

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

A GUIDE TO THE FAFSA &
GUARDIANSHIP PROCESS



TABLE OF CONTENTS

About.....	1
Frequently Asked Questions.....	2
Applying for Infant (Minor) Guardianship.....	9
Guardianship Forms (for Caregivers).....	14
Petition for Appointment of Guardian.....	15
Waiver of Guardian Appointment.....	23
Nomination for Appointment of Guardian.....	26
Civil Case Information Statement.....	28
Financial Affidavit and Application.....	31
Resources.....	35

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. Substantial changes were made to the FAFSA for the 2024-2025 school year and you may have a lot of questions.

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 may not be eligible for most financial aid.

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 at age 13 or older, 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.

There is also a new status called “provisionally independent” under the FAFSA that may mean a student does not have to provide information about the income of their parent(s) due to unusual situations like parental abandonment, abuse, neglect, or incarceration of a parent or student. This decision is made by working with the financial aid offices at the college or career school where you are applying.

In this packet, there are two **Frequently Asked Question** articles.

The first is about **applying for FAFSA** when students do not live with their parents. The second is about **infant (or minor) guardianship** in West Virginia, which explains what a court considers when deciding whether to grant guardianship. Also, you will find the forms caregivers must complete to ask for 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 legalaidwv.org. Legal Aid also has some specific programs that might be able to help:

- **Lawyer in the School:** If you are a student in high school or are caring for a student who is not your child and need help with these issues, you can apply for help from Legal Aid's Lawyer in the School Program. Contact the Lawyer in the School program by emailing lis@lawv.net or going to legalaidwv.org/lis for more contact information.
- **WV Works:** If your caregiver receives WV Works, have your caregiver ask the Department of Human Services 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 parent's income is included, you will need to determine if you are a dependent or independent student under FAFSA rules.

Do I have to include information about the income of my parents?

It depends. The FAFSA asks a set of questions to see if you are a dependent or independent student. These questions are found under Sections 5, 6, and 7 on the FAFSA form.

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. A graduate or professional student
4. On active duty in the U.S. Armed Forces
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 or were 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 to be an unaccompanied homeless youth or a self-supporting youth at risk of being homeless determined by:
 - a. School district homeless liaisons;
 - b. The director of an emergency or transitional shelter, or other program serving individuals who are experiencing homelessness;
 - c. The director of a program funded under a TRIO or Gaining Early Awareness and Readiness for an Undergraduate program (“GEAR UP”) grant; or a
 - d. A financial aid administrator at the current institution or at another institution who already decided.

Again, if you can answer yes to any of these situations you are independent and should only provide FAFSA information about yourself.

What if there are other reasons that I can't get income information from my parents?

The new FAFSA asks about “Student Unusual Circumstances” to determine if a student is provisionally independent. Provisionally Independent students can go ahead and complete the FAFSA without income information from parents but must provide additional information to the financial aid office at their college or career school about why they cannot get income information from parents. Provisionally Independent students are those experiencing circumstances like:

- Leaving home due to an abusive or threatening environment.
- Being abandoned or estranged from their parents and not adopted.
- Having refugee or asylee status and being separated from their parents, or having parents who are displaced in a foreign country.
- Being a victim of human trafficking.
- Being incarcerated or having parents who are incarcerated.
- Being unable to contact their parents because doing so would pose a risk to the student; or
- Being otherwise unable to contact or locate their parents and not adopted.

Students experiencing any of these situations must provide documentation from someone such as a school counselor, homeless shelter liaison, McKinney-Vento representative, or a community member familiar with the student's situation. Someone must verify the unusual circumstances faced by the student. Each college or career school determines what is needed to decide if a provisionally independent student is dependent or independent, but if you are found to be independent then you would not have to provide income information about your parent(s).

Why do I need to provide my parents' 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 already 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, unless you meet one of the situations for provisional independence in the question above.

If you live with someone other than your parents, but do not have a legal guardian, 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 none of the special circumstances apply to me, but my parents refuse to provide the information I need for the FAFSA?

If your parents will not give you the information you need for the FAFSA, you should not use your parent's information without his or her consent.

FAFSA Section 8 "Apply for a Direct Unsubsidized Loan Only" asks whether your parents are unwilling to provide their information. If the student doesn't have an unusual circumstance that prevents contacting the parents or obtaining their information, the student must answer "Yes." With this answer, the student's school will determine their eligibility for a Direct Unsubsidized Loan. The student will not qualify for other types of federal student aid.

