

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@courtswv.gov

Website: www.hampshirecircuitclerkwv.com

Beverly D. Shanholtz, Chief Deputy

Jessica L. MacBeth, Deputy

Katie L. Simmons, Deputy

Rachael E. Hiatt, Deputy

IMPORTANT NOTICE to ProSe Filers

- **READ ALL INSTRUCTIONS CAREFULLY**
- **MUST** file a copy of Marriage Certificate/License when filing for Divorce
- Circuit Clerk’s Office cannot help fill 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	\$200	Contempt - service fees only	N/A

Service and Other Fees

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

**WEST VIRGINIA MODIFICATION OF CHILD SUPPORT,
SPOUSAL SUPPORT, AND TIME SPENT WITH THE CHILDREN
INSTRUCTIONS AND FORMS**

*** IMPORTANT INFORMATION ***

**YOUR RIGHTS MAY BE BETTER PROTECTED
WITH HELP OF AN ATTORNEY.**

You may file a Petition for Modification without the assistance of an attorney, and represent yourself in Family Court, **BUT your rights may be better protected with the help of an attorney.**

The staffs of the Circuit Clerk's Office and the Family Court are prohibited by law from providing legal advice.

Please notify the Circuit Clerk's Office in advance if you require any special arrangements to fully participate in court proceedings; for example, a language interpreter, hearing or visual aids, or accommodations for physical access.

INSTRUCTIONS

The Modification Packet contains the following forms: Instructions for Modifications (SCA-FC-200), Petition for Modification (SCA-FC-201), Bureau for Child Support Enforcement Application and Income Withholding (FDVCSAP), Civil Case Information Statement (SCA-FC-103), Financial Disclosure (SCA-FC-106), and Certificate of Service (SCA-FC-314). The Parenting Plan forms are not included, but can be obtained at the Circuit Clerk's Office or online at www.courtswv.gov. **Read these instructions carefully,** and please **write clearly** when you fill in the forms. If the instructions are not followed, or if the forms are not properly completed, your modification case may be harmed, or delayed. **It's best to read all of the instructions before you start filling out forms.**

These instructions will tell you about serving papers on the "other parties" in the case. Your spouse or ex-spouse, for example, will often be referred to as the "opposing party;" and the Bureau of Child Support Enforcement (BCSE) would in most instances be referred to as one of the "other parties."

You will need copies of your completed forms for various purposes. You can have copies made in the Circuit Clerk's Office, or elsewhere. The law requires the Circuit Clerk to charge one dollar per page. You may want to make a couple of spare copies of each **blank** form you'll be filling out. You can use these spare copies to practice on, or use if you make an error.

The forms in this packet require you to provide your name, address, and telephone number. **If you believe the safety, liberty, or health of you or your children would be put at risk by the disclosure of this information, you may file an affidavit to have the information withheld from all persons except court employees who require the information to carry out their duties.**

The affidavit you need to file is the Affidavit for Withholding Identifying Information (SCA-FC-140). This affidavit form is not included in this packet. You can obtain the affidavit form at the Circuit Clerk's Office. You can complete and file the affidavit in the Circuit Clerk's Office at any time, or you can ask the Family Court Judge to enter an order allowing you to withhold the information.

If your identifying information is withheld, the other parties' court papers will be served through the Circuit Clerk, and not directly on you.

STEP 1. FILL OUT THE FORMS

Fill out the Petition form first. Start at the very top of page 1. The information at the top of page one is called the “case style.” For example, if you have been the Respondent, you are still the Respondent. If you want, you can look at one of the Orders from your case, and copy the case style.

After filling in the information at the top of page 1, you are ready to fill out the Petition. Filling out the Petition is a matter of checking the right boxes, and filling in blanks. Make certain you read carefully, and fully understand what you’re doing when you check a box or fill in a blank. Complete the Petition down to, but not including the signature line. Don’t sign the Petition until you are before a Notary Public or Deputy Circuit Clerk.

