

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE THE MARRIAGE OF:

Civil Action No. _____

_____, Petitioner and _____, Respondent.

WAIVER OF APPOINTMENT OF GUARDIAN AD LITEM

I, _____, the Respondent in this action, am incarcerated at _____ in _____. I give up my right to have this Court appoint a Guardian Ad Litem to assist me in this action. I give up the right knowingly and voluntarily with the understanding that I have a right to a Guardian Ad Litem under the Laws of the State of West Virginia.

Respondent

STATE OF _____,

COUNTY OF _____, to-wit:

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

My commission expires _____.

NOTARY PUBLIC

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE THE MARRIAGE OF: Civil Action No. _____

_____, Petitioner and _____, Respondent.

MOTION FOR APPOINTMENT OF GUARDIAN AD LITEM

Now comes the petitioner herein, pro se, and respectfully represents to the Court as follows:

1. That the respondent in this action is presently incarcerated in _____.

2. That West Virginia Rule of Civil Procedure 17(c) requires that the Court appoint a discreet and competent attorney at law as guardian ad litem for a convict not otherwise represented in an action.

3. That to the best of the petitioner's knowledge, information and belief, the respondent herein is not represented by an attorney at law in this action.

WHEREFORE, petitioner moves that the Court appoint a discreet and competent attorney at law as guardian ad litem for the respondent.

Petitioner, Pro Se

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE THE MARRIAGE OF:

Civil Action No. _____

_____, Petitioner and _____, Respondent.

ORDER APPOINTING GUARDIAN AD LITEM

This day came the petitioner, pro se, and informed the Court that the respondent in the above-entitled action is incarcerated and is not currently represented by counsel in this action, and moved this Court, pursuant to Rule 17(c) of the West Virginia Rules of Civil Procedure to appoint a discreet and competent attorney at law as guardian ad litem for said respondent.

WHEREUPON, the Court, having inspected the Motion and upon consideration thereof, does hereby appoint _____, a discreet and competent attorney at law as guardian ad litem for the respondent in the above-entitled action.

ENTERED this _____ day of _____, 20____.

JUDGE

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE THE MARRIAGE OF:

Civil Action No. _____

_____, Petitioner and _____, Respondent.

MOTION TO PROCEED WITHOUT GUARDIAN AD LITEM

Comes now the Petitioner herein, pro se, and moves this Court to Order that the above-styled action for divorce may proceed without appointment of a Guardian Ad Litem, even though Respondent is incarcerated at _____. Plaintiff states that there are no material issues to be decided by the Court. Plaintiff states that Quesenberry v. Quesenberry, 443 S.E.2d 222 (1994) permits her to proceed without appointment of a Guardian Ad Litem. A Guardian Ad Litem is not essential for the protection of the Respondent's rights and an adverse judgement would not affect any present or future property rights.

PETITIONER
PRO SE

CERTIFICATE OF SERVICE

Service of the foregoing was had upon the parties to this proceeding by depositing a true and exact copy thereof in the regular course of United States Mail, postage prepaid, to the following last-known address:

on this the _____ day of _____, 20____.

IN THE CIRCUIT COURT OF _____ COUNTY, WEST VIRGINIA

IN RE THE MARRIAGE OF:

Civil Action No. _____

_____, Petitioner and _____, Respondent.

ORDER TO PROCEED WITHOUT GUARDIAN AD LITEM

This day, the Petitioner, _____,
appeared Pro Se, with a Motion to Proceed Without A Guardian Ad
Litem. Petitioner states that Respondent is incarcerated at _____
_____.

The Court, after having reviewed the Motion, finds that a
Guardian Ad Litem is not essential for the protection of the
Respondent's rights and an adverse judgment would not affect any
present or future property rights of the Respondent.

The Circuit Court is hereby directed to send a certified
copy of this Order to both parties.

It is therefore ORDERED, ADJUDGED and DECREED that the
divorce in the above-styled action shall proceed without the
appointment of a Guardian Ad Litem.

Entered this _____ day of _____, 20____.

JUDGE