurance:	\$	Entertainment / Recreation:	\$
Other Insurance:	\$	Explain:	
Medical / Health Not Covered By Insurance:	\$	Explain:	
Other:	\$	Explain:	
<b>TOTAL MONTHLY EXPENSES: \$</b>			

**IF EITHER YOU OR YOUR SPOUSE IS REQUESTING SPOUSAL SUPPORT, YOU MUST COMPLETE THE REST OF THIS FORM.**

**PETITIONER INFORMATION**

**PETITIONER'S EDUCATION**

Yes  No: Graduate from high school?

If "Yes," what year? \_\_\_\_\_

Yes  No: Receive a GED?

If "Yes," what year? \_\_\_\_\_

Yes  No: Graduate from technical or trade school?

If "Yes," list type of training or degree and year received.

Yes  No: Graduate from college?

If "Yes," list degree and year received.

Yes  No: Receive a post-graduate degree?

If "Yes," list degree and year received.

**PETITIONER'S EMPLOYMENT HISTORY**

List last four jobs. List employer; position held; dates employment began and ended; and monthly salary.

EMPLOYER	POSITION	BEGIN DATE	END DATE	MONTHLY GROSS INCOME
		/ /	/ /	\$
		/ /	/ /	\$
		/ /	/ /	\$
		/ /	/ /	\$

**PETITIONER'S HEALTH**

Petitioner's Age: \_\_\_\_\_

Petitioner's physical health is:  Excellent  Good  Poor. If "Poor," explain:

Petitioner's mental and emotional health is:  Excellent  Good  Poor. If "Poor," explain:

**RESPONDENT INFORMATION**

**RESPONDENT'S EDUCATION**

Yes  No Graduate from high school?

If "Yes," what year? \_\_\_\_\_

Yes  No Receive a GED?

If "Yes," what year? \_\_\_\_\_

Yes  No: Graduate from technical or trade school?

If "Yes," list type of training or degree and year received.

Yes  No Graduate from college?

If "Yes," list degree and year received.

Yes  No Receive a post-graduate degree?

If "Yes," list degree and year received.

**RESPONDENT'S EMPLOYMENT HISTORY**

List last four jobs. List employer; position held; dates employment began and ended; and monthly salary.

EMPLOYER	POSITION	BEGIN DATE	END DATE	MONTHLY GROSS INCOME
		/ /	/ /	\$
		/ /	/ /	\$
		/ /	/ /	\$
		/ /	/ /	\$

**RESPONDENT'S HEALTH**

Respondent's Age: \_\_\_\_\_

Respondent's physical health is:  Excellent  Good  Poor. If "Poor," explain:

Respondent's mental and emotional health is:  Excellent  Good  Poor. If "Poor," explain:

**OBTAINING ADDITIONAL EDUCATION OR TRAINING**

Yes  No: Would additional training and/or education help the party seeking spousal support to increase earning ability within a reasonable time?

If "Yes," explain what type of training or education; the estimated yearly cost of such training or education; and the length of time it would take to complete this training or education:

**ADDITIONAL INFORMATION**

Explain why you think spousal support should be awarded, or denied:

**VERIFICATION**

I, \_\_\_\_\_, after making an oath of affirmation to tell the truth, say that the facts I have stated in this Financial Statement are true to the best of my personal knowledge and belief; and if I provided information from others, I believe that information to be true.

**I understand that deliberately failing to provide complete disclosure, and knowingly providing incorrect information constitute the crime of false swearing.**

\_\_\_\_\_  
Signature

This Verification was sworn to or affirmed before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public / Other Official

My commission expires: \_\_\_\_\_.

**CERTIFICATE OF SERVICE**

State of West Virginia

County of \_\_\_\_\_

I, \_\_\_\_\_, the person completing this Financial Statement, mailed copies of the Financial Statement and all attached documents, by first class mail, postage paid, to:

\_\_\_\_\_, at the address of \_\_\_\_\_

\_\_\_\_\_, at the address of \_\_\_\_\_

on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

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## WEST VIRGINIA PARENTING PLAN INSTRUCTIONS

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The Family Court requires a Parenting Plan in all cases involving minor children. As a case begins, if parents can agree on a Parenting Plan, they can submit a Joint Proposed Parenting Plan to the court, and request that the court make a temporary order on parenting based on the Joint Parenting Plan. If the parents cannot agree on a Joint Parenting Plan, either parent can submit an Individual Proposed Parenting Plan, and ask the court to enter a temporary order on parenting based on that Individual Plan. If one parent wants to contest the other parent's Individual Plan, the contesting parent must submit an Individual Parenting Plan. All individual plans must be accompanied by a completed Worksheet for Individual Proposed Parenting Plan form.

If a Joint Parenting Plan is submitted, the court may accept the plan as submitted, unless the court determines the plan would be harmful to the children in some way, or that one parent did not agree to the plan voluntarily, or did not fully understand to what they were agreeing. A Joint Parenting Plan accepted by the court at the beginning of a case may become the Permanent Parenting Plan that will be placed in effect when the case is concluded; although the plan can and will be modified as necessary during the course of the case. If no Joint Parenting Plan is submitted, the procedure is more complicated. What happens in these cases is discussed later in these instructions.

These Instructions, the Parenting Plan form, and the Worksheet form used with Individual Plans are designed to assist parents in developing Parenting Plans. The following steps explain the importance of the Parenting Plan, and provide the information needed to complete the Parenting Plan and Worksheet forms. Read all of the instructions before you start filling out any of the forms.

### STEP 1. WHY IS THE PARENTING PLAN IMPORTANT?

The Proposed Parenting Plan is probably the most important document you will file in your case. The Family Court will rely on the Proposed Parenting Plan to allocate custodial responsibility and time spent with the children, and decide how the parents will share the responsibility for making the decisions that guide their children's lives. So, as you begin developing your Parenting Plan, put in the time and effort to do it right, because your children's welfare depends on you doing a good job.

### STEP 2. COMPLETING THE PARENTING PLAN FORM.

There is only one type of Parenting Plan form, and it is used for the preparation of both the Joint and Individual Plans. At the beginning of this form, on page 1, the first two items are used to indicate if the plan is being developed and submitted jointly, or individually. Be certain to complete the item that applies to your plan. Before you begin filling out the Parenting Plan, you may want to make some copies of the blank form. You can use these extra copies to practice on, or you can use portions of the extra copies if you need additional space for some responses.

The Parenting Plan form is divided into sections. Some sections are self-explanatory, and some contain brief directions. You may be required to make a choice by placing a check mark in a box, or you may be required to write in information. It is important that you pay close attention to these instructions and the directions in the form so you can fill out the Parenting Plan correctly and completely. Type, or print clearly so your information can be read and understood by the court.

The Parenting Plan form is designed to provide a reasonable amount of space for responses, and to accommodate information for families with as many as six children. If you need additional space for some responses, or you require additional space because you have more than six children, you can write the information on a blank piece of paper, or you can use a page from one of the extra copies you made before you started filling out the form. If you use a blank sheet of paper, at the top of the sheet, write your name, case number, and the name of the section being continued from the form.

### **STEP 3. COMPLETING THE WORKSHEET FORM.**

A Worksheet form must be completed and attached to all Individual Parenting Plans, called Worksheet for Individual Proposed Parenting Plan. If you and the other parent have agreed on a Joint Plan, you don't need to read the rest of this step; you can go directly to Step 4. If you and the other parent have not agreed on a Joint Plan, continue reading. Before you begin filling out the Worksheet, you may want to make some extra copies of the blank form.

