

IN RE THE MARRIAGE OF:

CIVIL ACTION NO. _____

Circuit Judge _____

_____,
PETITIONER

and

_____,
RESPONDENT

Social Security Number

Social Security Number

Address

Address

Daytime Phone Number

Daytime Phone Number

PETITION FOR DIVORCE

_____ Comes now the Petitioner who, upon oath, states that the following facts and allegations are believed to be true:

1. Pursuant to West Virginia Code § 48-2-1, et seq., this Court has jurisdiction to hear this case because: (CHECK ALL THAT APPLY):

The Petitioner has been a bona fide resident of West Virginia for more than one (1) year prior to the institution of this action.

The Respondent has been a bona fide resident of West Virginia for more than one (1) year prior to the institution of this action.

The parties 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 _____ County, West Virginia because: (CHECK ALL THAT APPLY):

This is the county where the parties last lived together as husband and wife.

This is the county where the Respondent resides.

This is the county where the Petitioner resides and the Respondent is not a resident of this State.

3. The Petitioner currently resides in _____ County, West Virginia.

4. The Respondent resides: **(CHECK ONE)**

in _____ County, West Virginia.

at an address unknown to the Petitioner.

out of state, where the last known address was _____
_____.

5. The Petitioner and Respondent were duly and legally married in _____
County, _____ (State), on the ___ day of _____, 19___/20___.

6. The Petitioner and Respondent last lived together as husband and wife in _____
County, _____ (State), at this address: _____
_____ on or about _____, 19___/20___,
when they separated and such separation has been continuous and uninterrupted since that
date.

7. The parties are the parents of: **(Check All That Apply)**

No children born during this marriage, and none are expected.

_____ child(ren), whose name(s) and date(s) of birth are:

NAME	DATE OF BIRTH	SOCIAL SECURITY #
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

A child is currently expected, with an anticipated date of delivery being
_____.

8. The child(ren) listed above currently live with:

Mother

Father

Other - Give name and address : _____

9. During the past five years, if one or more of the children have lived at an address other than their present address, that previous address information is listed here:

Child's Name	Previous Address	Date Child Lived at Address
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

(Attach additional paper with this information if there is not room here.)

_____ Additional addresses attached.

10. Petitioner has not participated as a party or witness in any other proceeding concerning custody knowledge of any pending custody proceeding in this or any other state concerning the custody of the minor children listed above, nor is Petitioner aware of any other person, other than the parties, who has physical custody of the minor children or who claims custody or visitation rights concerning any minor child(ren) named above.
11. This court has jurisdiction over the claim for custody of the minor children for on eor more of the following reasons **(Check All That Apply):**
- The children resided in West Virginia for the six months immediately preceding the filing of this case or from birth if less than six months old.
 - It is in the best interests of the children that this court assume jurisdiction in that the children and one or both parents have a significant connection with West Virginia, and there is present in West Virginia substantial evidence concerning the children's present or future care, protection, training and personal relationships.
 - The children are physically present in West Virginia and the children have been abandoned.
 - The children are physically present in West Virginia and it is necessary, on an emergency basis, to protect the children because the children have been

subjected to or threatened with mistreatment or abuse or are otherwise neglected or dependent.

It appears that no other state has jurisdiction or that another state has declined to exercise jurisdiction on the ground that West Virginia is the more appropriate forum to determine custody, and it is in the best interests of the children that this Court assume jurisdiction.

12. The county in which this case has been filed is the proper venue for the case for one or more of the following reasons: **(Check All That Apply)**

The county in which this case has been filed is the county in which the parties last cohabited.

The county in which this case has been filed is the county in which the Respondent currently resides.

The county in which this case has been filed is the county in which the Petitioner resides and the Respondent is a nonresident of West Virginia.

13. Neither party is under the age of eighteen years.

14. Over the course of the marriage the parties accumulated marital property and/or debts which will need to be distributed by the Court.

15. With respect to decision-making authority and custodial responsibility for the parties' minor children, Petitioner states as follows: **(Check All That Apply)**

Prior to the parties' separation, both parties performed a reasonable share of the caretaking and parenting functions related to the parties' children. It is appropriate that significant decision-making authority regarding the children's care and upbringing be shared by the parties. It is appropriate that physical custody of the children be allocated between the parties in proportion to the time each parent spent performing caretaking duties prior to the parties' separation.