In addition to your Petition, you will need to fill out a BCSE Application and Income Withholding form, a Financial Disclosure form (modification of child support and alimony cases only), a Parenting Plan (modification of parenting time cases only), a Certificate of Service, and a Civil Case Information Statement. Make two copies of the completed Case Information Statement; you will file the original and both copies with the Circuit Clerk. Make two copies of the BCSE form; you will file the original and a copy with the Circuit Clerk, and you will keep a copy for your records. In child support and alimony cases, **if** there has been a change in your financial situation, such as an increase or decrease in your income and/or the other party’s income, you will then need to file your financial disclosure and all supporting documentation. You will need three copies of your financial disclosure and supporting documentation. You will file the original, serve a copy on the other party, and you will keep a copy for your records. In cases involving a change in time spent with children or decision making responsibilities, you will need to have three copies of your proposed parenting plan. You will file the original, serve a copy on the other party, and keep a copy for your own records.

Next you will need to file your papers in the Circuit Clerk’s Office, and arrange to have the papers served on the other parties. How to do this is explained in Step 2.

Remember to always keep a copy of everything you file with the Circuit Clerk for your personal records.

STEP 2. AT THE CIRCUIT CLERK’S OFFICE

The first step at the Circuit Clerk’s Office is to pay the filing fee. The fee for filing a Petition for Modification is \$85. **THIS FEE IS NOT REFUNDABLE UNDER ANY CIRCUMSTANCES.** If you cannot afford to pay this fee, read the last paragraph in Step 2 before continuing.

After you have paid your filing fee, or had it waived, you are ready to file your Petition and other forms. The forms you will file, and how you will have them served is explained below.

1. File original and two copies of the Civil Case Information Statement.
2. File original and one copy of the following forms for each party being served:
 - a. Petition for Modification;
 - b. Certificate of Service;
 - c. BCSE Application and Income Withholding form;
 - d. Financial Disclosure form (modification of child support and alimony cases only); and
 - e. Parenting Plan (modification of parenting time cases only).

3. Don't forget to keep a copy of everything you file for your own records.
4. Decide how you want to serve your papers.

The simplest and most common type of service for a Petition for Modification is certified mail, restricted delivery, return receipt requested. To have your papers served this way, you tell the Deputy Circuit Clerk you want certified mail service, pay a \$20 fee for each party served, and the Circuit Clerk's Office handles the service. If the BCSE is a party, you don't have to serve them by certified mail. You can save some money by mailing a copy of your Petition to the BCSE office by first class mail. The following paragraphs explain other ways your papers can be served.

Personal Service by the Sheriff's Department. The papers are delivered by the Sheriff's Department. This type of service is arranged through the Circuit Clerk's Office. The fee is \$25 for each party being served.

Acceptance of Service. If a party is willing to voluntarily accept the papers, you can simply hand the papers to that person; or that person can pick the papers up in the Circuit Clerk's Office. The person accepting the papers must sign an Acceptance of Service form, and the form must be filed in the Circuit Clerk's Office.

Personal Service by Private Process Server. The law permits persons other than members of the Sheriff's Department to deliver legal papers, **but**, service cannot be made by a party to the case, **and** the person serving the papers must be 18 years of age or older. For this type of service to be valid, the person who serves the papers must complete a West Virginia Return of Service which states the papers were served, **and** this Return of Service **must** be filed in the Circuit Clerk's Office.

After you've filed your papers, and arranged for service, you should think about one more item before you leave the Clerk's Office. If you know you will need to subpoena witnesses for the hearing on your Petition, you should take care of this while you're at the Clerk's Office. To learn how to do this, read the following paragraph entitled "Witness Subpoenas." After you're finished in the Circuit Clerk's Office, you need to prepare for your hearing. How to do this is explained in Step 3.