If you and the other parent cannot agree on a Joint Parenting Plan, the Family Court will have to make the decisions the two of you couldn't make together. To make these decisions, the court needs information about your family life in the twenty-four months before your case began. This is where the Worksheet comes in. Each parent who submits an Individual Parenting Plan must submit an accompanying Worksheet.

The Worksheet sections are either self-explanatory, or they have some brief instructions included. The Parenting Responsibilities, Making Major Decisions For The Children, and Parents' Current Work Schedules sections must be completed on all Worksheets. The directions accompanying the other sections will explain who needs to complete those sections.

Like the Parenting Plan form, the Worksheet form is designed to fit most situations and provide an adequate amount of space for the average response. If you need more room for a response, follow the extra sheet procedure explained in the last paragraph of Step 2, or use a page from one of the extra copies you made before you started filling out the form.

### **STEP 4. SUBMITTING A JOINT PLAN TO THE COURT.**

If you and the other parent have developed a Joint Plan, all you need to do to submit the plan to the court is complete and file the original Parenting Plan form, signed and notarized, in the Circuit Clerk's Office. Keep copies for yourselves, and wait for the court to schedule a hearing.

## **STEP 5. SUBMITTING AN INDIVIDUAL PLAN TO THE COURT.**

To submit an Individual Plan to the Court, you must do three things. (1.) Fill out the Motion to Adopt Individual Proposed Parenting Plan. You will find this form in the Petitioner's Divorce Packet, and the Divorce Answer Packet. (2.) Serve copies of your Motion, Individual Plan, and Worksheet on the other parent. How to do this is explained later in this step. (3.) File the originals of your Motion, Individual Plan, and Worksheet in the Circuit Clerk's Office, together with the original of a completed Certificate of Service. The Certificate of Service is explained later in this step. Keep copies of every document you file and serve.

If the Court enters a scheduling order, you are required to file your Individual Plan in accordance with the order of the court and serve your Individual Plan on the other party. If the court does not enter a scheduling order, you should try to file and serve your Individual Plan five (5) days before the first hearing in the case. At that first hearing, the court will want to make a temporary order relating to parenting. If one parent has submitted an Individual Plan, and the other has not, the court may base the temporary order on the plan that has been filed. By failing to file your Individual Plan before the first hearing, you can lose an important opportunity to have a full say in this important decision.

It is your responsibility to make certain the other parent is properly served with your Individual Plan. First class mail is the easiest and cheapest method to serve your Plan. To do this, mail copies of your Motion, Plan, and Worksheet to the other parent by first class mail, complete a Certificate of Service form, and file the originals of all of these documents in the Circuit Clerk's Office. The Certificate of Service verifies that you mailed these documents to the other parent. A Certificate of Service form is included in the Petitioner's Case Packet and the Case Answer Packet.

Before we leave Step 5, here's something to think about. After reading Steps 3, 4, and 5, you will have noticed the Joint Plan is the easiest and simplest way to go; and agreeing on a Joint Plan is better for your children, too, because parents know more about their children than the court will be able to learn during a hearing in your case. So, it's fair to say it's in everyone's best interest for the parents to agree on a Joint Plan. Don't agree just to please the other parent, but if you think there is any reasonable possibility you and the other parent can agree on a fair and balanced plan, it's worth some extra effort from both of you.

## **STEP 6. WHAT HAPPENS AFTER SUBMITTING A JOINT PLAN?**

If you and the other parent submitted a Joint Plan, the court will hold a hearing and review the plan to determine if it could be harmful to the children in any way, and to make certain both parents agreed to the plan without being pressured, and understood everything to which they were agreeing. The court may accept the plan as proposed, or accept it with whatever modifications the court determines necessary to create a complete, fair, and balanced plan that is best for the children.

## **STEP 7. WHAT HAPPENS AFTER SUBMITTING AN INDIVIDUAL PLAN?**

At the first hearing in your case, the court is going to ask you and the other parent about your efforts to agree on a Joint Plan. The court is going to ask this even if one or both of you have submitted Individual Plans, because West Virginia law favors the Joint Parenting Plan. The law wants parents to agree on a Joint Parenting Plan because it's better for the children. So, if you and the other parent tell the court you have not tried to agree on a Joint Plan, or have tried and failed, the law requires the court to refer the two of you to a person called a Premediation Screener.

The Premediation Screener will interview you and the other parent separately, and determine if a Mediator can help the two of you come to an agreement on a Joint Plan. If the screener determines a Mediator may be able to help you agree, the court will refer the two of you to mediation. A Mediator is a neutral third person trained to help people settle disagreements. The Mediator will meet with you and the other parent together, listen to everything both of you have to say, and help you explore ways to agree on a Joint Plan. Mediation has an excellent success rate, and there is a good possibility the two of you can come out of mediation with a Joint Parenting Plan.

If mediation results in agreement on a Joint Plan, the Mediator will send that plan to the court, and the case will proceed as described in Step 6, just as if you and the other parent had agreed on a Joint Plan in the beginning.

If mediation does not produce an agreement, you and the other parent will return to court for a hearing, or a series of hearings at which both of you will present evidence and arguments in support of your Individual Plans. In other words, both of you will have a chance to prove to the court why your Individual Plan should be accepted by the court. It is the court's job to determine what's best for your children. To do this, the court will look at the way the two of you shared parenting responsibilities in the last twenty-four months before your case was filed. The way you have shared parenting responsibilities in the past will be one of the most important factors the court will consider in determining how you will share these responsibilities in the future. The court will also listen to any reasons one parent may not be fit or suitable to share parenting responsibilities in the future. After hearing all of the evidence, the court will reach a decision. The court may announce its decision at the hearing, or later. The court may accept parts of one or both Individual Plans, and will make whatever modifications or additions are necessary to create a Parenting Plan that is best for the children.

To learn about what to expect at the hearing, and how to prepare, review Steps 6 and 7 in the Petitioner's Divorce Packet Instructions, or Steps 5 and 6 in the Respondent's Divorce Answer Packet Instructions.

**The End.**



IN RE:

Civil Action No. \_\_\_\_\_

The Marriage / Children Of:

\_\_\_\_\_, and \_\_\_\_\_  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**WORKSHEET FOR INDIVIDUAL PROPOSED PARENTING PLAN**

This Worksheet completed by: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_  
(Print your name.)

**PARENTING RESPONSIBILITIES**

Complete the following list which shows how you and the other parent have shared parenting responsibilities in the last twenty-four months before your case was filed. Do not provide information for any time after the filing of the case. For each responsibility, the blanks should always add up to 100 percent.

This list is for the children named: \_\_\_\_\_

**(A) Daily Physical Needs and Care**

Examples: feeding, bedtime and wake-up routines; care when child is sick or hurt; bathing, grooming, personal hygiene, and dressing; recreation and play; physical safety; transportation.

Petitioner \_\_\_\_% Respondent \_\_\_\_%

**(B) Developmental Needs**

Examples: learning to walk, talk and use eating utensils; toilet training; development of self-confidence and maturity.

Petitioner \_\_\_\_% Respondent \_\_\_\_%

**(C) Development of Proper Behavior**

Examples: discipline, instruction in manners; assignment and supervision of chores.

Petitioner \_\_\_\_% Respondent \_\_\_\_%

**(D) Educational Matters**

Examples: making school arrangements; communicating with teachers and counselors; supervision of homework; monitoring grades and discussing school related matters.

Petitioner \_\_\_\_% Respondent \_\_\_\_%

**(E) Development of Social Skills**

Examples: teaching the child how to develop proper personal relationships with friends, brothers and sisters, and adults.