Am I eligible to receive financial aid?

To get financial aid through the FAFSA here are some of the general requirements:

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. Show you are qualified to obtain a college or career school education.
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.

These requirements and more are also listed at <https://studentaid.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.gov>.

Usually, you can begin filling out the FAFSA on October 1st for the next school year. 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. In West Virginia, the FAFSA is usually due by March 1st for the next school year 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 for the next school year.

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

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

1. You can fill out the FAFSA online on the Federal Student Aid website. This is the easiest and fastest way to turn in your FAFSA. Please remember that it will take 1 to 3 business days for your FSA ID and your parents FSA ID to be matched before you can begin the application process.

2. For help filling out the FAFSA form, go to the studentaid.gov/help-center.

3. Help in other languages is available at <https://studentaid.gov/apply-for-aid/fafsa/filling-out/request-interpret>



When you mail the FAFSA, you will mail it to this address:
**Federal Student Aid
Programs
P.O. Box 7654
London, KY 40742-7654**

4. The option to complete a paper FAFSA has returned. You can print the FAFSA from a computer and mail it in, or you can request a printed FAFSA by calling 1-800-4FED-AID (1-800-433-3243) (TTY for the deaf or hard of hearing 1-800-730-8913). If you complete and mail the paper FAFSA, the processing time will be longer.

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://cfwv.com/>.

Information about filing for infant (minor) guardianship

Introduction to infant guardianship

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.

In this packet, you will find answers to common questions about infant (or minor) guardianships. You will also find the forms caregivers must complete to ask for guardianship.

If you can, you should always try to discuss legal guardianship with a lawyer to understand your choices and your rights.

You can apply for legal help with Legal Aid of West Virginia.

- Call 1-866-4370 or apply online at LegalAidWV.org
- If you have children in school, contact Legal Aid's **Lawyer in the School program** at LIS@LAWV.net or www.LegalAidWV.org/LIS
- If you get **WV WORKS** or a Kinship Relative Care Check, you can ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia.

The forms enclosed with this packet include:

1. Petition for Appointment of Guardian
2. Waiver of Guardian Appointment
3. Nomination for Appointment of Guardian
4. Civil Case Information Statement
5. Financial Affidavit and Application

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 simply "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.

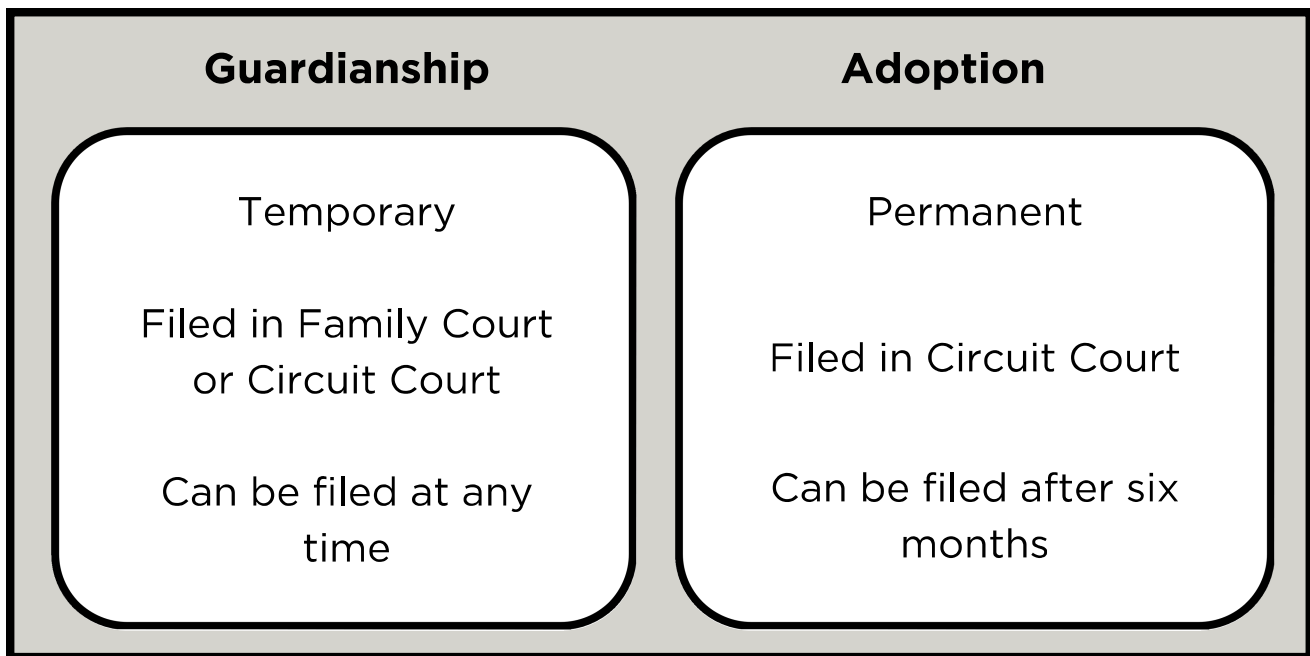
What is the difference between a guardianship and an adoption?