Witness Subpoenas. If you know you will need a witness to testify at a hearing, you need to make certain that witness will attend. If you are not certain the witness will voluntarily show up, you will need to subpoena that witness. Witness subpoenas are handled through the Circuit Clerk's Office. To obtain a witness subpoena, you need to provide the Deputy Circuit Clerk with the name and address of the witness, and pay a Clerk's fee of 50¢ per subpoena, and a service fee of \$25 per subpoena, unless your fees have been waived. If you do not request witness subpoenas at the time you file your Petition, you should make certain you do so at least 10 days before the hearing.

What to do if you cannot afford to pay fees. If you cannot afford to pay fees, you should ask a Deputy Circuit Clerk for an affidavit to waive fees and costs. You can fill out the affidavit in the Clerk's Office. The affidavit requires you to list some basic information about your financial situation and to provide proof of your income by tax returns, pay stubs, or government assistance. A Deputy Clerk can review your completed affidavit while you wait, and tell you if you meet the legal requirements to have your fees and costs waived. If you don't meet these requirements, you must pay fees and costs, but you can ask the Court to review your affidavit later. Criminal charges can be filed against you if you provide false information on this affidavit.

STEP 3. PREPARING FOR THE HEARING

Make sure the opposing party has been served. Wait seven business days after filing your Petition, and check with the Circuit Clerk's Office to confirm service. If the opposing party has not been served, the hearing will not be held by the Family Court.

After your Petition has been filed, and the other parties have been served, you will receive an Order from the Family Court. This Order will state the place, date, and time of your hearing, and it will order you and the opposing party to file certain information, documents, and records before the hearing.

You MUST gather all of these documents and records, make copies, and file the copies in the Circuit Clerk's Office on the date ordered by the Family Court. IF YOU DO NOT, YOUR HEARING MAY BE CANCELLED!

Make sure you have requested all necessary witness subpoenas. You need to request these subpoenas at least 10 days before the hearing. Return to Step 2 for information on witness subpoenas.

Make a plan for how you will present your case for modification at the hearing. At the hearing, you will be required to make a case to the Court why the amount of child support, or spousal support should be changed, or why the arrangements for time spent with the children should be changed.

To make a case for a support change, you need to show that your financial circumstances, and/or the opposing party's financial circumstances have changed in such a way that support should be increased or decreased. These types of cases are generally made by showing increases and/or decreases in income and/or expenses by **15% or more.**

To make a case for a change in time spent with children or decision making responsibilities, you would need to show, for example, that your circumstances, and/or the opposing party's circumstances have changed in such a way that one of you is able to spend more or less time with the children. With regard to support and time spent with the children, you can show changes in circumstances by your testimony, by the testimony of other witnesses, or by documents or records.

Make a plan for how you will present your case. It's best to write things down. List what you want to prove, and for each item you want to prove, list how you will do so, by witness testimony, or a document, for example. Step 4 explains what happens after the hearing.

STEP 4. WHAT HAPPENS AFTER THE HEARING?

The Family Court Judge will consider the evidence presented at the hearing, and make a decision. That decision will be written down in an Order, and copies will be sent to the parties.

PLACES WHERE YOU CAN GET HELP

West Virginia State Bar

The **Lawyer Referral Service** at the State Bar will refer you to a lawyer who will discuss your situation with you for up to one-half hour for only \$25!

1-304-558-7991 or www.lawyerreferral.org

Free Online Legal Help

Free legal assistance online for civil matters for low-income West Virginians at www.wvonlinelegalhelp.org

Tuesday Legal Connect – Free Live Legal Help

Tuesdays between 6:00pm and 8:00pm 1-800-642-3617

Volunteer lawyers will provide *general* legal information.

Attorneys cannot provide direct legal advice!