Petitioner \_\_\_\_% Respondent \_\_\_\_%

(F) **Health Care**

Examples: making arrangements and appointments for health care; accompanying child to doctor's and dentist's appointments; discussing child's health care needs with doctors, dentists, and other health care providers; providing care in the home when child is ill.

Petitioner \_\_\_\_\_%      Respondent \_\_\_\_\_%

(G) **Moral and Religious Matters**

Examples: discussing moral and religious matters with the child; providing moral and religious guidance; accompanying the child to church.

Petitioner \_\_\_\_\_%      Respondent \_\_\_\_\_%

(H) **Child Care Matters**

Examples: making arrangements for child care by family members, baby-sitters, or child care facilities; supervising and communicating with these child care providers.

Petitioner \_\_\_\_\_%      Respondent \_\_\_\_\_%

**MAKING MAJOR DECISIONS FOR THE CHILDREN**

Explain how you and the other parent have shared the responsibilities for making major decisions for the children. This information is for only the last twenty-four months before your case was filed. Do not provide information for any time after the filing of the case.

1. First, review the types of decisions in the list on the next page, then answer the following question.

Did you and the other parent always make the types of major decisions on the list by talking the decision over, and coming to an agreement on what the decision should be?

YES     NO

If you answered "Yes," you don't need to complete the list; you're finished with this section. If you answered "No," read item 2.

2. Complete the list on the next page by indicating the percentage of time each type of decision was shared, which means you and the other parent talked the decision over and came to an agreement on the decision; or the percentage of time each type of decision was made by you or the other parent, alone, without talking it over. For each type of decision, the numbers in all of the blanks should always add up to 100 percent. In items (F) and (G), you may write in other types of major decisions, and complete those items just as you completed the first part of the list.

This list is for the children named: \_\_\_\_\_.

- |     |                                  |               |                   |                   |
|-----|----------------------------------|---------------|-------------------|-------------------|
| (A) | <u>Education</u>                 | Shared _____% | Petitioner _____% | Respondent _____% |
| (B) | <u>Non-Emergency Health Care</u> | Shared _____% | Petitioner _____% | Respondent _____% |
| (C) | <u>Religion</u>                  | Shared _____% | Petitioner _____% | Respondent _____% |
| (D) | <u>Child Care</u>                | Shared _____% | Petitioner _____% | Respondent _____% |
| (E) | <u>School Related Activities</u> | Shared _____% | Petitioner _____% | Respondent _____% |
| (F) | _____                            | Shared _____% | Petitioner _____% | Respondent _____% |
| (G) | _____                            | Shared _____% | Petitioner _____% | Respondent _____% |

**PARENTS' CURRENT WORK SCHEDULES**

List your current work schedule. Complete only the part on your work schedule.

**Petitioner's Work Schedule**

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**Respondent's Work Schedule**

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**CHILDREN'S SCHOOL, AFTER SCHOOL, & SPORTS ACTIVITIES**

List your children's current school, after school activity, and sports schedules. School includes pre-school and kindergarten programs. Explain when and how the children go to school and other activities, and when and how they come home. (If you have filed an Affidavit To Withhold Identifying Information, then you do not have to list your children's school.)

None of our children attend school, pre-school, or kindergarten.

This list is for the children named: \_\_\_\_\_.

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**CHILD CARE**

Explain the arrangements for child care currently provided to your children by persons other than the parents. Explain who provides child care, and explain the child care schedule. (If you have filed an Affidavit To Withhold Identifying Information, then you do not have to provide the name of the childcare provider.)

None of our children receive child care from any person other than the parents.

This list is for the children named: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**OTHER INFORMATION**

Provide any other information you think the court should know concerning how you and the other parent take care of the children.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**VERIFICATION**

I, \_\_\_\_\_, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Proposed Parenting Plan Worksheet 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: \_\_\_\_\_.

IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

IN RE: Civil Action No. \_\_\_\_\_  
 The Marriage / Children Of: \_\_\_\_\_

\_\_\_\_\_, and \_\_\_\_\_  
 Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**PARENTING PLAN**

This Parenting Plan is proposed

individually by \_\_\_\_\_, the  Petitioner /  Respondent.

*\*Every Individual Plan must be accompanied by a completed Worksheet.*

jointly by \_\_\_\_\_, and \_\_\_\_\_.

This plan is proposed for use  temporarily /  permanently /  both temporarily and permanently.

**CHILDREN**

List the name and date of birth of all children subject to this Parenting Plan.

Name	Date of Birth	Name	Date of Birth
	/ /		/ /
	/ /		/ /
	/ /		/ /
	/ /		/ /

The other parent should not have parenting time with the children due to the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**RESTRICTIONS**

The Family Court can restrict a parent's contact with the children if the parent has engaged in certain kinds of conduct harmful to the children. To begin, you *must* read the following list of types of conduct that can require restrictions, and then you *must* read the rest of the Restrictions section and complete the items that apply to your situation.

**CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS.**

- The parent has abused, neglected, or abandoned a child.
- The parent has sexually assaulted or abused a child.
- The parent has committed acts of domestic violence.

**CONDUCT THAT CAN REQUIRE PARENTAL RESTRICTIONS (continued).**

- The parent has repeatedly interfered with the other parent's rights to contact or visit the children. But, this situation does not justify restrictions if the parent interfered with the other parent's access in order to protect a child's safety.
- The parent has repeatedly made unfounded reports of domestic violence, child abuse or neglect, or sexual abuse.
- A Court has issued a restraining order against the parent for domestic or family violence.
- The parent has neglected their responsibilities for caring for the children.
- The parent has engaged in alcohol, drug, or other substance abuse that has resulted in that parent neglecting their responsibilities for caring for the children.
- The parent does not have a loving emotional relationship with the children.
- The parent habitually starts arguments with the other parent, or the children.

**Next, read the rest of the section, and complete the items you want to propose for your Parenting Plan.**

NO RESTRICTIONS should be included in the Parenting Plan, because neither parent has engaged in any conduct harmful to the children.

RESTRICTIONS should be included in the Parenting Plan, and these restrictions should be placed on the  Petitioner /  Respondent. These restrictions should be included in the Parenting Plan because the Petitioner or Respondent has engaged in conduct harmful to the children. If you checked the "Restrictions" box, you must complete the following section by listing the reasons you think restrictions should be included in the Parenting Plan. (Describe the conduct you think requires restrictions. You may describe the kinds of conduct on the preceding list, or other conduct you think is harmful, even if that conduct is not on the list. If the issuance of a restraining order is the reason for restrictions, you must list the court in which the restraining order was issued, and the case number.)

Reasons for Restrictions:

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If you checked the "Restrictions" box, you *must* complete the following items to propose the types of restrictions you want included in the plan.

**VISITATION**

No Visitation should be granted to the following individual:

Petitioner.  Respondent.

Other Individual(s): \_\_\_\_\_.

**SUPERVISED VISITATION**

Visitation with the children should be supervised. (If you checked this box, you must complete the next item.)

Visitation should be supervised by: \_\_\_\_\_, at the following location: \_\_\_\_\_.

(You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.)

**SUPERVISED TRANSFERS**

Transfer of the children from one parent to another should be supervised. (If you checked this box, you must complete the next item.)

Transfers should be supervised by: \_\_\_\_\_, at the following location: \_\_\_\_\_.

(You can propose any person you trust, a professional person such as a counselor or psychologist, a minister, or an agency or organization such as a mental health or social services agency or organization. Provide a telephone number for the person or organization you propose; make certain that person or organization has agreed to act as the supervisor, and will attend the hearing at which these arrangements are discussed.)

