

**CIVIL CASE INFORMATION STATEMENT
DOMESTIC VIOLENCE CASES**

IN THE MAGISTRATE/FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

THE DOMESTIC VIOLENCE CIVIL PROCEEDING OF:

Petitioner: (First/Middle/Last)

Magistrate Court Case No.: _____

By: (Parent/Guardian/Next Friend)

Family Court Civil Action No.: _____

v.

Family Court Judge: _____

Respondent: (First/Middle/Last)

*** Notice ***
If box below is checked, this page is sealed in the file and NOT TRANSMITTED with Petition and/or Order.

PETITIONER (Person in need of Protection)			
_____ Petitioner's Name (First/Middle/Last)			
_____ Petitioner's Street Address (Please do not list PO Box #)			
_____ Petitioner's City / State / Zip			
_____ Petitioner's Phone Number (Please include area code)			
○ Hispanic or Latino ○ Non-Hispanic or Non-Latino			
SEX	RACE	DOB	SOCIAL SECURITY #
_____	_____	_____	_____

Please keep my address and the addresses of other protected persons confidential because I fear for my/their safety.

Criminal charges filed against Respondent.
 Firearm(s) involved.
 Firearm(s) present on Respondent's property or in Respondent's possession.

RACE: A=Asian or Pacific Islander; B=Black; I=American Indian or Alaskan Native; U=Unknown; W=White

If you are filing on behalf of the Petitioner, what is your relationship with the Petitioner?

Is the Petitioner over 18 years of age?

Yes No

Proceeding without an attorney

What is the relationship between Respondent and Petitioner?

or

I have an attorney (fill in below)

Is there an active Child Protective Services (CPS) investigation of the children?

Yes No

Attorney Name: _____

Do you or any of your clients or witnesses in this case require special accommodations due to disability?

Yes No

Firm: _____

If Yes, Please Specify:

Address: _____

Wheelchair accessible hearing room and other facilities

Telephone: _____

Interpreter or other aid for the hearing impaired

Reader or other aid for the visually impaired

Dated: _____

Spokesperson or other aid for the speech impaired

Other (specify): _____

Signature

**CIVIL CASE INFORMATION STATEMENT
DOMESTIC VIOLENCE CASES**

IN THE MAGISTRATE/FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

THE DOMESTIC VIOLENCE CIVIL PROCEEDING OF: Magistrate Court Case No.: _____
Family Court Civil Action No.: _____
Family Court Judge: _____

By Parent/Guardian/Next Friend
v.

****This page is to be transmitted with the Petition
and/or Order.***

- Criminal charges filed against Respondent.
 Firearm(s) involved. Firearm(s) present on Respondent's property or in Respondent's possession.

RESPONDENT (Person you are filing Petition against)

RESPONDENT IDENTIFIERS

Respondent's Name (First/Middle/Last)

Hispanic or Latino Non-Hispanic or Non-Latino
SEX RACE DOB HT WT

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Respondent's Street Address (Please do not list PO Box #)

EYES	HAIR	SOCIAL SECURITY #	AGE

Respondent's City / State / Zip

DRIVERS LICENSE #	STATE	YEAR OF EXP.

Respondent's Phone Number (Please include area code)

DISTINGUISHING FEATURES

**IN CASES INVOLVING DOMESTIC VIOLENCE,
Respondent's information must be listed here:**
(Failure to list certain information may prevent your
Protective Order from being listed in the National
Domestic Violence Registry)

RACE: A=Asian or Pacific Islander, B=Black; I=American Indian or Alaskan Native; U=Unknown; W=White

Address Directions:

Work Address: _____

Work Address Directions:

School Address: _____

School Address Directions:

Family Address _____

Family Address Directions:

Other Address: _____

Other Address Directions:

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

Petitioner (First/Middle/Last)

(Same as Divorce, Separate Maintenance, Annulment Case #)

By: (Parent/Guardian/Next Friend)

v.

Respondent (First/Middle/Last)

<p>Law-Enforcement Completed Service Verification on Page 9</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
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**DOMESTIC VIOLENCE
PETITION FOR TEMPORARY EMERGENCY PROTECTIVE (TEPO) ORDER**

I hereby Petition this Court to issue a Temporary Emergency Protective Order to protect me and/or my minor children from domestic violence or abuse by the Respondent pursuant to W. Va. Code §§ 48-27-402.

The following facts are set forth in support of this Petition:

1. The Respondent and I are Parties to an action for divorce, separate maintenance or annulment in which a Temporary Order was entered by the Family Court of _____ County on the _____ day of _____, 20____ in _____ Civil Action # _____.
2. THE ACTS OF VIOLENCE OR ABUSE WHICH I OUTLINE IN THIS PETITION OCCURRED **AFTER** THE **TEMPORARY ORDER** WAS ENTERED IN THE ACTION FOR DIVORCE, SEPARATE MAINTENANCE OR ANNULMENT.
3. I am currently living temporarily or permanently in _____ County, State of _____.
4. The Respondent is currently living temporarily or permanently in _____ County, State of _____.

