

Circuit Court of Hampshire County

SONJA K. EMBREY, CLERK

Post Office Box 343
50 South High Street, Suite 157
Romney, West Virginia 26757



304-822-5022

304-822-8257-FAX

Email: sonja.embrey@courtsww.gov

Website: www.hampshirecircuitclerkwv.com

IMPORTANT NOTICE to ProSe Filers

- ▶ **READ ALL INSTRUCTIONS CAREFULLY**
- ▶ Circuit Clerk's Office cannot help filling out the forms or give legal advice
- ▶ CASH, MONEY ORDER or CREDIT CARD are accepted
 - Cash **MUST** be exact change
 - No Personal Checks
 - Credit Card service Fee when paying via credit card
- ▶ You must have a complete address for the Respondent
 - NO PO Boxes for services via Sheriff
- ▶ All forms must be completed before filing; including Notarization(s)
 - Please note that there isn't a Notary in Hampshire County Circuit Clerk's Office.
- ▶ The Hampshire County Circuit Clerk has transitioned to WV e-File as of January 2016. As a result of electronic filing it is not necessary to make additional copies of the paperwork you are filing. You will receive all of your original documents in return after filing.

Thank you,

Sonja K. Embrey
Circuit Clerk

Filing Fees

Divorce Cases	\$135	Modification	\$85
Child Support and/or Custody	\$200	Expedited Modification	\$35
Other Domestic Cases/Civil Cases	\$200	Contempt - service fees only	N/A

Service and Other Fees

Service via Certified Mail	\$20	Parenting Class Fee	\$25
Service via WV Sheriff	\$30		

§ 48-25-101. Petition to circuit court or family court for change of name; contents thereof; notice of application.

(a) A person desiring a change of his or her own name, or that of his or her child, may apply to the circuit court or family court of the county in which he or she resides by a verified petition setting forth and affirming the following:

(1) That he or she has been a bona fide resident of the county for at least one year prior to the filing of the petition or that he or she is a nonresident of the county who was born in the county, was married in the county and was previously a resident of the county for a period of at least fifteen years;

(2) The cause for which the change of name is sought;

(3) The new name desired;

(4) The name change is not for purposes of avoiding debt or creditors;

(5) The petitioner seeking the name change is not a registered sex offender pursuant to any state or federal law;

(6) The name change sought is not for purposes of avoiding any state or federal law regarding identity;

(7) The name change sought is not for any improper or illegal purpose;

(8) The petitioner is not a convicted felon in any jurisdiction;

(9) The name change sought is not for any purpose of evading detection, identification or arrest by any local, state or federal law-enforcement agency; and

(10) Whether or not the petitioner desires to protect his or her identity for personal safety reasons.

(b) After filing the petition and at least ten days before the hearing to consider the application, the person shall cause a notice of the time and place that the application will be made to be published as a Class I legal advertisement in compliance with the provisions of article three [§§ 59-3-1 et seq.], chapter fifty-nine of this code. The petitioner shall in the notice set forth the name to which his or her name will be changed, unless as shown in the petition to the court, the name change is being requested because the petitioner desires to protect his or her identity for personal safety reasons: Provided, That upon good cause shown, there may be a closed hearing. The publication area for the publication is the county. The publication shall contain a provision that the hearing may be rescheduled without further notice or publication.

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

IN RE:

The Marriage / Children Of:

Case No. _____

Judge: _____

_____, and _____
Petitioner (First/Middle/Last) Respondent (First/Middle/Last)

**PETITIONER'S CIVIL CASE INFORMATION STATEMENT
DOMESTIC RELATIONS CASES**

PETITIONER'S IDENTIFYING INFORMATION	IMPORTANT NOTICE
Street Address _____	☐ Check this box if you wish to keep the information in this box CONFIDENTIAL because you fear for your safety and/or the safety of your children. If the box above is checked, this page is sealed in the file and NOT TRANSMITTED with the Petition and Summons. You must complete the form, Affidavit To Withhold Identifying Information, and file it at the Circuit Clerk's Office.
City / State / Zip Code _____	
Phone Number _____ ☐ Male / ☐ Female	
Social Security Number _____ Date of Birth _____	
Race: ☐ American Indian/Alaskan Native ☐ Hispanic ☐ Asian or Pacific Islander ☐ Black ☐ Unknown ☐ White	

List all minor children affected by this action:

Name	Date of Birth	Social Security Number

☐ YES ☐ NO Do you or any of your clients or witnesses in this case require special accommodations due to a disability?

IF YES, SPECIFY:

- ☐ Wheelchair accessible hearing room and other facilities;
☐ Interpreter or other auxiliary aid for the hearing impaired;
☐ Reader or other auxiliary aid for the visually impaired;
☐ Spokesperson or other auxiliary aid for the speech impaired;
☐ Other: _____

Original and _____ copies of petition enclosed/attached.

PETITIONER: _____

Case No. _____

RESPONDENT: _____

Days To Answer: _____ Type of Service: _____

1. RESPONDENT'S IDENTIFYING INFORMATION	
Street Address _____	
City / State / Zip Code _____	
Phone Number _____	☐ Male / ☐ Female
Social Security Number _____	Date of Birth _____ / _____ / _____
Race: ☐ American Indian/Alaskan Native ☐ Hispanic	
☐ Asian or Pacific Islander ☐ Black	
☐ Unknown ☐ White	

2. TYPE OF CASE RELIEF
(Check All That Apply)

- ☐ Divorce Without Children
- ☐ Divorce With Children
- ☐ Grandparent Visitation
- ☐ Annulment
- ☐ Separate Maintenance
- ☐ Child Support Only
- ☐ Child Custody Without Divorce
- ☐ Paternity
- ☐ Modification
- ☐ Contempt
- ☐ Infant Guardianship
- ☐ Other (specify): _____

3. ☐ YES ☐ NO Is either party seeking child support or alimony?