Other Proposed Restrictions:

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## DECISION MAKING

Two decision-making rules apply to all cases, and all Parenting Plans.

1. The parent with whom a child is residing makes all day-to-day decisions about the care and control of the child.
2. Either parent may make emergency decisions affecting the health or safety of the children, at any time regardless of the parent with whom the children are residing at the time.

### Major Decisions

Use the following list to propose whom you think should make each type of decision.

TYPE	PETITIONER	RESPONDENT	SHARED
Education:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Medical, Dental, Eye Care:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religious Matters:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Child Care:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Children's Employment:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Motor Vehicle Use:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
School and After School Activities:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sports:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you checked the box for no visitation under the restrictions section, you only need to sign the Parenting Plan and Verification on the last page of this form.

### HOW WILL THE CHILDREN'S TIME BE SHARED BY THE PARENTS

In this section you will propose, from this day forward, how much time you think the children should spend with each parent. The first part of this section covers preschool children, the second part covers children in school, and the third part covers holidays for all of the children.

Detailed and accurate proposals of how the children's time will be shared are very important. When a schedule for sharing the children's time is adopted by the Court and made part of a Court Order, that schedule will be the basis for the Court's calculation of child support. For this reason, it is very important for the schedule to show the real number of days the children will spend with each parent.

For example, do not make a 50/50 schedule just to make one parent feel good if you know the children will actually spend 80% of their time with one parent, because if you do, the parent with whom the children spend 80% of the time will end up with child support payments based on a 50/50 schedule, and those payments will be too small to cover the real number of days the children spend with that parent.

When you fill out these schedules, make certain you account for every day of the week, and all of the hours in the day. Make certain you account for the times parents will be on vacation from their jobs. Remember, holidays are covered separately in the third part of this section.



**CHILDREN NOT IN SCHOOL**

Children's names: \_\_\_\_\_

These children will reside with Petitioner and Respondent according to the following schedule.

<b>PETITIONER - WEEKDAYS</b>	
<i>Mark the day if the children will reside with Petitioner some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply.</i>	
<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<b>PETITIONER - WEEKENDS</b>	
<i>Mark the weekends of the month the children will reside with Petitioner all or part of the weekend, then fill in the time and day blanks.</i>	
<input type="checkbox"/> Alternating ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>- OR -</b>	
<input type="checkbox"/> 1st: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 2nd: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 3rd: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 4th: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 5th: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>RESPONDENT - WEEKDAYS</b>	
<i>Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply.</i>	
<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - <b>OR</b> - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<b>RESPONDENT - WEEKENDS</b>	
<i>Mark the weekends of the month the children will reside with Respondent all or part of the weekend, then fill in the time and day blanks.</i>	
<input type="checkbox"/> Alternating ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>OR</b>	
<input type="checkbox"/> 1st: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 2nd: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 3rd: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 4th: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 5th: From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____

**CHILDREN IN SCHOOL**

Children's names: \_\_\_\_\_

These children will reside with Petitioner and Respondent according to the following schedule.

<b>PETITIONER - WEEKDAYS</b>	
<i>Mark the day if the children will reside with Petitioner some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply.</i>	
<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<b>PETITIONER - WEEKENDS</b>	
<i>Mark the weekends of the month the children will reside with Petitioner all or part of the weekend, then fill in the time and day blanks.</i>	
<input type="checkbox"/> Alternating ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>- OR -</b>	
<input type="checkbox"/> 1st:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 2nd:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 3rd:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 4th:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 5th:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>RESPONDENT - WEEKDAYS</b>	
<i>Mark the day if the children will reside with Respondent some or all of that day, then check All Day if that applies, or fill in the times if All Day doesn't apply.</i>	
<input type="checkbox"/> Monday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Tuesday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Wednesday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Thursday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<input type="checkbox"/> Friday:	<input type="checkbox"/> All Day - OR - From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
<b>RESPONDENT - WEEKENDS</b>	
<i>Mark the weekends of the month the children will reside with Respondent all or part of the weekend, then fill in the time and day blanks.</i>	
<input type="checkbox"/> Alternating ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____	to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<b>OR</b>	
<input type="checkbox"/> 1st:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 2nd:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 3rd:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 4th:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____
<input type="checkbox"/> 5th:	From ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____ to ___:___ <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m. on _____

### HOLIDAYS

The following chart lists nationally recognized holidays and family occasions such as birthdays, and provides space for you to write in other special family occasions. For each holiday or occasion, in the columns "Even Year," and "Odd Year," use a "P" or "R" to indicate the parent with whom the children will spend each holiday or other occasion. Then, indicate the exact times the holiday period with the parent will begin and end. If a child will spend part of a holiday with one parent, and part with the other, put an "X" in the "Split Day" column, and in the "Exchange Time" column indicate when one parent's time with the child ends, and the other parent's time begins.

Holiday	Even Year	Odd Year	Time with the Parent:		Split Day	Exchange Time
			From	To		
New Year's Eve			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
New Year's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Martin L. King Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
President's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Easter			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Spring Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Memorial Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
July 4th			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Labor Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Thanksgiving Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Thanksgiving Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Eve			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Christmas Break			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Hanukkah			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Kwanza			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Other Occasions	Even Year	Odd Year	Time with the Parent:		Split Day	Exchange Time
			From	To		
Petitioner's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Respondent's Day			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Petitioner's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Respondent's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Child's Birthday			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
Halloween			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.
			: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.	: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.		: <input type="checkbox"/> a.m./ <input type="checkbox"/> p.m.

If you are unable to provide the proposed parenting plan in the days and times provided in the prior pages, please provide a detailed explanation below:

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**SUMMER AND OTHER VACATION TIMES**

This plan proposes that in addition to the residential and holiday scheduling listed above, the parents will vary these schedules to divide school/work vacations as described in this section.

The parents will work together to make arrangements for specific dates and times for vacation no later than one month in advance of the time requested for vacation.

The child(ren) shall spend (how many?) \_\_\_\_\_ vacation  days /  weeks with Petitioner and (how many?) \_\_\_\_\_ vacation  days /  weeks with Respondent.

Dates: \_\_\_\_\_  
\_\_\_\_\_

**DESIGNATION OF LEGAL CUSTODIAN**

Federal and state laws require that the parent with whom the children spend the majority of time be designated as the children's legal custodian. You may choose to alternate the legal custodian between the even and odd years.

Under this Parenting Plan, the designated legal custodian is the:

- Petitioner.
- Respondent.
- Alternates yearly between Petitioner and Respondent. (*Designate a schedule below.*)

During evenly numbered years the legal custodian is the  Petitioner. *or*  Respondent.

During oddly numbered years the legal custodian is the  Petitioner. *or*  Respondent.

If the parent with whom the children spend the majority of time is not the same for all of the children, you must make separate legal custodian designations.

\_\_\_\_\_ Legal Custodian:  Petitioner  Respondent  Alternating  
Child's Name

\_\_\_\_\_ Legal Custodian:  Petitioner  Respondent  Alternating  
Child's Name

\_\_\_\_\_ Legal Custodian:  Petitioner  Respondent  Alternating  
Child's Name

\_\_\_\_\_ Legal Custodian:  Petitioner  Respondent  Alternating  
Child's Name

\_\_\_\_\_ Legal Custodian:  Petitioner  Respondent  Alternating  
Child's Name

**TRANSFERS OF THE CHILDREN FROM PARENT TO PARENT**

When a child's time with one parent ends, and time with the other parent begins, the Parenting Plan must provide standard arrangements for transferring your child. Propose those arrangements in this section. Part 1 is for weekdays; Part 2 is for weekends. *One transfer arrangement is the same in all Parenting Plans.* The parent waiting for the children shall always allow the parent bringing the children a 30 minute grace period.