West Virginia Judiciary

Main Number: 1-304-558-0145

Home web page: www.courtswv.gov

The Judiciary website offers a variety of resources for self-help including links to the various courts in West Virginia and a variety of downloadable court forms at: www.courtswv.gov/legal-community/court-forms.html

Additional assistance can be found by contacting Claudia Townsend at the Clerk's Office at:
1-304-558-2601 (main telephone)
1-304-558-4219 (TTY for hearing impaired)
claudia.townsend@courtswv.org (email)

Family Court Mediation Services

An approved list of mediators can be obtained through Family Court Services at the Supreme Court of Appeals or on the website. 1-304-558-0145
www.courtswv.gov/lower-courts/pdfs/Mediator-by-County.pdf

The Court's **State Law Library** located at the State Capitol in Charleston has books for research, computers to use, and law librarians that can help you. www.courtswv.gov/public-resources/law-library/law-library-contact_us.html or call 1-304-558-2607

The West Virginia Library Commission

Public libraries throughout West Virginia may have computers, forms, books, and other information that can help you. 1-800-642-9021

WVU College of Law Clinical Program

Free legal assistance by law students under the supervision of attorneys in a variety of areas, including family law, immigration, veterans assistance, domestic violence, and others. Their contact information is: <https://law.wvu.edu/clinics> or call 1-304-293-7249 or email cliniclaw@mail.wvu.edu

The **WV Coalition Against Domestic Violence** is a statewide network of community-based domestic violence programs working to end violence in the lives of women, children and men. www.wvcadv.org or call 1-800-799-7233 (National Domestic Violence Hotline)

Legal Aid of West Virginia provides legal services in certain kinds of cases if your income meets certain guidelines. www.lawv.net or 1-800-642-8279

Mountain State Justice is a non-profit public interest law office dedicated to pursuing impact and significant litigation on behalf of low-income West Virginians. They provide free legal services in certain areas of practice to qualifying individuals. www.msjlw.org or 800-319-7132

Senior Legal Aid Services provides free legal assistance to seniors, 60 and older. www.seniorlegalaid.com or 1-800-229-5068

WV Attorney General's Office - Consumer Hotline

Offering consumer protection assistance including downloadable consumer complaint forms and a Consumer Protection Hotline at 1-800-368-8808 www.ago.wv.gov/consumerprotection/pages/default.aspx

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SONJA K. EMMETT CLERK
HAMPSHIRE COUNTY CIRCUIT COURT

IN THE FAMILY COURTS OF HAMPSHIRE, MINERAL, AND MORGAN COUNTIES

**ADMINISTRATIVE ORDER
RE: CERTIFICATES OF SERVICE REQUIRED ON ALL FILINGS**

WHEREAS, pursuant to Rule 5(a) of the West Virginia Rules of Civil Procedure, "every pleading subsequent to the original complaint...every written motion other than one which may be heard ex parte, and every written notice, appearance, demand, offer of judgment, designation on record of appeal, and similar paper shall be served upon each of the parties."

WHEREAS, pursuant to Rule 5(d) of the West Virginia Rules of Civil Procedure, "all papers after the complaint required to be served upon a party together with a certificate of service shall be filed with the court within a reasonable time after service."

WHEREAS, private letters and correspondence to the Court are not proper, and any document intended to be filed must be disclosed to all parties and/or counsel of record.

It is, therefore, **ORDERED** that all documents presented to the Circuit Clerk for filing subsequent to the original complaint shall be accompanied by a properly completed and signed Certificate of Service, a form for which is attached to this Order.

It is further **ORDERED** that no document presented for filing subsequent to the original complaint shall be accepted for filing that does not have a properly completed and signed Certificate of Service.

It is further **ORDERED** that neither the Circuit Clerk's staff nor the Family Court staff shall be responsible for arranging and completing service for such subsequent filings.

The Circuit Clerks shall post and distribute copies of this Order at their discretion.

ENTERED this 8th day of January, 2013.

**GLEN R. STOTLER
FAMILY COURT JUDGE
23rd FAMILY COURT CIRCUIT**

FOR YOUR INFORMATION

MEMORANDUM

Filed
Date 5/26/11
Clerk

14
243

TO: Pro Se Litigants
FROM: Glen R. Stotler, Family Court Judge 
DATE: May 25, 2011
RE: Telephonic Appearances and Motions for Continuance

Effective immediately, the following procedures shall be followed for requests to appear by telephone at hearings or to request a continuance of a hearing:

1. Any party requesting to appear by telephone at a hearing or to continue an upcoming hearing shall file his/her request in writing with the Circuit Clerk and shall include specific reasons why the Court should consider the request. Copies of said request shall be served upon all other interested litigants, counsel, and agencies by the party requesting the telephonic appearance or continuance, and the request should contain a certificate of service verifying that the requesting party has completed said service; said service shall be the responsibility of the person requesting the telephonic appearance or continuance.

