

APPLYING FOR FINANCIAL AID WHEN YOU DON'T LIVE WITH YOUR PARENTS

A GUIDE TO THE FAFSA &
GUARDIANSHIP PROCESS



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Dear student and caregiver,

How exciting that you are considering going to college or career school! You may be wondering how you are going to pay for it.

To be considered for financial aid, most schools require you to fill out the Free Application for Federal Student Aid (FAFSA). If you are a student who does not live with your parents, you may not know how to fill out parts of the FAFSA.

The FAFSA form asks students to provide financial information from their parents. The form requires this information even if the student does not live with their parents or get financial support from their parents, unless certain situations apply. If your parents refuse to provide the financial information you need, you will not be eligible for most financial aid, including Pell grants.

If a student is designated "independent" under FAFSA rules, they do not have to provide financial information from their parents.

FAFSA considers students "independent" in specific situations. For example, if a student is in foster care, they are considered "independent." If a student is found by a court to be emancipated, they are considered "independent."

A student is also "independent" if a court has granted guardianship to someone who is not the student's parent, like a relative.

If you live with someone other than your parents, you and your caregiver may want to consider asking a court to appoint your caretaker as your guardian. If granted, this order will mean that you are considered "independent" when you fill out the FAFSA. The guardianship order must be granted before the student turns eighteen and before the student completes the FAFSA.

In this packet there are two articles with more information. The first is about applying for FAFSA when students do not live with their parents. The second is about infant (or minor) guardianships. This article explains what a court considers when deciding whether to grant a guardianship.

Also, you will find the forms caregivers must complete to ask for a guardianship. You can apply for services from Legal Aid of West Virginia if you have questions or need more help. Call 1-866-255-4370 or apply online at www.lawv.net. If your caregiver receives WV Works, have your caregiver ask for a referral to Legal Aid.

Applying for financial aid for college or career school when you don't live with parents

How do I apply for college financial aid?

The first step to apply for financial aid for 2-year or 4-year college or career school is almost always to fill out a form called the FAFSA. Filling out the FAFSA can be confusing. You may have questions like:

- What is the FAFSA?
- How do I know if I need to fill out the FAFSA?
- What information is required to complete it?
- What if I do not live with my parents and I want to apply for financial aid?

Keep reading to see the answers to these questions.

What is the FAFSA?

FAFSA stands for Free Application for Federal Student Aid. You must submit the FAFSA if you want to apply for federal and state financial aid for college or career school.

Financial aid includes loans, grants, and work-study funds. You must repay loans with interest. You do not have to repay grants unless certain things happen (for example: you withdraw from school). You can earn work-study through a work-study jobs program to help you pay for school. Work-study does not have to be repaid.

The type and amount of financial aid you can get will depend on the income you and/or your parents have to help pay for college. To determine if your parents' income is included, you will need to determine if you are a dependent or independent student under FAFSA rules.

How do I know if I am a dependent or independent student?

The FAFSA asks a set of questions to see if you are a dependent or independent student. Dependent students under FAFSA rules WILL put their parent information on their FAFSA. Most students filling out the FAFSA are dependent students.

Independent students under FAFSA rules will NOT have to put parent information on their FAFSA.

You are an independent or non-dependent student if you are one or more of these:

1. Over 24 years old
2. Married
3. Working toward a graduate degree
4. On active duty in the U.S. Forces for purposes other than training

5. A veteran
6. A parent to children who get more than half their support from you in a set time period
7. Responsible for someone other than a child or spouse who lives with you and will get more than half of their support from you during a set time period
8. If you are 13 or older, AND are parentless due to the death of both parents, are in foster care, or are a dependent or ward of the state
9. Found by a court to be an emancipated minor
10. Under the legal guardianship of someone other than a parent or stepparent
11. Found by his or her high school or school district to be an unaccompanied homeless youth or a self-supporting youth at risk of being homeless
12. Found by a director of an emergency housing program to be an unaccompanied homeless youth or a self-supporting youth at risk of being homeless
13. Found by the director of a homeless youth program to be an unaccompanied youth who was homeless or was self-supporting and at risk of being homeless

Am I eligible to receive financial aid?

