

Re: Request for Assistance - Divorce

Dear Ms. :

You recently contacted West Virginia Legal Services Plan for help concerning a divorce. I am sorry we cannot represent you in this matter.

A pamphlet with general information about child custody is enclosed. For further general legal information, you may want to contact the Young Lawyers Hotline on Tuesday Evenings between the hours of 6:00 p.m. and 8:00 p.m. The number for this free service is 1-800-642-3617. You may also want to consult with a private attorney concerning this matter.

You have twenty (20) days from the date you were served to answer the divorce complaint. An Answer is a written response to each paragraph in the complaint. The original answer should be filed with the Circuit Clerk's office and a copy should be mailed to your spouse. You should also keep a copy of any papers you file for your own records. Filing a Notice of Bona Fide Defense before the deadline for answering will automatically give you an extra ten (10) days to file your answer.

In your written answer, you need to admit or deny each of the statements made in your spouse's complaint. If you do not have enough information to know whether a particular statement is true, you can say that you lack sufficient information to admit or deny the statement and that you therefore deny it. You will also need to raise any other defenses that you have to the divorce complaint, if you desire to raise those defenses.

If your spouse has claimed irreconcilable differences as a ground for divorce, and you say in your answer that you agree that irreconcilable differences exist between the two of you, a divorce can be granted on that basis. If you state that irreconcilable differences do not exist, your spouse will have to prove other grounds for the divorce to go forward.

If you would like additional relief (such as alimony, distribution of property, or an order that your spouse pay marital debts), you will have to request that relief in writing. You may attach this request to your answer. The answer must be sworn to under oath. The oath is the verification attached to your answer. One additional thing needs to be added to your answer. This is a "certificate of service". A certificate of service is a statement by you letting the Court know that your husband was served with a copy of the answer.

I have enclosed some other forms. One is a civil case information statement. This is an information statement for the Clerk's office. It is not necessary to mail a copy of this to your husband, although many times, attorneys do attach it to the answer. The next form is an affidavit of indigency. This form is for you to explain to the Court that you cannot afford fees for hearings, serving subpoenas, or other Court costs. It must be filled out under oath and signed in front of a notary public. The form will be kept confidential. Do not mail a copy of this form to your husband. You should file this form with

the Circuit Clerk. The next form is a financial information statement for alimony, child support, and property and debts. This form must also be filled out under oath and signed in front of a notary public. It does not need to be done right away. However, it should be done as soon as possible.

You should attend any and all hearings scheduled in this case, and you should be prepared to tell the Judge or the Family Law Master your concerns. If there is any dispute about relevant facts in your case, you will have the opportunity to present witnesses and to ask questions of your spouse and his witnesses.

If you have any questions about the contents of this letter, please feel free to contact me.

Sincerely yours,

Attorney at Law

Enclosures: Custody pamphlet  
Answer  
Civil Case Information Statement  
Affidavit of Indigency  
Financial Statement