**FACTS ABOUT THE DOMESTIC VIOLENCE OR ABUSE
(Check each item that applies and insert information as requested.)**

5. I have been abused or threatened with abuse by Respondent.

6. A Temporary Order of Protection is sought for the following children who have been abused or threatened with abuse by the Respondent.

DO NOT list children's address(es) if you fear for their safety.

CHILD'S NAME	DATE OF BIRTH	ADDRESS (If different than Petitioner's)	RELATIONSHIP TO PETITIONER	RELATIONSHIP TO RESPONDENT

PLEASE LIST ADDITIONAL CHILDREN ON A SEPARATE PAGE

During the last five years, if any of the children have lived at addresses other than their current address, use the space below to list where they lived, and for how long. *If there is not enough room in the space below, use an additional sheet of paper.* I have attached _____ additional sheet(s).

CHILD'S NAME	FORMER ADDRESS	DATE OF RESIDENCE

ANSWER THE FOLLOWING QUESTIONS:

Yes No Are you the biological parent of the child(ren) listed above?

If no, please explain: _____

Yes No Have you been a party, or a witness, or are you aware of any proceeding, in any State, concerning the custody of the child(ren) listed above?

If yes, please provide information about the other proceeding. (dates, parties, Court Order, if any) _____

Yes No Are you aware of any person(s) other than you or the Respondent in this case, who has custody or claims custodial rights to the child(ren) listed above?

If yes, please describe: _____

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

Yes No

Is there currently a separate Domestic Violence Protective Order in effect? If yes, in what County and State? _____

Yes No

Are you aware of an active Child Protective Services' investigation (CPS) of the child(ren) listed in this Petition?

If yes, please describe: _____

Yes No

Are you aware of criminal charges related to the domestic violence described in this Petition?

If yes, please describe: _____

7. The abuse or threats of abuse occurred on or about (*date or dates*):

at _____, State of _____
(City/County)

8. Check all that Apply:

- The Respondent attempted to cause or intentionally, knowingly or recklessly caused physical harm to the Petitioner or other person(s) named herein with or without dangerous or deadly weapons.
- The Petitioner or other person(s) named herein are in fear of physical harm by Respondent.
- The Respondent created fear of physical harm by harassment, stalking, psychological abuse, or threatening acts.
- The Respondent sexually assaulted or sexually abused the Petitioner or other person(s) named herein.
- The Respondent held, confined, detained, or abducted the Petitioner or other person(s) named herein against the will of Petitioner or others named herein.

Describe in detail the abuse or threats of abuse that led you to file this PETITION. (*Check this box if extra sheets are attached.*)

If requesting a Protective Order for longer than 180 days, you are required to provide the following information below:

9. I am requesting a Protective Order for 1-year, pursuant to W.Va. Code § 48-27-505(b) due to the fact that:
- The Respondent has materially violated a previously entered Protective Order.
 - The Respondent has had two or more Protective Orders entered against Respondent within previous five years.
 - The Respondent has one or more convictions for domestic battery or assault, or a felony crime of violence where the victim was a family or household member.
 - The Respondent has committed a violation of W.Va. Code § 61-2-9(a) (stalking and/or harassing) against a person protected by an existing Protective Order.
 - The totality of the circumstances require an Order of 1-year to protect the physical safety of the Petitioner or those persons for whom a Petition may be filed.

If requesting a Protective Order for longer than 1-year, you are required to provide the following information below:

10. I am requesting a Protective Order for longer than 1-year, pursuant to W.Va. Code § 48-27-505(c) due to the fact that:
- The Respondent has materially violated an existing Protective Order.
 - The Respondent has materially violated a provision of a Protective Order in a Final Order of Divorce.

Yes No Respondents currently owns or possesses firearms?

If you answered "Yes" to the previous question, please provide additional firearm information below:

LIST OF FIREARMS

If there is not enough room in the space below, use an additional sheet of paper.

I have attached _____ additional sheet(s).

Type of Firearm (handgun/rifle)	Location of Firearm (bedroom/vehicle)

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

MANDATORY RELIEF: I understand that if I am granted an Emergency Protective Order, the Magistrate will issue the following mandatory relief:

- ❖ Direct Respondent to refrain from abusing, harassing, stalking, threatening, intimidating, or engaging in other conduct that places me and/or the other person(s) named in this PETITION in reasonable fear of bodily injury;
- ❖ Inform the Respondent that he/she is prohibited from possessing any firearm or ammunition, notwithstanding the fact that the Respondent may have a valid license to possess a firearm, and that possession of a firearm or ammunition while subject to the Court's Domestic Violence Protective Order may be a criminal offense under State and Federal Law; and
- ❖ Inform the Respondent that the Domestic Violence Protective Order is in effect in every County in this State.