To get financial aid through the FAFSA you must:

1. Be a citizen or eligible noncitizen of the United States.
2. Have a Social Security number (unless you are from the Marshall Islands, Micronesia, or Palau.)
3. Have a high school diploma, a GED, or complete homeschooling. (You may still be eligible if you were in college or career school before July 1, 2012)
4. Be enrolled in an eligible program as a regular student seeking a degree or certificate.
5. Keep up good academic progress.
6. Not owe a refund on a federal student grant or be in default on a federal student loan.
7. Register (or be registered) with Selective Services if you are a man and not on active duty in the U.S. Armed Forces. (If you are Micronesia, the Marshall Islands or Palau, you do not have to register.)
8. Have no convictions for possession or sale of illegal drugs for a crime that happened while you were getting federal student aid (such as grants, work-study, or loans). If you have such a conviction, you must complete the Student Aid Eligibility Worksheet to see if you can get aid.

These requirements are also listed at <https://studentloans.gov>. You should be sure you are eligible before you begin filling out the FAFSA.

When is the FAFSA due?

The due date for the FAFSA depends on the school the student plans to attend, so check with each school first. You can find state-specific due dates for the current college school year at <https://studentaid.ed.gov>.

You can begin filling out the FAFSA on October 1st. Funds for federal financial aid are limited and go out on a first-come first-serve basis, so you should fill out the form as soon as possible after October 1st. In West Virginia, currently the FAFSA is due by March 1st if you wish to apply for the PROMISE Scholarship and by April 15 if you wish to apply for the WV Higher Education Grant or the WV Invests Grant.

Again, aid is limited and awarded on a first-come, first-serve basis, so you should apply as soon after October 1st as possible. The due dates for each state can and do change, so be sure to check the deadline on <https://studentaid.ed.gov> for up-to-date information.

I meet the requirements to be eligible for financial aid. Is there anything else I should do before filling out the FAFSA?

Before you begin filling out the FAFSA, students will need:

1. Your driver's license, if you have one
2. Your social security number
3. If you are a dependent student, your parents' social security numbers
4. Your Alien Registration Number, if you are not a U.S. Citizen
5. The following tax forms from the most recent year for you, your spouse if married, and your parents, if you are a dependent student:
 - a. IRS 1040
 - b. Foreign tax return
 - c. Tax return for Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Marshall Islands, Micronesia, or Palau
6. Records of your untaxed income, such as child support, interest income, and veteran's non-education benefits, for you and for your parents, if you are a dependent student
7. Information on cash; savings and checking account balances; investments, including stocks and bonds and real estate (but not including the home in which you live); and business and farm assets for you, and for your parents if you are a dependent student. (Note: Assets from family farms or family businesses with 100 or fewer full-time or full-time equivalent employees should not be included.)

Keep these documents on-hand until the FAFSA is fully processed, as you may need them again. DO NOT mail these documents with your FAFSA.

Why do I need to provide my parent's information?

Dependent students must provide parent information because, under federal law, parents are mostly responsible for paying for their child's college or technical school instead of the government. The federal government gives financial aid to students whose parents can't pay for their child's education, not to students whose parents are simply unwilling to pay.

You will need both parents' information on the FAFSA unless your parents are separated or divorced. If your parents are separated or divorced, you should use the information of the parent you lived with the most last year. If you lived with both parents equally, you should use the information for the parent who gives you more financial support.

If the parent whose income you are providing has remarried, then the step-parent's financial information must also be included.

If someone other than my parents is my legal guardian, how do I complete the FAFSA?

If someone other than your parents is your legal guardian, you are independent under the FAFSA and your legal guardian's information WILL NOT be used on the FAFSA unless they have legally adopted you.

If you live apart from your parents, but without a legal guardian, your parents' information WILL be needed, unless your parents CAN'T provide the necessary information for the FAFSA. (See the next question). For example, if you live with your grandparents, but they have never taken any legal action to obtain guardianship of you, you are not independent and your parents' financial information will still be needed.

If you live with someone other than your parents, your caregiver can file for guardianship to avoid needing your parents' financial information for your FAFSA. You should plan ahead. Consider whether to file for guardianship well-before the FAFSA deadlines, possibly when you are a junior in high school.

What if I can't provide my parent's information for the FAFSA?

If you are considered a dependent student but one of the following special circumstances are true, you can submit your FAFSA without parent information:

- Your parents are in jail or prison
- You left home because of family abuse or abuse in your home
- You do not know where your parents are and can't contact them (and you have not been adopted)
- You are older than 21 but not yet 24, do not have an adult with you, and are either homeless or self-supporting and at risk of being homeless.

