

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

\_\_\_\_\_

Plaintiff,

v.

\ CIVIL ACTION NO. 9 \_\_\_-D- \_\_\_\_\_

\_\_\_\_\_

Defendant.

AMENDED COMPLAINT

I.

Plaintiff is an actual bona fide resident of \_\_\_\_\_ County, West Virginia.  
Defendant is a resident of \_\_\_\_\_ County, West Virginia.

II.

Plaintiff and defendant are both over the age of eighteen.

III.

Neither the defendant nor the plaintiff are members of the military forces of the United States, or any of its allies, and are not infants, incompetent, incarcerated convicts or under any other legal disability.

IV.

\_\_\_\_\_ was married to \_\_\_\_\_ in \_\_\_\_\_  
Name Name Year  
and  was  was not divorced from  him or  her by Order of the Circuit Court of County,  
\_\_\_\_\_, Civil Action No. \_\_\_\_\_, on \_\_\_\_\_  
State

\_\_\_\_\_  
Month Day Year

V.

Plaintiff and defendant were married in a ceremony performed in \_\_\_\_\_  
County, \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, as will

State

Month

Year

more fully appear from a certified copy of their marriage record, which has been filed in this case.

VI.

The  plaintiff and  defendant believed that he/she was/were lawfully married.

VII.

Plaintiff and defendant last lived and cohabited together in \_\_\_\_\_ County,

\_\_\_\_\_, until on or about \_\_\_\_\_ at \_\_\_\_\_ County, \_\_\_\_\_  
State Month Day Year State

**CHECK EITHER VIII OR IX**

VIII.

\_\_\_ A. There has/have been \_\_\_\_\_ child\ren born issue of the parties,

Number

namely: \_\_\_\_\_  
List Bill Name, Date of Birth, Age, and Social Security Number for each child.

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

\_\_\_\_\_ who

are in the physical care, custody and control of the  plaintiff or  defendant (Check One).

\_\_\_ B. \_\_\_\_\_ is the natural and biological father of the  
aforementioned infant child/ren.

\_\_\_ C. \_\_\_\_\_ is the natural and biological mother of the  
aforementioned infant child/ren.

\_\_\_ D. \_\_\_\_\_ has been and continues to be the  
primary caretaker of the infant child/ren and is a fit and proper person to have full, legal custody.

\_\_\_ E. The  plaintiff or  defendant (Check One.) has a duty to support the infant

child/ren.

\_\_\_ F. The minor child/ren of the parties currently live(s) with the  plaintiff

defendant (Check One) at \_\_\_\_\_,

Address

\_\_\_\_\_ County, West Virginia;

\_\_\_ G. Within the last five years, the minor child/ren has/have lived at the following places:

DATE	ADDRESS	WITH WHOM/RELATIONSHIP

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\_\_\_ H.  Plaintiff  Defendant (Check One) has not participated as a party, witness or in any other capacity in any other litigation concerning the custody of the child/ren in this or any other state, other than proceedings pursuant to Chapter 48, Article 2A, of the West Virginia Code, as amended.

\_\_\_ I.  Plaintiff  Defendant (Check One) has no information of any custody proceeding concerning the child/ren pending in a court of this or any other state; and

\_\_\_ J.  Plaintiff  Defendant (Check One) does not know of any person not a party to the proceedings who has physical custody of the child/ren or claims to have custody or visitation rights with respect to the child/ren.

\_\_\_ K.  Plaintiff  Defendant (Check One) understands that he/she has a continuing duty to inform the court of any custody proceeding concerning the child/ren in this or any other state of which she may obtain information during this proceeding.

\_\_\_ L. This Court has jurisdiction to make a custody determination of the minor

child/ren pursuant to Chapter 48, Article 10, of the West Virginia Code, as amended, referred to as the Uniform Child Custody Jurisdiction Act, because the child/ren and at least one parent, the  Plaintiff  Defendant (Check One), live within the state of West Virginia, and there is available in this State substantial evidence concerning the children's present or future care, protection, training and personal relationships.

IX.

There are no children born issue of the parties.

X.

The Plaintiff brings the following grounds for annulment of the marriage:

\_\_\_\_\_ 1.  Plaintiff  Defendant (Check One) has been guilty of having a [ ] wife [ ] husband of a prior marriage, and such prior marriage has not been terminated by divorce, annulment or death.

\_\_\_\_\_ 2. Defendant was unlawfully related in kinship to the plaintiff at the time of the marriage.