2. All requests to appear telephonically shall include the appropriate phone number where the requesting party is to be reached at the commencement of his/her hearing. Any litigant appearing by phone shall be responsible for ensuring his/her availability to appear by phone at the scheduled time of his/her hearing, just the same as if he/she were appearing in person before the Court.

3. The Court shall respond to all written motions to appear telephonically or to continue by an Order, which will be served on all interested parties.

4. Excepting unforeseeable emergency circumstances, all motions to continue or to appear by telephone shall be filed with the Circuit Clerk and served upon all other parties no later than seven (7) days prior to the date of the hearing in question to ensure timely and proper notice on all other interested parties.

5. Failure to comply with the above procedures may result in a denial of the request.

READ THE ORDER BELOW BEFORE ENTERING THE COURTROOM

**IN THE FAMILY COURT OF
MORGAN, HAMPSHIRE AND MINERAL COUNTIES, WEST VIRGINIA**

RE: APPROPRIATE DRESS AND CONDUCT IN THE COURTROOM

ORDER

Effective immediately, no person, juror, attorney, plaintiff, defendant, petitioner, respondent, witness, juvenile or audience member shall appear in a hearing room or Courtroom wearing shorts, cut-offs, short-shorts, pajamas, tank tops, tube tops, halter tops, bathing suits, swimming trunks, Bermuda shorts, see-through or revealing clothing of any kind, or clothing with vulgar, obscene or sexually explicit language, pictures or scenes.

All persons appearing before the Court shall conduct themselves in a proper, civil and dignified manner showing proper deference to the Court, as well as respect for the process and all persons participating in these proceedings.

PERSONS VIOLATING THIS ORDER MAY BE BARRED OR REMOVED FROM THE COURTROOM OR HEARING ROOM AND/OR MAY BE SUBJECT TO FINES OR OTHER SANCTIONS, INCLUDING, BUT NOT LIMITED TO, HAVING THEIR HEARING POSTPONED.

ENTERED on this 8th day February, 2017.



**JUDGE DEANNA ROCK
23RD FAMILY COURT DISTRICT**

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
<p>Street Address _____</p> <p>City / State / Zip Code _____</p> <p>() - _____ <input type="checkbox"/> Male / <input type="checkbox"/> Female</p> <p>Phone Number _____ / _____ / _____</p> <p>Social Security Number _____ Date of Birth _____</p> <p>Race: <input type="checkbox"/> American Indian/Alaskan Native <input type="checkbox"/> Hispanic <input type="checkbox"/> Asian or Pacific Islander <input type="checkbox"/> Black <input type="checkbox"/> Unknown <input type="checkbox"/> White</p>	<p><input type="checkbox"/> 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.</p> <p>If the box above is checked, this page is sealed in the file and NOT TRANSMITTED with the Petition and Summons.</p> <p>You must complete the form, Affidavit To Withhold Identifying Information, and file it at the Circuit Clerk's Office.</p>

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 _____	
() - _____	<input type="checkbox"/> Male / <input type="checkbox"/> Female
Phone Number _____	/ / -
Social Security Number _____	Date of Birth _____
Race: <input type="checkbox"/> American Indian/Alaskan Native	<input type="checkbox"/> Hispanic
<input type="checkbox"/> Asian or Pacific Islander	<input type="checkbox"/> Black
<input type="checkbox"/> Unknown	<input type="checkbox"/> 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 _____

IMPORTANT NOTICE FOR PERSONS WITH PROTECTIVE ORDERS

You may be able to EXTEND THE TIME PERIOD OF YOUR PROTECTIVE ORDER beyond 180 days if:

1. YOU CURRENTLY HAVE A PROTECTIVE ORDER IN EFFECT, and then,
2. YOU FILE OR REOPEN AN ACTION IN FAMILY COURT for divorce, annulment, separate maintenance, custodial responsibility, paternity, child support or a similar action brought under Chapter 48 of the West Virginia Code, and
3. YOU AND THE RESPONDENT SUBJECT TO THE PROTECTIVE ORDER ARE THE PARTIES TO THE FAMILY COURT CASE.

