

## INSTRUCTIONS FOR *PRO SE* MODIFICATION OF ALIMONY ORDER

*Pro Se* means that you are representing yourself without an attorney. Read these instructions through before writing on your papers. You might want to practice what you are going to write on a blank sheet of paper first, then copy over to your court papers.

You will need a copy of the current alimony support order. If you do not have this order get a copy from the circuit clerk of the county where the judge made the order.

1. Fill out the form "Petition for Modification Alimony" attached as instructed on the "Petition" form. You are the Petitioner and the other party is the Respondent.

**STOP! Warning: *Do not* sign the Petition on the signature line until you are in front of a Notary Public or the Circuit Clerk. See "4" Below.**

2. After you have completed the "Petition" papers, call the Family Law Master office and ask for a court hearing date. When you have the court hearing date:

a. Fill out the top of the "Notice of Hearing" papers with the same information as the "Petition" papers. Put the name and address of the other party on the "To" lines of the "Notice" paper. (If you have questions about filling in the other blanks on the Notice form ask the Circuit Clerk.)

b. Fill the date, time, Family Law Master's name, county and city in the blanks on the "Notice" paper.

c. Fill out the Certificate of Service at the bottom.

3. Take the filled out forms to the Circuit Clerk's office.

4. **Now**, in front of the Circuit Clerk or a Notary Public, sign all the forms on the blank that says "Petitioner's Signature" and date them.

**Note: If the Circuit Clerk or Family Law Master wants to charge you any fees, and if you are low income, tell the clerk to give you an application for a "fee waiver". Fill in your income and expenses and you may be approved for a waiver of fees.**

5. The Circuit Clerk's office will then officially "file" the Petition and notice of hearing. A copy will be sent or served on the other party.

6. Be sure to go to the hearing and be prepared to tell your story.

7. At the hearing you will need to show proof of your income.

8. If you need witnesses, they can be subpoenaed. Ask the Circuit Clerk. Subpoenaing witnesses is a good idea if they have to miss work. (Remember, as a general rule you cannot say what someone else told you. That person has to be there themselves to talk.) If you want a witness to attend the hearing or need to have certain documents at the hearing, you should have the Circuit Clerk subpoena that person or that organization for documents. Get the address or place where the subpoena may be served, and go to the circuit clerk's office and tell the circuit clerk what you want.

You are always better off to have a lawyer. If you can afford a lawyer you should have a lawyer do this for you. Even before using this form, you should contact a lawyer to see if your case is a case in which it is appropriate to proceed by yourself, and to get some helpful advice. By preparing this form for the public we do not represent that this is the right thing for you to do in your case. The West Virginia State Bar has a lawyer referral service. You may call that number, (304) 558-7991. That lawyer will give you a one-half hour consultation for a minimal charge. To speak to a lawyer for legal information you may call 1-800-642-3617 Tuesdays 6 p.m. to 8 p.m.



[From previous order]

\_\_\_\_\_  
[Your Name]

\_\_\_\_\_  
[Address]

[For safety reasons or other good cause may be omitted]

\_\_\_\_\_,  
[City, state, zip]

Petitioner,

v.

Civil Action No: \_\_\_\_\_

[ # From previous order]

\_\_\_\_\_  
[Name of other party]

\_\_\_\_\_  
[Number and street, P. O. Box or other location for service]

\_\_\_\_\_,  
[City, state, zip]

Respondent.

**PETITION FOR MODIFICATION OF ALIMONY ORDER**

Comes now the Petitioner being first duly sworn to state the following:

1. The order which set the current amount of alimony is dated: \_\_\_\_\_.

month

day

year

2. The following grounds exist for a change in the current alimony award:

[Check the boxes that apply. One must apply:]

A substantial change of circumstances has occurred due to unexpected changes in basic needs such as housing, transportation, medical bills or medication.

Other (Give details:) \_\_\_\_\_

3. Because the above change in circumstances alimony support should: [check one]

increase

decrease

terminate

WHEREFORE, the Petitioner asks that this Court:

1. Modify the previous order regarding alimony; and
2. Order any other relief deemed proper.

Petitioner's Signature \_\_\_\_\_ Date \_\_\_\_\_  
[Sign in front of Circuit Clerk]

\_\_\_\_\_ Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

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

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

\_\_\_\_\_

Petitioner,

v.

Civil Action No: \_\_\_\_\_

\_\_\_\_\_

Respondent.

**NOTICE OF HEARING**

TO: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

You will please take notice that there will be a hearing in the above-styled civil action on the relief sought in the attached Petition on the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_ o'clock \_\_.m. before the Honorable \_\_\_\_\_, Family Law Master of this Circuit Court, in the County Courthouse, at which time and place you may appear and take such action as may be necessary to protect your interests. You are not required to appear. However if you do not appear the Court may give the relief sought in the attached Petition even if you do not appear.

\_\_\_\_\_

Date: \_\_\_\_\_

Petitioner's Signature

\_\_\_\_\_

Print Name

\_\_\_\_\_

Address

\_\_\_\_\_

City State Zip

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, Petitioner in the foregoing action hereby certify that I have sent a copy of this **Notice of Hearing** to the Respondent at the above address by depositing a true copy of the same in the U.S. Mail, postage prepaid, this the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Signature