Once you submit your FAFSA without parent information, call the college or career school's financial office to discuss your FAFSA. The school may ask for some proof that your parents cannot give you information for the FAFSA.

What if none of the special circumstances exist, but my parents refuse to provide the information I need for the FAFSA?

If your parent will not give you the information you need for the FAFSA, you should not use your parent's information without his or her consent. Instead, follow these steps:

When the FAFSA form asks you to give them the information about your parents, pick the "I am unable to provide information about my parent(s)" choice. (If you are using the myStudentAid app, you will need to pick the "Learn more" choice when you get to the point where it tells you that parent information is required to figure out your estimated financial contribution or EFC.)

You will then get a list of "special circumstances." After reading through the list, pick the one that says you don't have a special circumstance, but you still can't give them parent information. (If you are using the myStudentAid app, you will need to pick the choice that says you want to be considered for an unsubsidized loan.)

The application explains that if your parents don't support you and won't give you their information, you can submit your FAFSA form without their information. However, the only federal student aid you can get will be an unsubsidized loan—and even that might not happen. It will be up to the financial aid office at the college or career school you want to attend.

An unsubsidized loan is a loan that accrues interest from the time you take out the loan. A subsidized loan is a loan that does not accrue interest while you are enrolled at least half time or during periods of deferment.

Your FAFSA information will be sent to the colleges and career schools you list, but you won't get an Estimated Family Contribution (EFC). The college or career school will use the EFC to decide how much financial aid you may get.

After submitting your FAFSA without parent information, you must contact your school's financial aid office right away to talk about getting an unsubsidized loan. The financial aid office may ask for something in writing from your parents, showing:

- That they will not give you their information for the FAFSA form and

- That they no longer support you. (Support includes letting you live in their home, putting you on their car or health insurance, giving you a car to drive regularly, or paying your tuition or fees.)
- The financial aid office will look at your situation and decide whether you can get an unsubsidized loan. That decision is final and cannot be appealed to the U.S. Department of Education.

These steps are also provided on <https://studentaid.ed.gov>.

I am ready to begin filling out my FAFSA. Where do I start?

There are a few different ways to get and fill out the FAFSA:

1. You can fill out the FAFSA online on the Federal Student Aid website at <https://studentaid.ed.gov/sa/afsa>. This is the easiest and fastest way to turn in your FAFSA. If you submit your FAFSA online, it will be processed in 3-5 days.
2. Similar to filling out the FAFSA online, you can fill out the FAFSA on Financial Student Aid's mobile app on your phone: the app is called myStudentAid.
3. You can print off the FAFSA from a local computer and mail it in, or you can request a printed FAFSA by calling 1-800-4-FED-AID (1-800-433-3243) or 334-523-2691 (TTY for the deaf or hard of hearing 1-800-730-8913). If you mail your FAFSA it will be processed in 7-10 days.

When you mail the FAFSA, you will mail it to this address:

Federal Student Aid Programs

P.O. Box 7654

London, KY 40742-7654

You can find additional information about the FAFSA and financial aid available in West Virginia by visiting the College Foundation of West Virginia website at

<https://secure.cfwv.com/>.

Information about filing for infant (minor) guardianship

Introduction to infant guardianships

This article answers some common questions about guardianships for children, also called infant guardianships, in West Virginia. Taking legal action to establish some type of custody, whether it be guardianship or adoption, can provide stability for your minor relatives and can assist you in having the legal right to make decisions for and seek services on behalf of the children in your care.

What is an infant guardianship under West Virginia law?

An infant guardianship is when someone other than a child's birth parent asks a Judge to give them custody of the child. Infant guardianships are often referred to as just a guardianship. A guardianship gives the guardian the rights and responsibilities of a parent, without terminating the parents' rights. The guardian is responsible for the child's well-being, protection, and education. A guardianship will usually remain in place until someone asks the Judge to terminate it or until the child turns 18.

What is the difference between a guardianship and adoption?

Adoption, unlike guardianship, terminates the parents' rights and creates a new parent-child relationship between the child and the adopting parent. An adopted child gets a new birth certificate with their adoptive parents listed on it. Other differences are:

How long it lasts: Adoptions cannot be undone. They are permanent. Guardianships can last a long time, but they can be terminated by the Judge later if the reasons that led to the guardianship are fixed. For example, if a child's parents have received drug treatment, a Judge may set aside the guardianship and return the rights to the parents.