\_\_\_\_\_ 3.  Plaintiff  Defendant (Check One) was an insane person, idiot or imbecile at the time of marriage.

\_\_\_\_\_ 4.  Plaintiff  Defendant (Check One) was afflicted with a venereal disease at the time of marriage.

\_\_\_\_\_ 5.  Plaintiff  Defendant (Check One) was incapable, because of natural or incurable impotency of the body, of entering into the marriage.

\_\_\_\_\_ 6.  Plaintiff  Defendant (Check One) was under the age of consent at the time of the marriage.

\_\_\_\_\_ 7.  Plaintiff  Defendant (Check One) was, prior to the marriage and without the knowledge of the plaintiff, convicted of an infamous offense.

\_\_\_\_\_ 8. Wife, without knowledge of Husband, was with child by some other person other than Husband.

\_\_\_\_\_ 9. Wife has been, prior to the marriage, without knowledge of Husband,  
notoriously a prostitute.

XI.

Plaintiff is currently (un)employed with \_\_\_\_\_ .

Defendant is currently (un)employed with \_\_\_\_\_ .

XII.

Plaintiff and Defendant  have  have not (Check One) accumulated property during their relationship which is subject to distribution based upon principles of contract, both express and implied, and upon constructive trust.

XIII.

Plaintiff  Defendant (Check One)  has  has not provided both economic contributions and homemaker services enabling acquisition of the property accumulated by the parties during the period of cohabitation..

**PRAYER**

**WHEREFORE**, Plaintiff prays for the following relief:

- XX 1.) That Plaintiff be granted an annulment of the marriage of the parties;
- \_\_\_\_\_ 2.) That this Court find that the  Plaintiff  Defendant (Check One) is the natural and biological father of the infant child/ren;
- \_\_\_\_\_ 3.) That  Plaintiff  Defendant (Check One) be awarded the complete care, custody and control of the minor child/ren of the parties;
- \_\_\_\_\_ 4.) That  Plaintiff  Defendant (Check One) be awarded support and maintenance for the minor child/ren of the parties;
- \_\_\_\_\_ 5.) That  Plaintiff  Defendant (Check One) be awarded appropriate visitation with the minor child/ren.
- \_\_\_\_\_ 6.) That  Plaintiff  Defendant (Check One) be required to pay all hospital, medical, dental, optical, pharmaceutical, psychological and psychiatric expenses on the minor child of the parties, if available through his employment or labor organization at a reasonable cost;

- \_\_\_\_\_ 7.) The  Plaintiff  Defendant (Check One) be awarded the exclusive use, title and possession of the household furniture and furnishings and personal property;
- \_\_\_\_\_ 8.) That  Plaintiff  Defendant (Check One) be awarded an order enjoining the  Plaintiff  Defendant (Check One) from molesting or interfering with  Plaintiff  Defendant (Check One), or otherwise imposing any restraint on the personal liberty of the  Plaintiff  Defendant (Check One) or interfering with the custodial/visitation rights of the  Plaintiff  Defendant (Check One);
- \_\_\_\_\_ 9.) That  Plaintiff's  Defendant's (Check One) economic contributions as a homemaker services be considered in making an equitable distribution of the property accumulated by the parties during the period of cohabitation;
- \_\_\_\_\_ 10.) That  Plaintiff  Defendant (Check One) be awarded an Order which makes an equitable distribution of the property and debts accumulated by the parties during the period of cohabitation;
- XX 11.) That the  Plaintiff  Defendant (Check One) pay to the  Plaintiff  Defendant (Check One) such sum or sums or money as the Court may deem proper and necessary to enable the  Plaintiff  Defendant (Check One) to prosecute this action, including attorney fees, court costs and Family Law Master's fees; and
- XX 12.) That the  Plaintiff  Defendant (Check One) be granted such other and further relief as the Court may deem just and proper.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

Plaintiff, Pro Se

\_\_\_\_\_  
Address

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

Plaintiff,

v.

\ CIVIL ACTION NO. 9 \_\_\_-D- \_\_\_\_\_

\_\_\_\_\_

Defendant.

STATE OF WEST VIRGINIA,  
COUNTY OF \_\_\_\_\_, TO-WIT:

\_\_\_\_\_, the Plaintiff named in the foregoing  
Complaint being duly sworn, says that the facts and allegations therein contained are true, except  
so far as they are therein stated to be on information, and that, so far as they are therein stated to be  
on information, he/she believes them to be true.

\_\_\_\_\_

Signature

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

My Commission Expires: \_\_\_\_\_

\_\_\_\_\_

Notary Public