

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

_____,
Plaintiff,

v. Civil Action No. 95-D- _____

_____,
Defendant.

=====
ANSWER
=====

Comes now the defendant, _____, and answers the Petition for Custody filed against **KEYBOARD()** him/her as follows:

1. The defendant admits the allegations contained in paragraph(s) number _____.

2. The defendant denies the allegations contained in paragraph(s) number _____.

3. As to the allegations contained in paragraph(s) number of the Petition for Custody, the defendant admits _____.

Defendant denies that _____.

4. All allegations which have not been specifically admitted are hereby denied.

WHEREFORE, defendant requests that plaintiff's request for relief be denied and that the defendant be granted the relief requested in **KEYBOARD()** his/her counterclaim.

COUNTERCLAIM

Comes now the defendant, _____, and for her counterclaim alleges as follows:

1. Defendant is a resident of _____ County, West Virginia and has been a resident of West Virginia for more than one year next preceding the institution of this action. Plaintiff is a resident of _____ County, West Virginia.

2. Both plaintiff and defendant are over the age of eighteen.

3. Neither the plaintiff nor the defendant is a member of the military forces of the United States, or any of its allies, and neither is an infant, incompetent, incarcerated convict, or under any other legal disability.

4. Plaintiff and defendant are the natural parents of _____, born _____, 19____.

5. A.) The minor children of the parties currently live with **KEYBOARD ()** at **KEYBOARD ()**;

B.) Within the last five years, the minor children have lived at the following places:

DATE	ADDRESS	WITH WHOM/RELATIONSHIP
------	---------	------------------------

KEYBOARD ()

C.) Plaintiff has not participated as a party, witness or in any other capacity in any other litigation concerning the custody of the children in this or any other state, other than proceedings pursuant to Chapter 48, Article 2A, of the West Virginia Code, as amended.

D.) Plaintiff has no information of any custody proceeding concerning the children pending in a court of this or any other state; and

E.) Plaintiff does not know of any person not a party to the proceedings who has physical custody of the children or claims to have custody or visitation rights with respect to the children.

F.) Plaintiff understands that she has a continuing duty to inform the court of any custody proceeding concerning the children in this or any other state of which she may obtain information during this proceeding.

6. This Court has jurisdiction to make a child custody determination under the Chapter 48, Article 10 of the West Virginia Code, commonly referred to as the Uniform Child Custody Jurisdiction Act.

7. Defendant is the primary caretaker of _____, and is a fit and proper person to have the continued care, custody and control of _____.

8. Plaintiff is not a fit and proper person to have the care, custody and control of the minor child/children, and is not a proper person to handle unrestricted visitation rights with _____.

9. Plaintiff and defendant jointly purchased several items of property, which are currently in the possession of the plaintiff.

WHEREFORE, defendant prays for the following relief:

a. The defendant be awarded the complete care, custody and control of the minor child of the parties;

b. That plaintiff be required to pay to the defendant such sum as the Court may deem just and proper for the support of the minor child/children;

c. That the plaintiff be awarded _____ visitation with the minor child/children;

d. That the plaintiff be required to obtain and maintain medical insurance upon the minor child/children, as an additional form of support;

e. That the Court make an equitable distribution of the parties' joint property; and for such other and further relief as may be just and proper.

_____ Defendant, Pro Se

STATE OF WEST VIRGINIA

COUNTY OF _____, TO-WIT:

_____, the defendant named in the attached Answer and Counterclaim, being first duly sworn, says that the facts and allegations contained in said petition are true, except so far as they are stated to be on information, and that, so far as they are stated to be on information, she/he believes them to be true.

Taken, subscribed and sworn to before me this _____ day of _____, 1995.

My Commission Expires: _____

Notary Public

CERTIFICATE OF SERVICE

I certify that on the _____ day of _____, 19____, I served the foregoing Answer and Counterclaim upon _____ by placing a true copy thereof in the United States mail, addressed as follows:

Defendant, Pro Se