Where you file: In West Virginia, you can ask for an infant guardianship in Family Court or in Circuit Court. You can only ask for adoptions in Circuit Court.

When you should file: You can file for a guardianship at any time. If you want custody of a child who does not live with you because you believe the child is not safe, you can ask for a guardianship immediately. Adoptions can only be filed after the child has lived with you for a period of six months or more. You may want to file for a guardianship while an adoption is pending.

Who can become a guardian?

A child's biological parents are his or her guardians. When parents are unable or unwilling to take care of the child, a Judge may appoint someone else to be the child's guardian to look out for the child. Any person who has a relationship with the child and who is concerned for the child's well-being can file a petition with the Judge to be appointed as guardian of a child. The Judge cannot appoint a parent or other person whose rights have been terminated. A guardianship will not be put in place if the custody of the child is an issue in another court case.

How do I become a guardian?

You must file a petition in either Family Court or Circuit Court. The Judge will look at the facts and decide whether to appoint you as the child's guardian.

When will the court appoint a guardian for the child?

The Judge may appoint a guardian for a child if the court finds that it is in the child's best interest and either:

- The parents agree;
- The parents' rights have been terminated;
- The parents are unwilling or unable to exercise their rights (for example, when the parent is in prison);
- If the parents have abandoned the child for more than six months; or
- If there are rare circumstances that would result in serious problems for the child.

What is abandonment?

Abandonment is when the birth parent fails to provide care for his or her child. West Virginia law says that a parent has legally abandoned a child, if, for the past six months:

- The parent knows where the child lives; and
- The parent has not financially supported the child; and
- The parent does not visit or communicate with the child.

Do the child's parents have to agree to a guardianship?

No. One way to get a guardianship is to have the parents agree to the appointment of another guardian. This is called consent. If the parents will agree to the guardianship, it is best to get this in writing. If the parents do not consent, the Judge can still appoint a guardian for the child if there is cause to grant the guardianship over the parents' objections.

Are guardianships permanent?

No. A guardianship is not permanent because the guardianship can be removed by the Judge. However, a guardianship can last for a long time, even until a child turns 18.

Guardianships can also be as little as six months, if the Judge believes that such a short time is all that is necessary to keep the child safe and serve the child's best interests.

Does a guardianship mean that the child's parents lose their rights?

No. Guardianship does not end a parent's rights to the child forever. Instead, legal guardianship allows someone else to make decisions regarding the child's care and well-being during the guardianship.

Do I have to be a foster parent to get a guardianship?

No. You do not have to be a foster parent to file for guardianship.

Can a parent have a guardianship removed?

Yes. Parents can ask the Judge to remove a guardianship. The parent must show the Judge that there has been a significant change in their circumstances and that removing the guardianship is in the best interests of the child.

Can I receive financial benefits to help take care of the child?

Yes. While a guardian assumes financial responsibility for the child during the guardianship, there is some assistance available. Guardians may receive cash assistance for the children from the DHHR through WV WORKS, known as a Kinship Relative Caretaker Check. The children will also qualify for Medicaid and a clothing voucher. Guardians who are low income may qualify for other assistance provided by the DHHR such as SNAP (food stamps) and child care assistance. See page 14 for information on benefits available.

Can I represent myself in an infant guardianship case?

Yes. The Supreme Court of Appeals of West Virginia has forms online that you can use to file a petition for a guardianship, available at <http://www.courtsww.gov/lower-courts/infant-guardianship/index-infant-guardian.html>.

You can also pick up the guardianship forms at your local Legal Aid office at no cost.

If you can, you should always try to discuss legal guardianship with a lawyer to understand your choices and your rights. If you are a participant in the WV WORKS program or a recipient of the WV WORKS Kinship Relative Care Check, you should ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia.

If you do not participate in or receive benefits from WV WORKS, you may apply for Legal Aid by calling their intake line at 1-866-255-4370 or apply online at www.lawv.net. If you do not qualify for Legal Aid or if you wish to hire a private attorney, you may use the WV State Bar Lawyer Referral Service to help you find an attorney by visiting: <https://wvlawyerreferral.org/>.

If you just have questions and need legal information, you can call Tuesday Legal Connect on Tuesday evenings from 6:00 p.m. until 8:00 p.m. by calling 1-800-642-3617.