If you meet all three requirements listed above, your Protective Order will be in effect until the Family Court enters a non-procedural Temporary Order or a Final Order in your Family Court case, whichever is first.

TO PROVIDE NOTICE TO LAW ENFORCEMENT AGENCIES and the RESPONDENT regarding the extended time period of your Protection Order, you must notify the circuit clerk that you meet all three requirements above. The Circuit Clerk shall complete the form *FDVXNOT*, and serve said form on law enforcement and the Respondent as provided in Rule 11 of the Rules of Practice and Procedure for Domestic Violence Civil Proceedings. The Circuit Clerk shall immediately, upon completion of form *FDVXNOT*, forward said form to the Magistrate Court for inclusion in the National Domestic Violence Registry and the WV Domestic Violence State Database.

IN RE:

Civil Action No. _____

The Marriage / Children Of:

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

PETITION FOR MODIFICATION

1. General Information

a. The Petitioner is _____, who is
 the parent/spouse whose name is listed in the case style at the top of this page; or
 other person, whose relationship to the Respondent / children is _____.

b. The Petitioner requests that the Order entered on the date of ____ / ____ / ____ be modified with regard to:
 Parenting Plan
 Child Support
 Spousal Support
 Other: (Explain) _____.

2. I want the Court to modify the Order in these ways: (Check all that apply.)

- Increase Child Support
- Decrease Child Support
- End Child Support
- Change Parenting Plan with regards to:
 - decision making;
 - time spent with the children;
 - Other: (Explain) _____.
- Order child support *paid to* another person, who is _____.
- Order child support *paid by* another person, who is _____.
- Increase Spousal Support
- Decrease Spousal Support
- End Spousal Support

Other modification request(s): *(Explain.)*

3. The following circumstances justify the modification I am requesting.

(Explain all of the changes in circumstances you think justify the modifications you requested.)

4. Information concerning Public Assistance and Child Support Enforcement Services

- a. A Public Assistance Check from Health and Human Services is now being received by
 - the Children;
 - the Petitioner; and/or
 - the Respondent.
- b. A Public Assistance Check from Health and Human Services was received in the past by
 - the Children;
 - the Petitioner; and/or
 - the Respondent.
- c. Services from the Bureau for Child Support Enforcement have been applied for by
 - the Petitioner; and/or
 - the Respondent.
- d. Income withholding services are currently being received from the Bureau for Child Support Enforcement.

5. Information concerning Child Protective Services (CPS) and other court cases.

- a. Child Protective Services is currently providing services to the child(ren) and parties in this case.
- b. Child Protective Services is currently investigating allegations of abuse and/or neglect of the child(ren) in this case.
- c. Someone other than the parents currently has custody of the child(ren) in this case.
- d. The parents are involved in another court case involving the custody of the child(ren) in this case.
- e. The child(ren) is/are involved in another court case such as a juvenile delinquency or status offender case.

Petitioner's Signature

Date

You must sign the Verification below 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 to the best of my personal knowledge and belief; and if I have provided 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: _____.

CERTIFICATE OF SERVICE

State of West Virginia

County of _____

I, _____, the Petitioner for Modification, mailed my Petition by first class United States Mail, postage paid, to _____, at the address of

on the _____ day of _____, 20____.

and

to, _____, at the address of

on the _____ day of _____, 20____.

Petitioner's Signature

Date

BUREAU FOR CHILD SUPPORT ENFORCEMENT
APPLICATION AND INCOME WITHHOLDING FORM

This Form MUST Be Completed In All Cases Involving Minor Children or Spousal Support!