4. ☐ YES ☐ NO Is a Domestic Violence Protective Order in effect now?

5. ☐ YES ☐ NO Is there an active Child Protective Services (CPS) investigation of the children or was an investigation conducted in the last year prior to filing this action?

6. ☐ I am proceeding without an attorney.

OR

☐ I have an attorney. (Complete attorney information below.)

Attorney Name: _____

Firm: _____

Address: _____

Telephone: _____

Dated: _____

Signature _____

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA

IN RE:

Case No. _____

PETITION OF _____
(Full Name of Adult Petitioner)

FOR A CHANGE OF NAME OF A MINOR FROM:

(First/Middle/Last Name of the Minor)

TO:

(First/Middle/Last Name of the Minor)

PETITION FOR NAME CHANGE OF A MINOR
[W.Va. Code § 48-25-101 *et seq.*]

1. The Minor's current name is: _____.

Petitioner, on behalf of the Minor, petitions this Court to change the Minor's name.

2. Petitioner is the parent of the Minor.
3. The other parent of the Minor:
- a. _____ Is married to the Petitioner and joins in this Petition.
 - b. _____ Consents to the Name Change (a verified Consent may be attached to this Petition).
 - c. _____ Has been notified of the filing of this Petition.
 - d. _____ Has NOT been notified of the filing of this Petition.
4. If the other parent of the Minor has NOT been notified of the filing of this

Petition, check a reason below:

- a. _____ The other parent is deceased (attach a copy of the death certificate).

- b. _____ The identity of the other parent is unknown.
- c. _____ The other parent's parental rights have been terminated by a Court Order.
- d. _____ The other parent has failed to exercise their parental rights and has discharged their parental responsibilities because: (if additional space is needed, please attach a separate paper setting forth the reason(s)) _____

Petitioner affirms the following, as required by West Virginia Code § 48-25-101(a)(1)-(10):

- 5. Petitioner is: (check one)
 - a. _____ A resident of _____ County, West Virginia, and has been a resident of that County for at least one year; OR
 - b. _____ A nonresident of _____ County, West Virginia, who was born in the County, was married in the County, and was previously a resident of the County for a period of at least 15 (fifteen) years.
- 6. The Minor is a resident of _____ County, West Virginia.
- 7. Petitioner's date of birth is _____ and Petitioner is over the age of 18 (eighteen) years.
- 8. The Minor's date of birth is _____ and the Minor's place of birth was _____. (Attach copy of birth certificate.)

9. The Petitioner's request for a name change of the Minor would significantly advance the Minor's best interest for the following reason(s): (if additional space is needed, please attach a separate paper setting forth the reason(s))

10. Petitioner requests that the Minor's name be changed to:

11. The proposed change of name will not be detrimental to the interests of any other person and is not against the public interest.

12. The name change is not for purposes of avoiding debt or creditors.

13. Petitioner is not a registered sexual offender pursuant to any state or federal laws.

14. The Petition is not filed for purposes of avoiding any state or federal law regarding identity.

15. The name change sought is not for any improper or illegal purposes.

16. Petitioner is not a convicted felon in any jurisdiction.

17. The name change sought is not for any purpose of evading detection, identification or arrest by any local, state or federal law-enforcement agency.

18. For personal safety reasons: (check one)

a. ☐ Petitioner desires to protect his/her and the Minor's identity; or

b. ☐ Petitioner does NOT desire to protect his/her and the Minor's identity.

19. Pursuant to West Virginia Code § 48-25-101(b):

After filing the petition and at least ten days before the hearing to consider the application, the person shall cause a notice of the time and place that the application will be made to be published as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The petitioner shall in the notice set forth the name to which his or her name will be changed, unless as shown in the petition to the court, the name change is being requested because the petitioner desires to protect his or her identity for personal safety reasons: *Provided*, That upon good cause shown, there may be a closed hearing. The publication area for the publication is the county. The publication shall contain a provision that the hearing may be rescheduled without further notice or publication.

THEREFORE, the Petitioner requests that the Court schedule a hearing on this *Petition* and grant the relief requested.

Petitioner

VERIFICATION

STATE OF _____,

COUNTY OF _____, to-wit:

I, _____, the Petitioner named in the foregoing *Petition*, after being first duly sworn, declare and say that the facts and allegations contained therein are true and correct, except so far as they are therein stated to be upon information and belief, and if so stated, I believe them to be true and correct.

Petitioner

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

My Commission expires: _____

Notary Public

IN THE FAMILY COURT OF _____ COUNTY, WEST VIRGINIA
IN RE: PETITION OF:

_____ Case No. _____
FOR A NAME CHANGE OF A MINOR

_____ TO: _____

PUBLIC NOTICE OF PETITION FOR NAME CHANGE OF A MINOR CHILD

Notice is hereby given that on the _____ day of _____, 20_____,
at the hour of _____, or as soon thereafter as this matter may be heard, before the Circuit
Court of _____ County located at _____,
the Petitioner, _____ will request an Order from the Court
for a name change of a minor child from _____ to: _____.

Any person who has objection to the name change for any reason may appear at the date, time
and place set forth above and shall be heard in opposition to such change. The hearing may be
rescheduled without further notice or publication. Any person who has objection may contact
the Circuit Clerk's office at (304) _____ to verify the date and time of the
hearing.

Dated this _____ day of _____, 20_____.

PETITIONER

WITNESS my hand and seal this _____ day of _____, 20_____.

CIRCUIT CLERK

By: _____
Deputy Clerk