Guardianship Forms (for Caregivers)

Enclosed is a packet of forms. These forms allow you to file a petition for the appointment of a guardian for a minor child. These proceedings are often called “infant” guardianships because they involve a minor, even if the minor is in high school. Typically your petition will be filed with the Family Court, although the Family Court can move the hearing to the Circuit Court, if allegations of abuse and neglect are made.

FORMS: We have enclosed the following forms:

- ***Petition for the Appointment of a Guardian*** - This form starts the proceedings by asking the Court to appoint a guardian for the minor child. The caretaker should complete this form, and it must be notarized. On entry number 8, you should describe why the caregiver should be appointed guardian. You can include information like how long the minor has lived with the caregiver and the needs the caregiver provides. You should mention that the guardianship will help the student be able to apply for financial aid for college or career school.
- ***Waiver of Guardian Appointment*** - This optional form may be filled out and signed by the child’s mother and/or father, which waives the parents rights to be the child’s guardian. This form must be notarized.
- ***Nomination for Appointment of Guardian*** - If the child is fourteen or older, he or she can complete and file this form to request a specific person as a guardian. If the child agrees with the guardianship, it is likely helpful to the Court to have the child complete this form. This form must be notarized.
- ***Civil Case Information Statement*** - This form gives the Circuit Clerk important information about the case. The minor’s biological parents will need to be served with information about the Petition for guardianship, and this form allows the Clerk’s office to get that information. If you are concerned about your safety or the safety of the children, you may check the box asking that your address be withheld from any responding parties. If you do, you need to complete and notarize the Affidavit to Withhold Identifying Information, available at the local Circuit Clerk’s office.
- ***Financial Affidavit and Application*** – If the caregiver meets certain income guidelines, he or she may file a fee waiver, and if approved, proceed in the case without paying the following fees and costs that would otherwise be required. Otherwise, the filing fee for guardianship is \$200. You must also pay \$25 to have each parent served with the paperwork. If you do not have addresses for the parents, there may be costs associated with publishing notice of the case in the newspaper.

FILING: When you have finished completing these forms, sign them in front of a notary public. A notary can usually be found at the Circuit Clerk's office, at your bank or at your local library. Then, you must file them with the Circuit Clerk in the county in which the child lives. The Clerk will have the Petition served on the child's biological parents. If you do not know where the child's biological parents are you may be able to serve them by publishing a notice in the newspaper. You should keep a copy of anything that you file for your own records.

GUARDIANSHIP HEARING: The Court should have a hearing within ten days after you file for guardianship. The Court may grant temporary guardianship at this first hearing and schedule another hearing later to determine whether a final order of guardianship should be granted.

When you get ready for your hearing on the guardianship, the Court may want to hear evidence about why the caregiver should be the guardian of the child. The student's parents may object to the guardianship.

The Court will consider whether the potential guardian:

- Is a sex offender;
- Has felony or misdemeanor convictions;
- Is subject to a restraining or final protective order;
- Is the subject of any substantiated report alleging child abuse, neglect, or molestation; and
- Has another person in the house that involves those matters.

The caregiver and the student should be prepared to testify and explain to a judge:

- Why the student needs the caregiver to be considered a guardian
- Why the guardianship is in the best interest of the child;
- How long the child has resided with the caregiver;
- What the caregiver has provided the child, such as physical necessities (food and shelter), emotional support, and school and homework support; and
- The amount of involvement the biological parents have had with the child.

All enclosed forms can also be found in digital formats at
<http://www.courtsvw.gov>.

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

Civil Action No.

____-____-____

Minor(s) Under the Age of 18 Years

PETITION FOR APPOINTMENT OF GUARDIAN

I, _____, pursuant to West Virginia Code § 44-10-3,
hereby request that the Court appoint a guardian for the following minor(s):

<i>Name</i>	<i>Age</i>	<i>Date of Birth</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

1. Each minor named above is: **(check one)**
 - a current resident of this county and state.
 - a nonresident of the state but has an estate (real property or other assets) in this county.
2. This guardianship petition is requesting that a guardian be appointed over the **(check one or both)** person of the minor(s) and/or estate of the minor(s).
3. The parents of the minor(s) are:

<i>Name</i>	<i>Address</i>	<i>Deceased?</i>
Father: _____	_____	<input type="checkbox"/>

Mother: _____	_____	<input type="checkbox"/>

4. The proposed guardian(s) of the minor(s) is/are: *(Check and complete one or two as appropriate, depending upon whether one guardian is sought over the person and/or the estate, or different guardians are sought over the person and the estate.)*

The above-named father over the **person** / **estate** of the minor(s).

