



on or about the \_\_\_\_ day of \_\_\_\_\_, 199 \_\_\_\_.

VI.

There has/have been \_\_\_\_\_ child/ren born issue of the parties' marriage, namely:

NAME	AGE	BIRTHDATE
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who is/are in the physical care, custody and control of the plaintiff  defendant .

VII.

Plaintiff  defendant  has been the primary caretaker of the minor child and is a fit and proper person to have the continued care, custody and control of the minor child/ren.

VIII.

A.) The minor child/ren of the parties currently live with the plaintiff  defendant  at \_\_\_\_\_ (*address*), \_\_\_\_\_ County, West Virginia;

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

DATE	ADDRESS	WITH WHOM/RELATIONSHIP
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C.) Plaintiff 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.

D.) Plaintiff has no information of any custody proceeding concerning the child/ren 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 child/ren or claims to have custody or visitation rights with respect to the

child/ren.

F.) Plaintiff 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 he/she may obtain information during this proceeding.

IX.

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.

X.

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

XI.

Plaintiff supplies the following information for the purpose of granting separate maintenance under §48-2-28 of the West Virginia Code, as amended:

\_\_\_\_\_ Defendant has willfully, without good and sufficient cause, failed to provide suitable support for the plaintiff.

\_\_\_\_\_ Defendant has willfully abandoned or deserted said plaintiff.

\_\_\_\_\_ Defendant has been guilty of cruel or inhuman treatment towards plaintiff, which conduct or treatment has destroyed or tended to destroy the mental or physical well-being, happiness and welfare of the plaintiff and rendered continued cohabitation unsafe or unendurable.

\_\_\_\_\_ Plaintiff and defendant have lived separate and apart in separate places of abode without cohabitation since \_\_\_\_\_, and the plaintiff reasonably believes that the parties will continue to live separate and apart, without cohabitation for more than one year.

\_\_\_\_\_ Defendant has committed adultery within three years immediately preceding the institution of this action, plaintiff has not cohabited with the defendant since obtaining knowledge

of the adultery; adultery was not committed by the procurement or connivance of the plaintiff.

\_\_\_\_\_ Defendant, subsequent to the marriage, has been convicted for the commission of a crime which is a felony, and such conviction has been final.

\_\_\_\_\_ Defendant, subsequent to the marriage, has been guilty of habitual drunkenness.

\_\_\_\_\_ Defendant has been guilty of abuse or neglect of a child of the parties.

XII.

Defendant has a duty to maintain and support the plaintiff and the defendant has not been relieved of the duty of support by any inequitable conduct of the plaintiff or for any other reason.

XIII.

The Court has jurisdiction to make a determination for separate maintenance and support, and to require the defendant to perform his duty of support to the plaintiff.

**PRAYER**

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

- \_\_\_\_\_ 1.) That plaintiff be awarded alimony for the plaintiff's support and maintenance;
- \_\_\_\_\_ 2.) That plaintiff  defendant  be awarded the complete care, custody and control of the minor child/ren of the parties;
- \_\_\_\_\_ 3.) That plaintiff  defendant  be awarded support and maintenance for the minor child/ren of the parties;
- \_\_\_\_\_ 4.) That plaintiff  defendant  be awarded reasonable  only limited  visitation with the minor child/ren;
- \_\_\_\_\_ 5.) That plaintiff  defendant  be required to pay all hospital, medical, dental, optical, pharmaceutical, psychological and psychiatric expenses on the minor child of the parties;
- \_\_\_\_\_ 6.) That plaintiff  defendant  be required to pay all reasonable and necessary hospital, medical, dental, optical and pharmaceutical expenses on the plaintiff;

- \_\_\_\_\_ 7.) That plaintiff  defendant  be awarded the exclusive use, title and possession of the last marital home;
- \_\_\_\_\_ 8.) That plaintiff  defendant  be awarded the exclusive use, title and possession of the household furniture and furnishings and personal property;
- \_\_\_\_\_ 9.) That plaintiff be awarded an order enjoining the defendant from molesting or interfering with plaintiff, or otherwise imposing any restraint on the personal liberty of the plaintiff or interfering with the custodial/visitation rights of the plaintiff;
- \_\_\_\_\_ 10.) That plaintiff have the exclusive use, title and possession of the \_\_\_\_\_ vehicle, currently titled in the plaintiff's  defendant's  name;
- \_\_\_\_\_ 11.) That the defendant pay to the plaintiff such sum or sums of money as the Court may deem proper and necessary to enable the plaintiff to prosecute this action, including court costs and Family Law Master's fees; and
- x   12.) That the plaintiff be granted such other and further relief as the Court may deem just and proper.

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Plaintiff, Pro Se

\_\_\_\_\_  
*(Print name)*

\_\_\_\_\_  
*(Address)*

\_\_\_\_\_

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

\_\_\_\_\_, the plaintiff named in the foregoing Complaint for  
Custody, Separate Maintenance and Other Relief 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, she believes them to be true.

\_\_\_\_\_

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

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

\_\_\_\_\_  
Notary Public