

IN THE MAGISTRATE COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF: _____ v. _____
First Middle Last First Middle Last
Petitioner Respondent

Law Enforcement
Completed Service Verification on Page 4 Yes No

Magistrate Court
Case No. _____
Family Court
Civil Action No. _____
(Same as Divorce, Separate Maintenance, Annulment Case No.)

DOMESTIC VIOLENCE
PETITION for TEMPORARY EMERGENCY PROTECTIVE (TEPO) ORDER

The Respondent and I are parties to an action for divorce, separate maintenance or annulment in which a temporary order was entered in the family court of _____ County on _____ and in _____ (Date) (Civil Action No.)

THE ACTS OF VIOLENCE OR ABUSE WHICH I OUTLINE IN THIS PETITION OCCURRED *AFTER A TEMPORARY ORDER* WAS ENTERED IN THE ACTION FOR DIVORCE, SEPARATE MAINTENANCE OR ANNULMENT WAS ENTERED.

Therefore, pursuant to W. Va. Code § 48-27-402, I hereby request that the magistrate court issue a temporary emergency order to protect me and/or my minor children named herein from family violence or abuse.

NOTICE GIVEN TO RESPONDENT (check one):

- I attempted to notify Respondent of the PETITION as follows:

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

FACTS ABOUT THE DOMESTIC VIOLENCE OR ABUSE (check each item that applies and insert information as requested if doing so will not endanger you or your children):

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

ORIGINAL
RESPONDENT – COPY
PETITIONER – COPY
RETURN – COPY

Magistrate Court Case
No.: _____

Family Court Civil Action
No.: _____

b. Respondent has abused or threatened to abuse minor child(ren). List name(s), age(s), and address(es), if address different from Petitioner's:

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

CHILD'S NAME	DATE OF BIRTH	ADDRESS (If different from Petitioner's)	RELATIONSHIP TO PETITIONER	RELATIONSHIP TO RESPONDENT
1.				
2.				
3.				
4.				

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 following space to list where they lived, and for how long. *If there is not enough room in the following space, use an additional sheet of paper.* I have attached _____ additional sheet(s).

<u>Child's Name</u>	<u>Former Address</u>	<u>Dates of Residence</u>

ANSWER THE FOLLOWING QUESTIONS:

- Yes No

Have you been a party, a witness, or are you aware of any other court proceeding, in any state, concerning the custody of the minor children listed above?
- Yes No

Are you aware of any persons other than you or the Respondent in this case who has custody, claims any custodial right, concerning the minor children listed above?
- Yes No

Is a divorce pending? If yes, County _____, State of _____
- Yes No

Is a temporary divorce order in effect at the time of this Petition?

**ORIGINAL
RESPONDENT – COPY
PETITIONER – COPY
RETURN - COPY**

Magistrate Court Case No.: _____

Family Court Civil Action No.: _____

Yes No

Is a separate domestic violence order in effect? If yes, County _____
State of _____.

Please Fill In

I am currently living temporarily or permanently in _____ County,
State of _____.

Please Fill In

The Respondent is currently living temporarily or permanently in _____ County,
State of _____.

The abuse or threats of abuse occurred on or about _____
_____ at _____, State of _____.

(City/County)

Describe the abuse or threats of abuse that led you to file this PETITION _____

RELIEF REQUESTED:

I request that the court issue a temporary emergency protective order and that the order contain the following relief:

DISCRETIONARY RELIEF: I understand that the court may grant the following relief if I ask for it.
(check all that you are requesting)

- Direct Respondent to refrain from abusing me and/or the other person(s) named in this PETITION.
- Direct 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.
- Direct 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 children (child) are being abused by Respondent.

_____ Grant me temporary custody of *(list name(s) of child(ren))*: _____

_____ Make the following changes in visitation: _____

**ORIGINAL
RESPONDENT- COPY
PETITIONER – COPY
RETURN – COPY**

Magistrate Court Case No.: _____

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AFFIDAVIT

STATE OF WEST VIRGINIA

COUNTY OF _____, TO-WIT:

I, _____, on oath or affirmation, say that I am the Petitioner named in this 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.

Signature

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

Notary Public/Magistrate/Assistant/Magistrate Clerk

My commission expires on _____.

SERVICE BY LAW ENFORCEMENT

Served on Respondent by _____ in _____ County, W. Va., on

_____, at _____ am/pm.
(Date) (Time)

(Return of Service to Circuit Clerk)

NOTICE TO PETITIONER:

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 SCA-DV-FC/M-1210. THIS MUST BE FILED WITHIN 5 DAYS OF THE DATE YOUR PETITION WAS DENIED.

**ORIGINAL
RESPONDENT – COPY
PETITIONER – COPY
RETURN – COPY**