

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

Civil Action No. _____

Respondent

_____,
Petitioner

Address

Daytime phone

and

*

Address

Daytime phone

Respondent

Address

Daytime phone

PETITION FOR SUPPORT

and / or

ALLOCATION OF CUSTODIAL RESPONSIBILITY

1.

a. The Petitioner is: _____.
(Print your name.)

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

c. List the full names, dates of birth, and social security numbers for the children for whom support and / or custodial responsibility is being requested. In the rest of the Petition, “the children” will always mean the children whose names you have listed here.

<u>Name</u> <u>Number</u>	<u>Date of Birth</u>	<u>Social Security</u>

d. What is the Petitioner's relationship to the children? _____.

e. What is the Petitioner's relationship to the Respondent(s) listed above?

f. What is the Children's relationship to the Respondent(s) listed above?

g. The first Respondent listed above currently resides:
 ____ at an address unknown to the Petitioner.
 ____ in _____ County, West Virginia.
 ____ outside the state of West Virginia, where the last known address was _____
 _____.

h. The second Respondent listed above currently resides:
 ____ at an address unknown to the Petitioner.
 ____ in _____ County, West Virginia.
 ____ outside the state of West Virginia, where the last known address was _____
 _____.

i. The parents of the children last cohabited together in _____ County,
 in the state of _____, on the date of _____.
 ____ Do not know.

j. Are the parents of the children currently expecting another child? ____ Do not know.
 ____ No ____ Yes If "yes," what is the due date? _____

k. The children currently reside with: ____ Mother, at this address: _____
 ____ Father, at this address: _____

_____. ☐ The Petitioner, at this
address: _____. ☐ Someone
else, whose name, _____ relationship to the children, and address are:

1. During the last five years, if any of the children have lived at addresses other than the address you just listed, list those other addresses below, and list the name and relationship to the children of all adults other than the parents who lived at these addresses with the children. *If there is not enough room in the following space, use an additional sheet of paper.* I have attached _____ additional sheet(s).

2. *Check all of the following items that apply.*

- a. Has the Petitioner been a party or witness in any other proceeding, in any state, concerning the allocation of custodial responsibility for the children? ☐ Yes ☐ No
- b. Is the Petitioner aware of any other proceeding, past or present, in any state, concerning allocation of custodial responsibility for the children? ☐ Yes ☐ No
- c. Is the Petitioner aware of any other person, other than the parties to this case, who has physical custody of, or claims any custodial right concerning the children?
☐ Yes ☐ No

3. *Check all of the following items that apply.*

- a. ☐ The children have resided in West Virginia for at least 6 months preceding the filing of this case, or from birth, if less than six months old.
- b. ☐ The Petitioner believes it is in the best interest of the children for a West Virginia court to assume jurisdiction of this case, because one or both of the parents have a significant

connection to West Virginia, and West Virginia is the location of a substantial number of witnesses and / or other sources of evidence relating to the children's current or future care and personal relationships.

- c. ☐ The children are now present in West Virginia, and have been abandoned here.
- d. ☐ The children are now present in West Virginia, and the Petitioner believes it is necessary for a West Virginia court to assume jurisdiction of this case on an emergency basis to protect the children, because the children have been subjected to or threatened with mistreatment or abuse, or have otherwise been neglected, or are depending on persons other than their parents.
- e. ☐ The Petitioner believes no other state has jurisdiction over this case, and it would be in the children's best interest for a West Virginia court to assume jurisdiction.
- f. ☐ Another state has declined to assume jurisdiction over this case on the ground West Virginia is the more appropriate place to decide matters relating to the allocation of custodial responsibility, and for this reason, the Petitioner believes it would be in the children's best interest for a West Virginia court to assume jurisdiction.

4. Check all of the following items that apply.

- a. ☐ The county in which this case has been filed is the county in which the children currently reside.
- b. ☐ The county in which this case has been filed is the county in which: ☐ the first Respondent currently resides; ☐ the second Respondent currently resides.
- c. ☐ The county in which this case has been filed is the county in which the Petitioner currently resides, and: ☐ the first Respondent is currently a nonresident of West Virginia; ☐ the second Respondent is currently a nonresident of West Virginia.