Prior the parties' separation, Petitioner performed most if not all of the caretaking and parenting functions related to the parties' children. It is in the children's best interest that significant decision-making authority regarding the children's care and upbringing be allocated between the parties in proportion to the time each parent spent performing caretaking duties prior to the parties' separation.

Respondent has engaged in one or more of the following acts:

(1) Respondent has abused, neglected or abandoned a child; (2) Respondent has sexually assaulted or abused a child; (3) Respondent has committed domestic violence; (4) Respondent has interfered persistently with Petitioner's access to the parties' children; or (5) Respondent has repeatedly made fraudulent reports of domestic violence or child abuse. It is in the children's best interest that significant decision-making authority regarding the children's care and upbringing be allocated to Petitioner alone. Pursuant to W.Va. Code §48-11-209, it is appropriate that the court impose limits on Respondent's exercise of physical custodial responsibility and no custodial responsibility should be allocated to Respondent unless the Court makes special written findings that the same will no endanger the children or the other parent.

16. Petitioner is in need of support for the Petitioner and the minor children.
17. Petitioner wishes to be restored to Petitioner's maiden/previous name of _____.
18. Irreconcilable differences hav arisen between the parties.
19. The parties in this action have lived separate and apart without any cohabitation and without interruption for one year prior to the institution of this action.
20. The Respondent has been guilty of cruel and inhuman treatment toward the Petitioner which has destroyed or tended to destroy the mental or physical well-being of Petitioner, and which renders continued cohabitation with Respondent unsafe and unendurable.

(Note: if 19 or 20 are marked you must bring a witness to testify at the hearing.)

WHEREFORE, the Petitioner asks that the Court grant the parties a divorce and such other and further relief as the Court may see fit to grant, including those matters specifically stated below:

1. That the Court approve and grant the proposed parenting plan filed by the Petitioner for allocation of decision-making and custodial responsibility of the minor children named;
2. That the Court order _____ to pay a reasonable sum, fixed by the Court, for the support of the children of

the parties;

3. That the Court order _____ to maintain medical insurance on the children if reasonably available, and to assist with reasonable medical, dental and optical expenses not otherwise covered by insurance or other medical card;
4. That _____ be awarded alimony;
5. That the Court make a fair and equitable distribution of the property of the parties;
6. That _____ be awarded the exclusive use and possession of the marital home of the parties, located at _____;
7. That _____ be awarded the exclusive use and possession of the _____ automobile;
8. That _____ be awarded possession of the furniture, furnishings and appliances acquired during the marriage.
9. That the Petitioner be granted exclusive use, possession and ownership of the following marital property:

PROPERTY

VALUE

PROPERTY	VALUE
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

10. That the Respondent be granted exclusive use, possession and ownership of the following marital property:

PROPERTY

VALUE

PROPERTY	VALUE
_____	_____
_____	_____
_____	_____

11. That the Petitioner be held responsible for the following debts:

<u>DEBTS</u>	<u>AMOUNT</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

12. That the Respondent be held responsible for the following debts:

<u>DEBTS</u>	<u>AMOUNT</u>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

13. That the Court temporarily enjoin the Respondent from conveying or otherwise disposing of any marital property prior to distribution by the Court.

14. That Petitioner be granted the right to resume the prior name of _____;

15. That the Respondent be enjoined and restrained from annoying, threatening and interfering with the personal liberty and safety of the Petitioner;

16. That Petitioner have such other relief as specifically mentioned herein: _____

Petitioner, Self Represented

STATE OF WEST VIRGINIA

COUNTY OF _____, TO-WIT:

VERIFICATION

_____, the Petitioner in the foregoing Petition for Divorce, after being duly sworn, says that the facts and allegations contained in the Petition are true, except insofar as they are therein stated to be upon information and belief, and that insofar as they are therein stated, they are believed to be true.

Petitioner

Taken, sworn to and subscribed before me this ____ day of _____, 20_____.

My commission expires _____.

Notary Public

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