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1. Has the petitioner resided in West Virginia for at least one year prior to filing for divorce?



2. Were the parties married in West Virginia and at least one party currently resides in West Virginia?



- Since the Petitioner has been a resident of West Virginia for at least one year prior to filing a Divorce Petition can be filed in West Virginia.
- The Divorce action will need to be filed in one of the following counties:
 - ⇒ The county where both parties last cohabitated;
 - ⇒ The county where the respondent currently resides;
 - ⇒ If the respondent lives out of state, petitioner can file in their current county of residence.

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- Since the parties were married in West Virginia and at least one party currently resides in West Virginia, the divorce action can be properly filed in a West Virginia Family Court regardless of how long the party has resided in West Virginia.
- The Divorce action will need to be filed in one of the following counties:
 - ⇒ The county where both parties last cohabitated;
 - ⇒ The county where the respondent currently resides;
 - ⇒ If the respondent lives out of state, petitioner can file in their current county of residence.

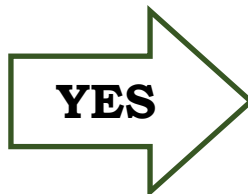
Continue to Question #3

- Since the petitioner has not lived in West Virginia for at least one year and the parties were not married in West Virginia, the West Virginia courts do not have jurisdiction to hear the divorce action.
- The petitioner will need to either wait until they have been a West Virginia resident for at least one year, or file for divorce in the state which has jurisdiction.

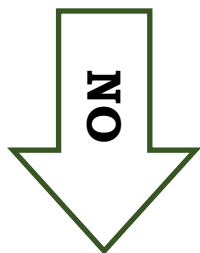
3. Does the client have grounds for divorce in addition to irreconcilable differences?

- **GROUNDS FOR DIVORCE:**

Voluntary separation
Cruel or inhuman treatment
Adultery
Conviction of a crime
Permanent and incurable insanity
Habitual drunkenness or drug abuse
Desertion

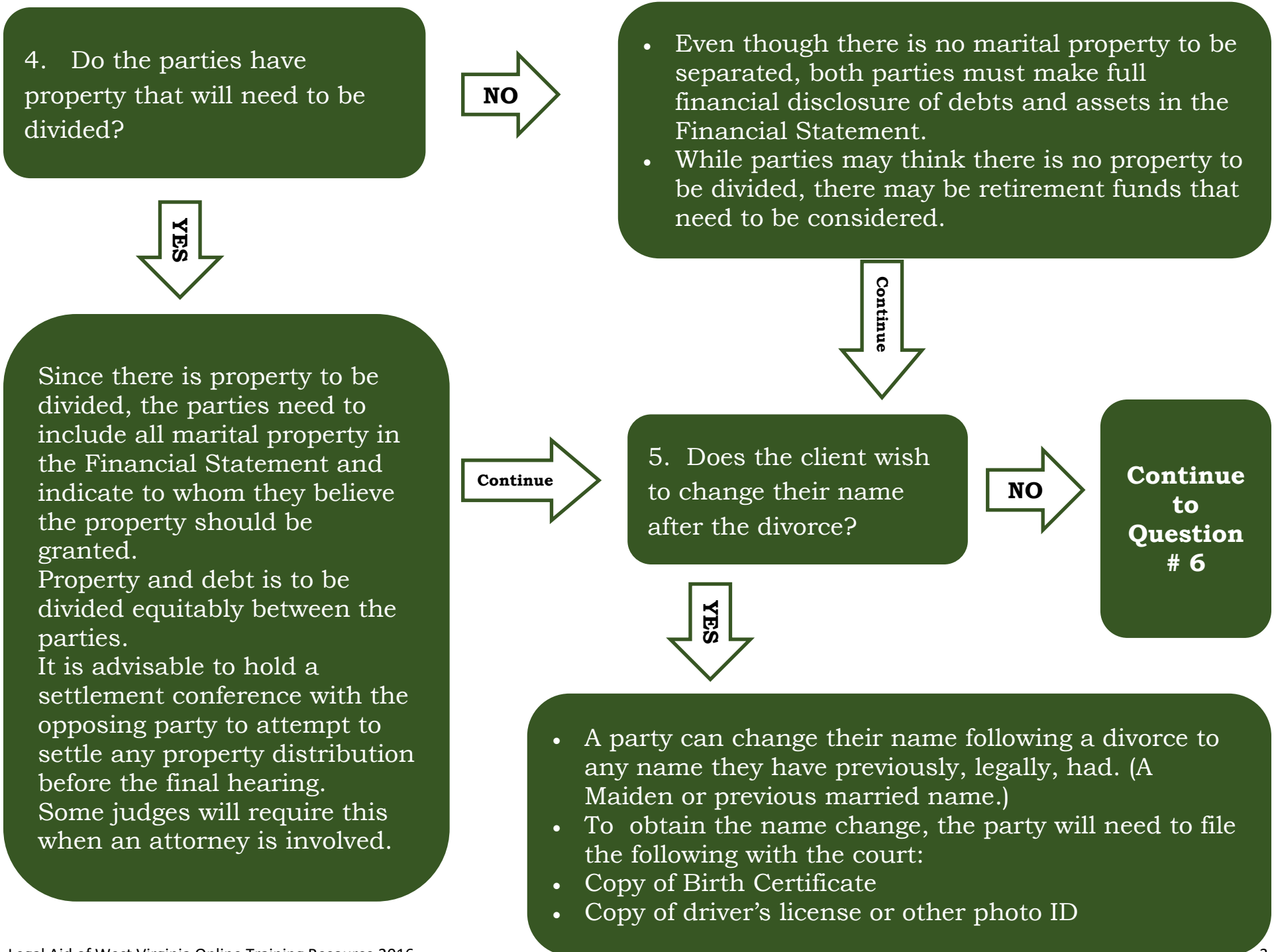


- Since the party has grounds other than Irreconcilable Differences, the grounds should be stated in the petition or answer.
- The grounds for divorce can contribute to granting or denying of spousal support, equitable distribution, and a permanent restraining order.
- If the Respondent does not file and answer or appear in court and agree to irreconcilable differences, a divorce will need to be granted based on one of the other grounds.
- In this case, the petitioner will need at least one witness who can testify as to the ground for divorce.



- Since the only valid ground for divorce is irreconcilable differences, the Respondent will need to file an Answer agreeing that irreconcilable differences exist.
- If the Respondent does not agree to irreconcilable differences, the divorce cannot be granted without a separate ground.
- The petitioner may need to wait until the parties have been separated for a year if no other ground exists.

Continue to Question #4



6. Does the Petitioner qualify for a Fee Waiver?

YES

- For current qualifications and necessary forms, visit the [West Virginia Judiciary's](#) website.
- The Fee Waiver form is available as a LAWV Law Help form or as a fillable pdf on the court's website.

NO

- If the client does not qualify for a fee waiver, the regular civil case filing fee will need to be paid at the time of filing.
- For current qualifications and necessary forms, visit the [West Virginia Judiciary's](#) website.

This is the end of the client interview.