1. Weekday transfers occur at the

Petitioner's Residence.  Respondent's Residence.  Child's School.

Other location: (Specific address.) \_\_\_\_\_

Time of transfer: \_\_\_\_:\_\_\_\_  a.m./  p.m.

Other arrangements. (Be specific.)  
\_\_\_\_\_  
\_\_\_\_\_

2. Weekend transfers occur at the

Petitioner's Residence.  Respondent's Residence.  Child's School.

Other location: (Specific address.) \_\_\_\_\_

Time of transfer: \_\_\_\_:\_\_\_\_  a.m./  p.m.

Other arrangements. (Be specific.)  
\_\_\_\_\_  
\_\_\_\_\_

**TRANSPORTATION ARRANGEMENTS FOR THE CHILDREN**

The arrangements for, and costs of everyday transportation will be the responsibility of the parent with whom the child is residing.

**OR**

The following arrangements will apply:  
\_\_\_\_\_  
\_\_\_\_\_

**Special Travel**

The arrangements for, and the cost of special or unusual travel will be the responsibility of:

Petitioner.  Respondent. (Examples: trips by airplane, bus, or train to visit a distant parent, or travel by these methods for school trips.)

**OR**

The following arrangements will apply:  
\_\_\_\_\_  
\_\_\_\_\_

## TELEPHONE CONTACT BETWEEN PARENTS AND CHILDREN

The parent with whom a child is not residing needs to make special efforts to stay in touch with the child; and the parent with whom a child is residing needs to encourage the child to stay in touch with the other parent. In this section you will propose the arrangements for these communications.

### Child Calling A Parent

A child may call the parent with whom the child is not residing:

- At any time.
- Weekdays between the times of: \_\_\_\_:\_\_\_\_  a.m. /  p.m. and \_\_\_\_:\_\_\_\_  a.m. /  p.m.
- Weekends and holidays between the times of: \_\_\_\_:\_\_\_\_  a.m. /  p.m. and \_\_\_\_:\_\_\_\_  a.m. /  p.m.
- Other: \_\_\_\_\_

Long distance calls from child to the parent will be paid for by \_\_\_\_\_.

### Parent Calling Child

A parent with whom a child is not residing may call the child:

- At any time.
- Weekdays between the times of: \_\_\_\_:\_\_\_\_  a.m. /  p.m. and \_\_\_\_:\_\_\_\_  a.m. /  p.m.
- Weekends and holidays between the times of: \_\_\_\_:\_\_\_\_  a.m. /  p.m. and \_\_\_\_:\_\_\_\_  a.m. /  p.m.
- Other: \_\_\_\_\_

Long distance calls from parent to the child will be paid for by \_\_\_\_\_.

## COMMUNICATION BETWEEN PARENTS

Parents need to regularly communicate with each other to provide the best possible care for their children, and to reduce the stress on the children. In this section you will propose the arrangements for these parent-to-parent communications.

FIVE REQUIREMENTS APPLY IN ALL CASES. Read each of these five requirements, and check the boxes to show you have read the requirements.

1. The parents will inform each other as soon as possible about all of the children's school, sports, and other activity schedules to ensure nothing interferes with the children's participation.
2. The parents will always let each other know their current residence addresses, mailing addresses, home, work, and emergency telephone numbers, and will notify each other within 24 hours of any changes in these matters. BUT, this requirement does not apply in cases in which the Family Court has allowed the withholding of identifying information.
3. The parents will never say anything in the children's presence that would reduce the children's love or affection for either parent.
4. The parents will never allow any person in the children's presence to speak poorly of an absent parent.
5. The parents will never discuss disagreements or financial matters in the children's presence.

**COMMUNICATION BETWEEN PARENTS (continued)**

The next requirement is optional. (To propose it as a part of your Parenting Plan, check the box.)

- A parent will not schedule activities for the children during the other parent's scheduled parenting time, unless the parent with the parenting time agrees in advance. The only exceptions are:

\_\_\_\_\_

\*Use the following space to propose any other communications arrangements you want as part of your Parenting Plan.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CHANGES IN PARENTING PLAN ARRANGEMENTS**

As the children grow, their lives, activities, and schedules will change. In the short term, parents and children will have occasional, unavoidable changes in their schedules. From time to time, such changes will require changes in Parenting Plan arrangements. By agreeing ahead of time how these changes in the Parenting Plan will be handled, you can avoid the time and expense of going back to Family Court.

Three rules always apply to changes.

1. If one parent requests a non-emergency change in the Parenting Plan arrangements, the parent receiving the request will decide whether to permit the change.
2. If a change in Parenting Plan arrangement is required because of an emergency, the parent with custody of the children at the time of the emergency does not require advance agreement of the other parent to make the change, but must notify the other parent of the emergency as soon as possible.
3. Don't use the children to communicate changes in the Parenting Plan arrangements.

Proposals for handling non-emergency changes in Parenting Plan arrangements:

- A parent receiving a request for a change will never use a request for a change as a bargaining chip, or as a way to punish the parent making the request.
- A parent making a request for a change will make the request  
 in person.  by phone.  in writing.  by e-mail.
- A parent making a request for a change will make the request as soon as possible, but in any event, no less than \_\_\_\_\_ before the change is to occur.
- A parent receiving a request for a change will respond as soon as possible, but in any event, must respond within \_\_\_\_\_ after receiving the request.



**CHANGES IN PARENTING PLAN ARRANGEMENTS (continued)**

- A parent receiving a request for a change will respond
  - in person.  by phone.  in writing.  by e-mail.
- A parent requesting a change will be responsible for any additional child care or transportation costs caused by the change.
- Other arrangements: \_\_\_\_\_  
\_\_\_\_\_

**MILITARY PARENTS**

If one or both parents are members of the Navy, Air Force, Marine Corps, Coast Guard, National Guard or a reserve component of these services, then the parents shall provide the parenting arrangements while one or both parents are deployed for combat operations, a contingency operation, a natural disaster, or military school or training, based on orders that do not permit family members to accompany the parent. If a parent is deployed as provided above and said deployment substantially changes the parenting agreement, the parents agree the children will reside during the deployment with:

- Petitioner.
- Respondent.
- Other Individual(s): \_\_\_\_\_

When the deployment is completed the parents agree to:

- Return to the parenting agreement prior to deployment immediately.
- Other: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

If a military parent is on break or leave during a deployment as described above then all reasonable efforts shall be made to allow parenting time for the military parent.

**ADDITIONAL TERMS AND CONDITIONS**

The Parenting Plan form is designed to cover most, if not all, necessary matters. However, if you want the plan to address subjects not covered by this form, you need to write a detailed description of the additional terms and conditions you want included in the plan. If you have no additional terms and conditions to include, you must check the following line.

- NO additional terms and conditions.
- Additional terms and conditions are:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## SETTLING DISAGREEMENTS

Despite a good Parenting Plan, and the best intentions of the parents, disagreements may still arise from time to time. These disagreements will be harmful to the children, and to the parents. By agreeing in advance on a way to settle disagreements, you can avoid the time and expense of going back to Family Court. In this section you can propose how you want to settle any disagreements that may arise.

### Disagreements about the Parenting Plan should be handled in the following manner:

- Counseling. Conducted by: \_\_\_\_\_
- Mediation. Conducted by: \_\_\_\_\_
- Other means: \_\_\_\_\_

### Costs of settling disagreements should be handled as follows:

Petitioner pays \_\_\_\_\_ % of the costs. Respondent pays \_\_\_\_\_ % of the costs.