Withholding services will begin immediately when the Bureau for Child Support Enforcement receives this completed application, which MUST be accompanied by a copy of the current Support Order IF one is now in effect.

Check this box if a Support Order in NOW in effect.

PETITIONER

Full Name: _____ Birth Date: ____ / ____ / ____ SSN: ____ - ____ - ____

Male / Female Relationship to children involved in this case: _____

Residence Address: _____
(List complete physical address: county, city, street #, apt. #, zip code)

Mailing Address: _____
(List mailing address ONLY if different from physical address)

Daytime Phone No: (____) ____ - ____ Driver's License No: _____

RESPONDENT

Full Name: _____ Birth Date: ____ / ____ / ____ SSN: ____ - ____ - ____

Male / Female Relationship to children involved in this case: _____

Residence Address: _____
(List complete physical address: county, city, street #, apt. #, zip code)

Mailing Address: _____
(List mailing address ONLY if different from physical address)

Daytime Phone No: (____) ____ - ____ Driver's License No: _____

Dependents: (List full name, sex, birth date, social security #, and custodian for each dependent)

Name	Sex	Date of Birth	Social Security No.	Custodian
		/ /	- -	
		/ /	- -	
		/ /	- -	
		/ /	- -	

Income Withholding (List complete address of the employer or other source of income to which an Income Withholding Notice should be sent.)

Pursuant to the Privacy Act [5 U.S.C. 522a], the Bureau for Child Support Enforcement (BCSE) is required to inform you of the following: (a) that the request for your social security number is a mandatory requirement pursuant to the Social Security Act [42 U.S.C. 466(a)(13)]; and (b) the BCSE will use this information only in connection with the State's child support enforcement program for purposes of establishing paternity and establishing, modifying, and enforcing support obligations.

CONTINUED ON NEXT PAGE

- Check this box if you or your children currently receive TANF benefits.
- Check this box if you currently receive, or have applied for DHHR's Child Support Services.

IF YOU CHECKED any of the two items immediately above, skip to the end of the form, SIGN on the line provided, and you are done.

IF YOU DID NOT CHECK any of the two items immediately above, YOU MUST CONTINUE!

- I understand that unless otherwise directed by the Court, any Court Ordered support MUST be collected by the BCSE through Income Withholding.

YOU MUST CHOOSE ONE OF THE THREE FOLLOWING OPTIONS!

OPTION #1:

- I am applying for FULL SERVICES from the BCSE. I understand that full services include, but are not limited to the following: *Collection and distribution of support payments. *Collection and Enforcement of support by income withholding. *Establishment and enforcement of Support Orders. *Establishment of paternity. *Enforcement of Support Orders through Federal and State Tax offsets, unemployment compensation intercepts, and workers' compensation intercepts. *Location of parent(s). *Interstate services.
- As an applicant for FULL SERVICES, I AGREE to comply with the following requirements: (1.) I understand I MUST assist the BCSE to establish and enforce paternity, child support, and medical support, and to collect child and spousal support. I understand this assistance may include providing information about the non-custodial parent and responding promptly and completely to requests from the BCSE. I understand I may be required to testify as a witness in court or in other proceedings. (2.) I understand that I am free to pursue legal actions through a private lawyer, but that I must inform the BCSE if I do this. (3.) I understand that I MUST repay all money received in error to which I am not entitled.

OPTION #2:

- I am applying for Income Withholding Services ONLY.

OPTION #3:

- I DID NOT CHECK Option #1 or Option #2. I do not want services from the BCSE at this time.
- I understand that even though I have not requested services at this time, I can request services at any time by applying at the BCSE office in the county in which I live.

I CERTIFY that I have read and understand all statements on this application, and that all information I have provided is TRUE and ACCURATE to the best of my knowledge.

Signature

Date

- Check this box if YOU WOULD FEAR FOR YOUR SAFETY, or THE SAFETY OF YOUR CHILDREN if your address and telephone number are disclosed.**