5. Check all of the following items that apply.

- a. ☐ The Petitioner is 18 or older. ☐ The first Respondent is 18 or older. ☐ The second Respondent is 18 or older.
- b. ☐ The Petitioner has not been declared legally incompetent. ☐ The first Respondent has not been declared legally incompetent. ☐ The second Respondent has not been declared legally incompetent.
- c. ☐ The Petitioner is not incarcerated. ☐ The first Respondent is not incarcerated. ☐ The second Respondent is not incarcerated.
- d. ☐ The Petitioner is in need of support for the care and upbringing of the children.

6.

Answer item a. ONLY if you are a parent of the children .

- a. ☐ Prior to the parents' separation, both parents performed a reasonable share of the caretaking and parenting functions for the children. For this reason, the Petitioner believes it is appropriate for the parents to continue to share the authority for making significant decisions relating to the children's care and upbringing. The Petitioner also believes custodial responsibility for the children should be allocated in proportion to the time each parent spent in caretaking and parenting functions before the separation.

Answer item b. ONLY if you are NOT a parent of the children .

- b. ☐ The Petitioner performs the caretaking and parenting functions for the children. For this reason, the Petitioner believes it is appropriate for the Petitioner to have the authority for making significant decisions relating to the children's care and upbringing. The Petitioner also believes custodial responsibility for the children should be allocated to the Petitioner alone.

Answer item c. ONLY if you are a parent of the children .

- c. The other parent has: ☐ abused, neglected, or abandoned one or more of the children; ☐ sexually assaulted or abused one or more of the children; ☐ engaged in acts of domestic violence; ☐ repeatedly interfered with Petitioner's access to, or contact with one or more of the children; ☐ repeatedly made false reports or accusations of domestic violence or child abuse; ☐ . For these reasons, the Petitioner believes: ☐ It is in the children's best interest that the authority for making significant decisions relating to the children's care and upbringing be allocated to the Petitioner alone. ☐ The court should impose limits on the other parent's custody of, and contact with the children. ☐ The other parent should not be allocated any custodial responsibility, or permitted any contact with the children unless the court specifically finds such custodial responsibility or contact will not endanger the children, or the Petitioner.

Answer item d. ONLY if you are NOT a parent of the children .

- d. The Mother has: ☐ abused, neglected, or abandoned one or more of the children; ☐ sexually assaulted or abused one or more of the children; ☐ engaged in acts of domestic violence; ☐ failed to support one or more of the children For these reasons, the Petitioner believes: ☐ It is in the children's best interest that the authority for making significant decisions relating to the children's care and upbringing be allocated to the Petitioner alone. ☐ The court should impose limits on the Mother's custody of, and contact with the children. ☐ The Mother should not be allocated any custodial responsibility or permitted any contact with the children unless the court specifically finds

such custodial responsibility or contact will not endanger the children, or the Petitioner.

Answer item e. ONLY if you, the Petitioner, are NOT a parent of the children .

- e. The Father has: ____ abused, neglected, or abandoned one or more of the children; ____ sexually assaulted or abused one or more of the children; ____ engaged in acts of domestic violence; ____ failed to support one or more of the children . For these reasons, the Petitioner believes: ____ It is in the children's best interest that the authority for making significant decisions relating to the children's care and upbringing be allocated to the Petitioner alone. ____ The court should impose limits on the Father's custody of, and contact with the children. ____ The Father should not be allocated any custodial responsibility, or permitted any contact with the children unless the court specifically finds such custodial responsibility or contact will not endanger the children, or the Petitioner.

7. THEREFORE, based on the facts set out in this petition, the Petitioner requests the Court to grant whatever relief the Court deems appropriate, and to grant the following particular relief:

- a. ____ Order _____ to pay a reasonable amount of money for the support of the children.
- b. ____ Prohibit _____ from threatening, harassing, annoying, or abusing the Petitioner or the children, or in any way interfering with the Petitioner's or children's personal safety.
- c. ____ Order _____ to maintain health insurance for the children, and to assist with the children's health care expenses that are not covered by insurance or by a government medical card.

Petitioner's Signature

Date

You must sign the Verification on the next page before a Notary Public.

VERIFICATION

I, _____, after making an oath or affirmation to tell the truth, say that the facts I have stated in this Petition are true of my personal knowledge; and if I have set forth matters upon information given to me by others, I believe that information to be true.

Signature

Date

This Verification was sworn to or affirmed before me on the ____ day of _____,
20____.

Notary Public / Other official

My commission expires:_____.