- The person settling the disagreement will decide how the costs are shared.

### Parents should notify each other of disagreements in the following manner:

In writing.  In person.  By telephone.  By certified mail.

Other: \_\_\_\_\_

## THE FAMILY COURT'S POWER TO ENFORCE PARENTING PLANS

Once the Family Court accepts and adopts a Parenting Plan proposed by the parties jointly or individually by one party, the plan becomes a Court Order, and must be obeyed. This means both parents must abide by all of the terms and conditions of the Parenting Plan. Even if one parent violates the Parenting Plan, the other parent does NOT have the right to violate the plan in retaliation.

### WAYS IN WHICH THE FAMILY COURT CAN ENFORCE A PARENTING PLAN

If the Parenting Plan provides a remedy for a violation of the plan, the Court can use its power to enforce that remedy. If the Court thinks that remedy is inadequate, the Court can enforce another remedy of the Court's choosing.

If a parent interferes with the other parent's rights to custody or visitation, the Court can order make-up time to compensate for time missed with the children.

If a parent wrongly caused the other parent to miss time with the children, the Court can award monetary compensation for the missed time, and can award child care costs and other expenses caused by the missed time.

If a parent violates the Parenting Plan, the Court can modify the plan in favor of the parent who did not violate the plan. The Court can change custodial responsibility to favor the non-violating parent, or the Court can grant exclusive custodial responsibility to the non-violating parent. The Court can order a parent violating a Parenting Plan to submit to counseling. The Court can order a parent violating a Parenting Plan to pay a civil penalty up to \$100 for a first violation, up to \$500 for a second violation, or up to \$1,000 for a third violation.

The Court can order a parent violating a Parenting Plan to pay the other parent's court costs, attorney's fees, and any other expenses that parent incurred to return to Family Court to enforce the Parenting Plan.

**You must sign the plan, and the Verification, which appears on this page following the signature lines.**

**Signatures:** (Petitioner and Respondent both sign only if submitting a Joint Proposed Parenting Plan.)

\_\_\_\_\_  
*Petitioner (Print Name.) Signature Date*

\_\_\_\_\_  
*Respondent (Print Name.) Signature Date*

**VERIFICATION**

(One parent signs Verification for Individual Proposed Plan.  
Both Parents sign Verification for Joint Proposed Plan.)

I / we, \_\_\_\_\_,

after making an oath of affirmation to tell the truth, say that the facts I/we have stated in this Proposed Parenting Plan are true to the best of my/our personal knowledge and belief; and if I/we have provided information given to me/us from others, I/we believe that information to be true.

\_\_\_\_\_  
*Parent's Signature Date*

\_\_\_\_\_  
*Parent's Signature Date*

This Verification was sworn to or affirmed before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public / Other Official

My commission expires: \_\_\_\_\_.

**BUREAU FOR CHILD SUPPORT ENFORCEMENT**  
**APPLICATION AND INCOME WITHHOLDING FORM**

**This Form MUST Be Completed In All Cases Involving Minor Children or Spousal Support!**

Withholding services will begin immediately when the Bureau for Child Support Enforcement receives this completed application, which **MUST** be accompanied by a copy of the current Support Order **IF** one is now in effect.

Check this box if a Support Order is NOW in effect.

**PETITIONER**

Full Name: \_\_\_\_\_ Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ SSN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Male /  Female Relationship to children involved in this case: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
 (List complete physical address: county, city, street #, apt. #, zip code)

Mailing Address: \_\_\_\_\_  
 (List mailing address ONLY if different from physical address)

Daytime Phone No: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ Driver's License No: \_\_\_\_\_

**RESPONDENT**

Full Name: \_\_\_\_\_ Birth Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ SSN: \_\_\_\_ - \_\_\_\_ - \_\_\_\_

Male /  Female Relationship to children involved in this case: \_\_\_\_\_

Residence Address: \_\_\_\_\_  
 (List complete physical address: county, city, street #, apt. #, zip code)

Mailing Address: \_\_\_\_\_  
 (List mailing address ONLY if different from physical address)

Daytime Phone No: ( \_\_\_\_ ) \_\_\_\_ - \_\_\_\_ Driver's License No: \_\_\_\_\_

Dependents: (List full name, sex, birth date, social security #, and custodian for each dependent)

Name	Sex	Date of Birth	Social Security No.	Custodian
		/ /	- -	
		/ /	- -	
		/ /	- -	
		/ /	- -	

**Income Withholding (List complete address of the employer or other source of income to which an Income Withholding Notice should be sent.)**

*Pursuant to the Privacy Act [5 U.S.C. 522a], the Bureau for Child Support Enforcement (BCSE) is required to inform you of the following: (a) that the request for your social security number is a mandatory requirement pursuant to the Social Security Act [42 U.S.C. 466(a)(13)]; and (b) the BCSE will use this information only in connection with the State's child support enforcement program for purposes of establishing paternity and establishing, modifying, and enforcing support obligations.*  
**CONTINUED ON NEXT PAGE**

- Check this box if you or your children currently receive TANF benefits.
- Check this box if you currently receive, or have applied for DHHR's Child Support Services.

**IF YOU CHECKED any of the two items immediately above, skip to the end of the form, SIGN on the line provided, and you are done.**

**IF YOU DID NOT CHECK any of the two items immediately above, YOU MUST CONTINUE!**

- I understand that unless otherwise directed by the Court, any Court Ordered support MUST be collected by the BCSE through Income Withholding.

**YOU MUST CHOOSE ONE OF THE THREE FOLLOWING OPTIONS!**

**OPTION #1:**

- I am applying for FULL SERVICES from the BCSE. I understand that full services include, but are not limited to the following: \*Collection and distribution of support payments. \*Collection and Enforcement of support by income withholding. \*Establishment and enforcement of Support Orders. \*Establishment of paternity. \*Enforcement of Support Orders through Federal and State Tax offsets, unemployment compensation intercepts, and workers' compensation intercepts. \*Location of parent(s). \*Interstate services.

As an applicant for FULL SERVICES, I AGREE to comply with the following requirements: (1.) I understand I MUST assist the BCSE to establish and enforce paternity, child support, and medical support, and to collect child and spousal support. I understand this assistance may include providing information about the non-custodial parent and responding promptly and completely to requests from the BCSE. I understand I may be required to testify as a witness in court or in other proceedings. (2.) I understand that I am free to pursue legal actions through a private lawyer, but that I must inform the BCSE if I do this. (3.) I understand that I MUST repay all money received in error to which I am not entitled.

**OPTION #2:**

- I am applying for Income Withholding Services ONLY.

**OPTION #3:**

- I DID NOT CHECK Option #1 or Option #2. I do not want services from the BCSE at this time. I understand that even though I have not requested services at this time, I can request services at any time by applying at the BCSE office in the county in which I live.

**I CERTIFY that I have read and understand all statements on this application, and that all information I have provided is TRUE and ACCURATE to the best of my knowledge.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

- Check this box if YOU WOULD FEAR FOR YOUR SAFETY, or THE SAFETY OF YOUR CHILDREN if your address and telephone number are disclosed.

If you are the party to schedule the hearing in your case use the following form.

Hearings may be scheduled no sooner than 20 days after service has been made on the respondent.

Hearing notices must be sent to both the opposing party and the Circuit Clerk for placement in your case file.

You may schedule a hearing by calling family court at 304-647-7406. Have your names, phone numbers and case number available.

IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

IN RE:
The Marriage Of:

Civil Action No. \_\_\_\_\_

\_\_\_\_\_, and \_\_\_\_\_
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

NOTICE OF HEARING

(You must contact the Family Court staff to schedule a hearing date.)

TO: \_\_\_\_\_
Name
\_\_\_\_\_
Street Address
\_\_\_\_\_
City / State / Zip Code

You are hereby given notice that the undersigned will bring the above-styled action on for final hearing before the Family Court Judge. The hearing will be on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_:\_\_\_\_ [ ] a.m. / [ ] p.m., or as soon thereafter as may be heard. Hearings before the Family Court Judge shall be held at the following location:

\_\_\_\_\_

You may be present to protect your interests.

\_\_\_\_\_  
Signature

CERTIFICATE OF SERVICE

I, \_\_\_\_\_, Petitioner/Respondent in the
(Print Your Name)
foregoing action hereby certify that I have sent a copy of this Notice of Hearing to the Petitioner/Respondent at the above address by depositing a true copy of the same in the U.S. Mail, postage prepaid, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

The following forms are optional and are included for your convenience.

Please review the instruction packet to determine if any of these forms pertain to your circumstances.



IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ MONROE \_\_\_\_\_ COUNTY, WEST VIRGINIA

Case No. \_\_\_\_\_

v.

\_\_\_\_\_  
Plaintiff or Petitioner

\_\_\_\_\_  
Defendant or Respondent

---

**FINANCIAL AFFIDAVIT AND APPLICATION:  
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL OR DOMESTIC CASE  
OR FOR COSTS ASSOCIATED WITH  
REQUIRED POLYGRAPH EXAMINATION OR ELECTRONIC MONITORING**

---

**A. Information for the Applicant:**

1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.
2. You must complete the affidavit for the court to determine if the costs of either a polygraph examination, required by *W.Va. Code § 62-11D-2*, or electronic monitoring, required by *W.Va. Code § 62-11D-3*, will be paid by the supervising entity.
3. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
4. You must attach a copy of your most recent salary stub, W-2 form, or other financial documentation (with all social security numbers and all dates of birth removed [*you can black them out*]) that verifies your income. Without the attached documentation, your application will be incomplete and not considered.
5. At any time you may request or the court may require review of your eligibility for a waiver; and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
6. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. *If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.*
7. The information you give in this form will be confidential only in a domestic violence or a divorce case.
8. Except for signatures, all information must be clearly printed.

---

**B. Information about You and Your Case:**

1a. Name: \_\_\_\_\_ 1b. Telephone Number: \_\_\_\_\_

1c. Address: \_\_\_\_\_

Case No. \_\_\_\_\_

2. Describe what is involved in your case:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3a. Do you have a lawyer?  Yes  No

b. Have you paid or will you have to pay your lawyer?  Yes  No

c. Will you have to pay your lawyer only if you win?  Yes  No

4. Check if seeking waiver for:

Cost of required polygraph examination (*W.Va. Code § 62-11D-2*); and/or

Cost of required electronic monitoring (*W.Va. Code § 62-11D-3*).

**C. Information about Your Financial Situation:**

1a. What is your current yearly net (take-home) income from all sources:

Employer:	\$	Second Job:	\$	Self-Employment:	\$
Public Assistance:	\$	Food Stamps:	\$	Unemployment:	\$
Benefits:	\$	Disability Benefits:	\$	Social Security/SSI:	\$
Alimony:	\$	Pensions:	\$	Rental Income:	\$
Interest:	\$	Dividends:	\$	Annuities:	\$
Odd Jobs:	\$	Other:	\$	(specify):	
<b>YEARLY TOTAL:</b>	<b>\$</b>				

Please remember to attach financial documents which verify this information.

1b. If your listed income is zero (0), please explain below and attach some verification (i.e. DHHR or food stamp information):

\_\_\_\_\_  
\_\_\_\_\_

2a. List the names and relationships to you of all the persons supported by this income, whether or not they are household members (provided, that these persons can be claimed as dependents on your federal tax return):

\_\_\_\_\_  
\_\_\_\_\_

2b. What is the total number of dependents, including yourself? \_\_\_\_\_

3. How much money do you, individually or jointly, have in cash, checking and savings accounts, deposit certificates, and/or bonds (liquid assets)? \$ \_\_\_\_\_

Case No. \_\_\_\_\_

4a. List your regular monthly household debt-payment and other expenses:

Mortgage/Rent:	\$	Car Payment:	\$	Loan Payments:	\$
Credit Card Payments:	\$	Other Debt Payments:	\$	Utilities:	\$
Cell Phone:	\$	Food:	\$	Child Care:	\$
Child Support:	\$	Alimony:	\$	Medical Bills:	\$
Other Expenses:	\$	(specify):			

4b. What is the total amount of these monthly expenses? \$ \_\_\_\_\_

5a. List all cars, trucks, motorcycles, or recreational vehicles (all-terrain vehicles, motor homes, snowmobiles, boats), including their make, model, and year, that you own, individually or jointly:

\_\_\_\_\_  
\_\_\_\_\_

5b. What is the total value of these items less any amount owed? \$ \_\_\_\_\_

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you, individually or jointly, own.

\_\_\_\_\_  
\_\_\_\_\_

6b. What is the total value of these items less any amount owed? \$ \_\_\_\_\_

7. What would the consequences be for you if a waiver of fees, costs, or security is denied?

\_\_\_\_\_  
\_\_\_\_\_

8. This application consists of three (3) pages and \_\_\_\_\_ pages of supporting financial documents.

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: \_\_\_\_\_

Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above, on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, in \_\_\_\_\_ County, West Virginia.

Signature of Notary (Clerk or Deputy Clerk): \_\_\_\_\_

**For Court Use Only**

The affiant's application for a waiver is (clerk: initial one) \_\_\_\_\_ granted \_\_\_\_\_ denied.

Date: \_\_\_\_\_ Signature of Clerk or Deputy: \_\_\_\_\_

IN THE FAMILY COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA.

In Re:

The Marriage / Children of:

Civil Action No. \_\_\_\_\_

\_\_\_\_\_,  
Petitioner

and

\_\_\_\_\_,  
Respondent

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
Daytime phone

\_\_\_\_\_  
Daytime phone

**PROPERTY AGREEMENT**

**The Petitioner and Respondent agree to the following division of all of their marital property, separate property, and debts.**

The Petitioner, \_\_\_\_\_, shall receive the following property and debts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The Respondent, \_\_\_\_\_, shall receive the following property and debts:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**By signing this agreement I am representing to the court that:**

- 1. I have entered into the agreement voluntarily.**

- 2. I have full and complete knowledge of all property and debts my spouse and I acquired during our marriage and all separate property owned by each of us during the marriage.
- 3. I understand this agreement and believe it to be fair and in my best interest.

\_\_\_\_\_  
 Petitioner

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Respondent

\_\_\_\_\_  
 Date

**ACKNOWLEDGEMENTS**

State of West Virginia  
 County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in the county and state aforesaid do hereby certify that \_\_\_\_\_, whose name is signed to the writing above has acknowledged the same before me in the aforesaid county and state on \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

My commission expires: \_\_\_\_\_

State of West Virginia  
 County of \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public in the county and state aforesaid do hereby certify that \_\_\_\_\_, whose name is signed to the writing above has acknowledged the same before me in the aforesaid county and state on \_\_\_\_\_.

\_\_\_\_\_  
 Notary Public

My commission expires: \_\_\_\_\_

IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

IN RE:

The Marriage / Children Of:

Civil Action No. \_\_\_\_\_

\_\_\_\_\_, and \_\_\_\_\_  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**MOTION TO ADOPT INDIVIDUAL PROPOSED PARENTING PLAN**

NOTICE TO: \_\_\_\_\_  
(Print the name of the other party.)