The above-named mother over the **person** / **estate** of the minor(s).

Another individual named below over the **person** / **estate** of the minor(s).

Name: _____
Address: _____
Date of Birth: _____
Relationship (if any) to minor(s): _____

A corporation or trust company, named below, as guardian **over the estate** of the minor(s), which [unless for nonresident minor(s)] is a corporation organized under the laws of this state and doing business in this state or a banking institution authorized to exercise trust and fiduciary powers within this state.

Name: _____
Address: _____

5. The proposed guardian(s) is/are competent and fit to serve as guardian(s) of the **(check one or both)**: person and/or estate of the minor(s); and the welfare and best interests of minor(s) will be properly protected by the appointment of the proposed guardian(s).

6. The estate of each minor consists of: *(If this petition seeks guardianship over the estate of each minor named herein, separately describe and estimate the value of all real property and other assets constituting each child's estate.)*

7. The appointment of a curator (**check one**) **is** / **is not** needed to protect the welfare and best interests of the minor(s) until a guardian is appointed by this Court and provides any required bond.

8. In support of this Petition, the petitioner further states: *(Add any other facts or reasons relevant to request for guardian.)*

WHEREFORE, based upon the foregoing, and upon a hearing to be held in this matter, the undersigned petitioner requests that the Court appoint the above-proposed guardian(s) of the herein-named minor(s), and grant such other relief the Court finds appropriate.

Dated this _____ day of _____, 20_____.

VERIFICATION

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.

PETITIONER

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

My commission expires: _____.

Notary Public

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

Civil Action No.

_____-_____-_____

Minor(s) Under the Age of 18 Years

WAIVER OF GUARDIAN APPOINTMENT

I, _____, Father / Mother the following minor(s):

<i>Name</i>	<i>Age</i>	<i>Date of Birth</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____

hereby waive my priority right to qualify for the appointment as guardian (**check one or both**)

of the person / of the estate of the above-named minor(s).

(Optional) Additionally, I nominate, and respectfully request that the Court appoint,

_____, as such guardian.

Dated this _____ day of _____, 20_____.

Parent

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

My commission expires: _____.

Notary Public

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

IN THE MATTER OF:

Civil Action No.

____ - ____ - ____

Minor(s) Under the Age of 18 Years

NOMINATION FOR APPOINTMENT OF GUARDIAN

I, _____, a minor named in this proceeding, am over the age of fourteen years, being born on _____ Month _____ Day, _____ Year, and further being a resident of _____ County, West Virginia, do hereby nominate and request the appointment of _____ as guardian of:

(initial one or both)

_____ My person

_____ My estate

Dated this _____ day of _____, 20_____.

MINOR

STATE OF WEST VIRGINIA
COUNTY OF _____, to-wit:

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

My commission expires: _____.

Notary Public

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
City / State / Zip Code
Phone Number
Social Security Number
Date of Birth
Race: American Indian/Alaskan Native, Asian or Pacific Islander, Unknown, Hispanic, Black, White
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.

List all minor children affected by this action:

Table with 3 columns: Name, Date of Birth, Social Security Number. Contains 4 rows for listing children.

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 _____

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

Case No. _____

v.

Plaintiff or Petitioner

Defendant or Respondent

**FINANCIAL AFFIDAVIT AND APPLICATION:
ELIGIBILITY FOR WAIVER OF FEES, COSTS, OR SECURITY IN A CIVIL OR DOMESTIC CASE
OR FOR COSTS ASSOCIATED WITH
REQUIRED POLYGRAPH EXAMINATION OR ELECTRONIC MONITORING**

