

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

Petitioner (First/Middle/Last)

Magistrate Court Case No.: _____

By: (Parent/Guardian/Next Friend)
v.

Family Court Civil Action No.: _____

Respondent (First/Middle/Last)

Address

**PETITION TO MODIFY
A PROTECTIVE ORDER**

I, _____, Petitioner Respondent in the above-referenced case, pursuant to W. Va. Code § 48-27-501, hereby request that this Court modify the Protective Order issued on the _____ day of _____, 20_____, as follows:

(List desired changes)

for the following reasons(s):

If you are requesting to Extend the Protective Order (Check below all that apply):

Request to Extend the Protective Order, pursuant to W.Va. Code § 48-27-505(b) for 1-year.

Request to Extend the Protective Order for a period longer than 1-year, pursuant to W.Va. Code § 48-27-505(c) to a period the Court considers necessary to protect the Petitioner or those persons for whom a Petition may be filed.

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If you are requesting to Extend the Protective Order for 1-year or longer (Check below all that apply):

The Respondent materially violated a previously entered Protective Order.

The Respondent has had two or more Protective Orders entered against the Respondent within the previous five years.

The Respondent has one or more prior 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.

The Respondent has materially violated an Existing Protective Order, pursuant to W.Va. Code § 48-27-505(c).

The Respondent has materially violated a provision of a Protective Order in a Final Order of divorce.

Instructions to Clerk: You must serve a copy of the "Petition to Modify a Protective Order" on the party by one of the methods below. The Petition and file shall be transmitted by the clerk to the Family Court immediately.

CERTIFICATE OF SERVICE

RESPONDENT: You must serve a copy of the "Petition to Modify a Protective Order" on the PETITIONER by one of the methods below.

CLERK: You must serve a copy of this "Petition to Modify a Protective Order" on the RESPONDENT by one of the methods below. The Petition and file shall be transmitted by the clerk to the Family Court immediately.

State of West Virginia

County of _____

I, _____, hereby certify that I have served a copy of the
(Clerk/Respondent)

Petition to Modify a Protective Order on the **(check one)** Respondent/ Petitioner by **(check one)** first class mail to the Respondent's/Petitioner's last known address **OR** delivery to Respondent's/Petitioner's attorney by facsimile, hand delivery, or first class mail at the address of

_____, on the ____ day of _____, 20 ____.

Date

Signature

File Transmission

Case file and this Petition sent to Family Court on _____ by _____.
(Date) (Clerk)

Date

Signature