REQUESTED RELIEF: I request that the Magistrate Court issue a Temporary Emergency Protective Order, and request that the Family Court issue a (check one): 90-day OR 180-day OR 1-year OR longer than 1-year Domestic Violence Protective Order after a full hearing is held on my Petition.

PERMISSIVE RELIEF: I request that the Court Order contain the following discretionary relief:

(Check All That You Are Requesting)

- 1. Order Respondent to refrain from abusing me and/or the child(ren) named in this Petition.
- 2. Order Respondent not to enter any school, business, or place of employment, where I or a family or household member may be, for the purpose of violating the Temporary Emergency Protective Order.
- 3. Order Respondent to refrain from contacting, telephoning, communicating with, harassing, or verbally abusing the Petitioner.

I also request the following, because the facts show that minor child(ren) are being abused by the Respondent:

- 4. Grant me temporary custody of the following minor child(ren): _____

(Check If Requested) If such arrangements are ordered, I request that a law-enforcement officer accompany me when I go to get the child(ren).

- 5. Make the following changes in visitation: _____

(Check If Requested) I give my consent for any law-enforcement officer to enter my separate residence or household that respondent and I shared or jointly owned at the time the acts of domestic violence occurred for the purposes of enforcing a Protective Order.

Address: _____

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

DESCRIBE WHETHER NOTICE GIVEN TO RESPONDENT (*Check and Complete one*):

I attempted to notify Respondent of this PETITION as follows: _____

I did not attempt to notify Respondent of this PETITION, because I fear for my safety and/or: _____

VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF _____, TO WIT:

I, _____, on oath or affirmation, say that I am the Petitioner named in this DOMESTIC VIOLENCE PETITION and that the facts contained herein are true, except that where they are stated to be on information and belief, I believe them to be true.

Petitioner's Signature

Taken, subscribed, and sworn or affirmed before me this _____ day of _____, 2_____.

Notary Public/Magistrate/Assistant/Magistrate Clerk

My commission expires on _____.

NOTICE TO PETITIONER:

YOU HAVE THE ABSOLUTE RIGHT TO FILE PETITION AND TO RECEIVE AN ORDER GRANTING OR DENYING YOUR PETITION. THE PETITIONER IS STRONGLY RECOMMENDED TO REMAIN AT THE MAGISTRATE OFFICE TO RECEIVE THE ORDER GRANTING OR DENYING THE DOMESTIC VIOLENCE PETITION.

IF YOU CANNOT AFFORD THE COSTS OF THESE PROCEEDINGS, YOU MAY FILE A FEE WAIVER AFFIDAVIT.

IF YOUR PETITION IS DENIED, YOU HAVE THE RIGHT TO FILE AN APPEAL AT THE CIRCUIT CLERK'S OFFICE, USING THE APPEAL FORM MDVDNYE "APPEAL - DENIAL OF PETITION FOR EMERGENCY PROTECTIVE ORDER" (PREVIOUSLY SCA-DV-FC-M1210). THIS MUST BE FILED WITHIN 5 DAYS OF THE DATE YOUR PETITION WAS DENIED.

MDVTPET-MDVINFO COMBO [MDVTPET] (*previously SCA-DV-M1230*):

Domestic Violence Petition for Temporary Emergency Protective (TEPO) Order

Review Date: 07/01/2011; Revision Date: 07/01/2011; WVSCA Approved: 07/14/2011; Docket Code(s): **MDITP** Page 8 of 9

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

SERVICE BY LAW-ENFORCEMENT

Served on Respondent by _____ in _____ County, W.Va., on
_____, at _____.
(Date) (Time)

(Law-Enforcement Signature)

(Return of Service to Circuit Clerk within 5-days)

SERVICE BY CIRCUIT CLERK (by mail)

If Respondent not present at hearing and not served by law enforcement:

Served on Respondent on _____ by certified mail, restricted delivery, return receipt requested to Respondent's
(Date)
last known address: _____
(Address)

Circuit Clerk

SERVICE BY PUBLICATION (if Service by mail unsuccessful)

This Order was publicized on the _____ day of _____, _____ in the
_____ newspaper circulated in the county of
_____ of the last known address of Respondent.

(Circuit Clerk's Signature)

For Court Use Only:

Law-enforcement agencies to which a copy of this Order was transmitted (*place an asterisk next to the agency responsible for completing service, if known*):

MDVTPET-MDVINFO COMBO [MDVTPET] (previously SCA-DV-M1230):

Domestic Violence Petition for Temporary Emergency Protective (TEPO) Order

Review Date: 07/01/2011; Revision Date: 07/01/2011; WVSCA Approved: 07/14/2011; Docket Code(s): **MDITP** Page 9 of 9