Take Notice that I, \_\_\_\_\_,  
(Print your name.)

\_\_\_\_\_ Monroe County, and make a MOTION for the Court to adopt my Individual Proposed Parenting Plan. This Motion will be made at \_\_\_\_:\_\_\_\_  a.m. /  p.m. on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**MOTION**

I, \_\_\_\_\_, request that the Court adopt my Individual Proposed Parenting Plan. I have attached copies of my Individual Proposed Parenting Plan and Worksheet to this Motion.

\_\_\_\_\_  
(Print your name.) Signature Date

**CERTIFICATE OF SERVICE**

STATE OF WEST VIRGINIA  
COUNTY OF MONROE

I, \_\_\_\_\_, the person making this Motion, mailed the Motion and Notice, together with my Individual Proposed Parenting Plan, by first class mail, to \_\_\_\_\_, at the address of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature Date

AFFIDAVIT OF OUT-OF-STATE OR UNKNOWN RESIDENCY

STATE OF WEST VIRGINIA

COUNTY OF MONROE, to-wit:

I, \_\_\_\_\_, after being sworn, do say that I am the Petitioner in the foregoing Petition for Divorce now pending in the Family Court of Monroe County, West Virginia; and further that:

The Respondent, \_\_\_\_\_,

(CHECK ALL THAT APPLY)

is not a resident of the State of West Virginia; and the last known address of the Respondent is \_\_\_\_\_ County;

OR

After giving my documents twice to the Sheriff in the County where the Respondent resides, the Sheriff has not been able to serve the Respondent;

OR

I have used due diligence to determine the address of the Respondent and have been unable to locate it. The address of the Respondent is unknown to me.

\_\_\_\_\_  
Petitioner, Pro Se

Taken, sworn to, and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission expires \_\_\_\_\_.

IN RE:

The Marriage of:

Civil Action No. \_\_\_\_\_

\_\_\_\_\_, and \_\_\_\_\_  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**ORDER OF PUBLICATION**

**THE OBJECT OF THIS SUIT IS TO OBTAIN A DIVORCE.  
THIS IS A PUBLICATION BY CLASS II LEGAL ADVERTISEMENT.**

**To the Above-Named Respondent:**

It appearing by affidavit filed in this action that \_\_\_\_\_

is a non-resident of the State of West Virginia or has an unknown address. It is hereby ordered that

\_\_\_\_\_ serve upon \_\_\_\_\_,

(Check only one.)  Petitioner /  Petitioner's Attorney /  Circuit Clerk's Office, whose address is

\_\_\_\_\_, West Virginia,

an Answer, including any related counterclaim or defense you may have to the Petition For Divorce filed in this

action on or before \_\_\_\_\_, 20\_\_\_\_. If you fail to Answer the Petition for Divorce,

a judgment may be taken against you for the relief demanded in the Petition.

A copy of said Petition can be obtained from the undersigned Clerk's Office.

Entered by the Clerk of said Court \_\_\_\_\_

\_\_\_\_\_  
Clerk of the Court



IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

In Re:  
The Marriage of

Civil Action No. \_\_\_\_\_

\_\_\_\_\_  
Petitioner (First/Middle/Last)

and

\_\_\_\_\_  
Respondent (First/Middle/Last)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

**CERTIFICATE OF DIVORCE  
(Name Change)**

*W. Va. Code § 48-5-613*

This matter is before the Court pursuant to a name change request in the above-styled divorce. The following is hereby provided:

1. That  Petitioner's /  Respondent's name is \_\_\_\_\_, as provided on the birth certificate issued by the State of \_\_\_\_\_.
2. The  Petitioner's /  Respondent's date of birth is \_\_\_\_\_ (Date).
3. The  Petitioner's /  Respondent's social security number is \_\_\_\_\_.
4. The  Petitioner's /  Respondent's name is changed to \_\_\_\_\_ from his or her former name of \_\_\_\_\_.
5. The effective date of the  Petitioner's /  Respondent's name change is \_\_\_\_\_ (Date).

A certified copy of the Certificate of Divorce shall be provided to the  Petitioner /  Respondent. This Certificate of Divorce may be used for all lawful purposes, including as proof of legal name change for a driver's license or state identification card at the Division of Motor Vehicles. This Certificate of Divorce shall be treated as a pleading and not an order under Rule 6 of the West Virginia Rules of Practice and Procedure for Family Court.

Issued this \_\_\_\_\_

\_\_\_\_\_  
Family Court Judge

ACCEPTANCE OF SERVICE

I hereby accept service of the Summons and a copy of the Petition in the case styled,

\_\_\_\_\_ and \_\_\_\_\_,

Civil Action No. \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

This Acceptance of Service shall have the same force and effect as if personally served upon me in

\_\_\_\_\_ Monroe \_\_\_\_\_ County, West Virginia, by the Sheriff of said County.

\_\_\_\_\_  
Signature of Respondent

*Provide the information below if you have NOT requested to withhold your identifying information.*

\_\_\_\_\_  
Address

\_\_\_\_\_  
( ) -  
Phone

Taken, sworn to, and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public or Deputy Circuit Clerk

My Commission expires \_\_\_\_\_.

IN THE FAMILY COURT OF MONROE COUNTY, WEST VIRGINIA

IN RE: Civil Action No. \_\_\_\_\_  
The Marriage / Children of:

\_\_\_\_\_, and \_\_\_\_\_,  
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**SERVICEMEMBERS CIVIL RELIEF ACT WAIVER:  
WAIVER OF RIGHT TO REQUEST STAY OF PROCEEDINGS**

*[To be completed by Military Servicemembers only.]*

I acknowledge that I have the right to request a stay of proceedings in this case under the Servicemembers Civil Relief Act. The stay of proceedings, or continuance, would postpone a hearing in this case if it were granted.

I hereby waive and give up the right to a stay of proceedings. I want to proceed with this case.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

Taken, sworn to, and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public or Deputy Circuit Clerk

My Commission expires \_\_\_\_\_.

**NOTICE to Court Personnel:**

Pursuant to Rule 10(b) of the Rules of Practice and Procedure for Family Court, **upon the filing** of this affidavit in proper form, the person filing the affidavit, or the person in whose interest the affidavit was filed shall be permitted to withhold identifying information from all persons except court personnel whose duties require access to the information; and shall not be required to provide identifying information in pleadings, forms, document filings, or in any other manner. All court personnel with access to such identifying information shall keep the information confidential, and shall withhold it from all persons except other court personnel whose duties require access to the information.

**IN THE FAMILY COURT OF \_\_\_\_\_ COUNTY, WEST VIRGINIA**

In re: The Marriage / Children of:

\_\_\_\_\_, Petitioner, and \_\_\_\_\_, Respondent.

Civil Action No. \_\_\_\_\_.

**AFFIDAVIT**

**to**

**Withhold Identifying Information**

State of West Virginia.

County of \_\_\_\_\_.

I, \_\_\_\_\_, after being sworn, state that the health, safety, or liberty of the persons whose names are listed below would be put at risk by the disclosure of information which could be used to locate these persons, or contact them by telephone, or by other means. Persons at risk are: \_\_\_\_\_

These persons are at risk because: \_\_\_\_\_

\_\_\_\_\_  
(Print your name.)                      \_\_\_\_\_ Signature                      \_\_\_\_\_ Petitioner                      \_\_\_\_\_ Respondent.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_.