A. Information for the Applicant:

1. You will be allowed to file and carry on your civil proceeding without giving security or paying fees or costs that would otherwise be required, if the court finds that you meet the official financial guidelines.
2. You must complete the affidavit for the court to determine if the costs of either a polygraph examination, required by *W.Va. Code § 62-11D-2*, or electronic monitoring, required by *W.Va. Code § 62-11D-3*, will be paid by the supervising entity.
3. You must file a separate affidavit and application anytime your financial situation no longer meets the official guidelines or anytime the court orders you to do so.
4. You must attach a copy of your most recent salary stub, W-2 form, or other financial documentation (with all social security numbers and all dates of birth removed [*you can black them out*]) that verifies your income. Without the attached documentation, your application will be incomplete and not considered.
5. At any time you may request or the court may require review of your eligibility for a waiver; and at any time the court may require you to pay fees or costs previously waived or to pay future fees or costs.
6. When you sign this form, you will have to swear or affirm that you have completely and truthfully provided all information sought, to the best of your knowledge and ability. *If you knowingly give any incomplete and/or false information, you may be prosecuted for the crime of false swearing.*
7. The information you give in this form will be confidential only in a domestic violence or a divorce case.
8. Except for signatures, all information must be clearly printed.

B. Information about You and Your Case:

1a. Name: _____ 1b. Telephone Number: _____

1c. Address: _____

2. Describe what is involved in your case:

3a. Do you have a lawyer? Yes No

b. Have you paid or will you have to pay your lawyer? Yes No

c. Will you have to pay your lawyer only if you win? Yes No

4. Check if seeking waiver for:

- Cost of required polygraph examination (*W.Va. Code § 62-11D-2*); and/or
- Cost of required electronic monitoring (*W.Va. Code § 62-11D-3*).

C. Information about Your Financial Situation:

1a. What is your current yearly net (take-home) income from **all** sources:

Employer:	\$	Second Job:	\$	Self-Employment:	\$
Public Assistance:	\$	Food Stamps:	\$	Unemployment:	\$
Benefits:	\$	Disability Benefits:	\$	Social Security/SSI:	\$
Alimony:	\$	Pensions:	\$	Rental Income:	\$
Interest:	\$	Dividends:	\$	Annuities:	\$
Odd Jobs:	\$	Other:	\$	(specify):	
YEARLY TOTAL:	\$				

Please remember to attach financial documents which verify this information.

1b. If your listed income is zero (0), please explain below and attach some verification (i.e. DHHR or food stamp information):

2a. List the names and relationships to you of all the persons supported by this income, whether or not they are household members (provided, that these persons can be claimed as dependents on your federal tax return):

2b. What is the total number of dependents, including yourself? _____

3. How much money do you, individually or jointly, have in cash, checking and savings accounts, deposit certificates, and/or bonds (liquid assets)? \$ _____

4a. List your regular **monthly** household debt-payment and other expenses:

Mortgage/Rent:	\$	Car Payment:	\$	Loan Payments:	\$
Credit Card Payments:	\$	Other Debt Payments:	\$	Utilities:	\$
Cell Phone:	\$	Food:	\$	Child Care:	\$
Child Support:	\$	Alimony:	\$	Medical Bills:	\$
Other Expenses:	\$	(specify):			

4b. What is the total amount of these monthly expenses? \$ _____

5a. List all cars, trucks, motorcycles, or recreational vehicles (all-terrain vehicles, motor homes, snowmobiles, boats), including their make, model, and year, that you own, individually or jointly:

5b. What is the total value of these items less any amount owed? \$ _____

6a. List all real estate (houses, lots, land, rental property, other commercial property) that you, individually or jointly, own.

6b. What is the total value of these items less any amount owed? \$ _____

7. What would the consequences be for you if a waiver of fees, costs, or security is denied?

8. This application consists of three (3) pages and _____ pages of supporting financial documents.

By signing my name on this form, I swear to or affirm: (1) the completeness and truthfulness, to the best of my ability and knowledge, of the information I have provided and (2) my belief that I have a right to a waiver.

Signature of Affiant-Applicant: _____

Taken, subscribed, and sworn or affirmed before me, by the person whose signature appears above, on this _____ day of _____, 20____, in _____ County, West Virginia.

Signature of Notary (Clerk or Deputy Clerk): _____

For Court Use Only

The affiant's application for a waiver is (clerk: initial one) _____ granted _____ denied.

Date: _____ Signature of Clerk or Deputy: _____

Resources

Apply for Legal Help - Legal Aid of West Virginia

Call 1-866-255-4370 or apply online at www.lawv.net.

Find a Lawyer - West Virginia Lawyer Referral Service

www.wvlawyerreferralservice.org

College Foundation of West Virginia - Financial Aid Information

<https://cfwv.com>