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 include:

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 gone through a recovery program, a judge may set aside the guardianship and return custody 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 either in 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 about 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 assistance 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 case assistance for the children from the Department of Human Services 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 Department of Human Services.

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 guardianship, available at <https://www.courtswv.gov/public-resources/court-forms> .

Use the “Topic” filter to find the “Infant Guardianship” forms.

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.

You can apply for legal help with Legal Aid of West Virginia.

- Call 1-866-4370 or apply online at LegalAidWV.org
- If you have children in school, contact Legal Aid’s **Lawyer in the School program** at LIS@LAWV.net or www.LegalAidWV.org/LIS
- If you get **WV WORKS** or a Kinship Relative Care Check, you can ask your WV WORKS caseworker for a referral to Legal Aid of West Virginia.

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.

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 the 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
- :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.courtswv.gov>.**

Petition for Appointment of Guardian for the Minor

This form starts the proceedings by asking the Court to appoint a guardian for the minor child. The caretaker should complete the 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.

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 FOR THE MINOR(S)

I/We, _____, the Petitioner(s), 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>
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____

Type of Guardianship

1. The Petitioner(s) is/are requesting guardianship over the person (custody) of the minor(s) named above.

This type of guardianship provides the guardian authority over the person of the minor, including decisions that a parent would ordinarily make and requires that the guardian provide for the physical and emotional well-being of the minor(s).

Need for Proposed Guardianship

2. The proposed guardianship is needed for the following reason(s): *(Attach additional pages if needed.)*

Minor's Information

3. Each minor(s) named above is:

- a current resident of this county and state for the past six months; or
- there are extraordinary circumstances that justify an earlier filing. These circumstances

include: _____
_____.

4. The minor(s) currently live(s) with _____

whose address is _____

and telephone number(s) is/are _____.

5. During the last five years, the minor(s) has/have lived at the following addresses:

Minor's Name	Address and Adult Members of Household	Dates of Residence

Parents' Information

6. The parents of the minor(s) is/are:

Name

Last Known Address

Father: _____

Deceased Yes No

Telephone No.: _____

Mother: _____

Deceased Yes No

Telephone No.: _____

7. **Deceased Parents:** *If any parent is deceased, please provide the date of death and county and state in which the parent died. If available, please attach a copy of the death certificate.*

Name: _____

_____/_____/_____

Date of Death

_____ County and State of Death

Name: _____

_____/_____/_____

Date of Death

_____ County and State of Death

8. **Parents whose parental rights have been terminated:** *If the parental rights of either parent have been terminated in a child abuse and neglect case, please provide the date of the termination and county and state of the child abuse and neglect case.*

Parent's Name: _____

Date of Termination: ____/____/____ County and State: _____

Parent's Name: _____

Date of Termination: ____/____/____ County and State: _____

9. PRIOR CPS INVESTIGATION: *Complete this section if the parents or the minor(s) have been subject to a CPS investigation.*

(a) The minor(s) and/or their parents have been subject to a CPS investigation(s) that involved the following: _____

(b) The outcome of the investigation was: _____

(c) CPS investigation history occurred in _____ County in the State of _____

10. If custody has previously been determined by a court proceeding, please complete this section.

To the best of my knowledge, the minor(s)'s custody has been determined in the following court proceedings:

Name of Court: _____

Case No.: _____ County and State: _____

Type of Proceeding: _____

Outcome of Proceeding: _____

Information of Proposed Guardian

11. The proposed guardian(s) of the minor(s) is/are:

Name: _____

Address: _____

Telephone number(s): _____

Date of Birth: _____/_____/_____

Relationship, if any, to the minor(s): _____

12. List the full name(s) of all other adults, besides the proposed guardian(s), who reside in the household of the proposed guardian: _____

13. The proposed guardian(s) is/are competent and fit to serve as guardian(s) of the minor(s) and the welfare and best interests of the minor(s) will be properly protected by the appointment of the proposed guardian(s) for the following reasons:

14. For the court to determine an appropriate guardian, the Petitioner(s) states the following regarding the proposed guardian(s):

- (a) Yes No Required to register as a sex offender under West Virginia Code, Chapter 15, Article 12;
- (b) Yes No Record of any misdemeanor or felony conviction;
- (c) Yes No Subject to a restraining order or final protective order;
- (d) Yes No Subject of any substantiated report alleging child abuse, neglect, or sexual abuse made to any child protective agency ("CPS"), other law enforcement agency, or court in any jurisdiction;
- (e) Yes No Uses any illegal substances, such as drugs, or misuses prescription drugs;
- (f) Yes No Abuses alcohol;
- (g) Yes No Another person living in the home is involved in any of the matters as stated above

If you answered "yes" to any of the questions, please provide additional information:

15. Does/Do the minor(s) receive(s) any ongoing payments such as social security or child support?
 Yes No

16. Does one of the parents receive child support payment for the minor(s)? Yes No

If your answer is "Yes," to either question 15 or 16, please list the type of payment, the amount of the payment, and how often it is received.

Additional Information

17. Please provide any additional information that the court should consider:

Temporary Relief

18. **For the following reasons,**

a temporary guardian is needed to protect the welfare and the best interest of the minor(s) until a guardian is appointed and qualified to act; or

Because of the following circumstances, temporary relief is needed:

temporary relief is not needed.

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/or the estate and grant such other relief the Court finds appropriate.

Dated this _____ day of _____, 20_____.

Note: If the Court grants your petition, you may be required to post a bond. The Court will determine the amount and type of the bond.

VERIFICATION

STATE OF WEST VIRGINIA

COUNTY OF _____, to wit:

I, _____, on oath or affirmation, say that I am the petitioner named in this PETITION FOR APPOINTMENT OF GUARDIAN FOR THE MINOR(S) 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

Waiver of Guardian Appointment

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.

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

1. I, _____, Father/ Mother of 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).

2. I agree to the appointment of a guardian, and I am waiving my priority right to qualify as guardian:

3. **(Optional)** Additionally, I nominate, and respectfully request that the Court appoint as guardian for my minor child.

4. To the best of my knowledge, I state the following regarding the proposed guardian(s)

- (a) Yes No Required to register as a sex offender under West Virginia Code, Chapter 15, Article 12;
- (b) Yes No Record of any misdemeanor or felony conviction;
- (c) Yes No Subject to a restraining order or final protective order;
- (d) Yes No Subject of any substantiated report alleging child abuse, neglect, or sexual abuse made to any child protective agency ("CPS"), other law enforcement agency, or court in any jurisdiction;

- (e) Yes No Uses any illegal substances;
- (f) Yes No Abuses alcohol;
- (g) Yes No Another person living in the home is involved in any of the matters stated above

If you answered "yes" to any of the questions above, provide further information:

5. I further state that the other parent of the child is _____, and his/her address and telephone number are:

Dated this _____ day of _____, 20_____.

FATHER/MOTHER

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/Judicial Officer

Nomination for Appointment of Guardian

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.

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

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

(initial one or both)

_____ My person

_____ My estate

2. I am nominating the guardian named above for the following reasons:

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/Judicial Officer

Civil Case Information Sheet

Civil Case Information Statement - This form gives the Circuit Court 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 will need to complete and notarize the Affidavit to Withhold Identifying Information, available at the local Circuit Clerk's office.

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>_____ Phone Number</p> <p>_____ Social Security Number</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 _____	
Phone Number _____	<input type="checkbox"/> Male / <input type="checkbox"/> Female
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 _____

Fee Waiver Application

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.

IN THE _____ COURT OF _____ COUNTY, WEST VIRGINIA

Case No. _____

Plaintiff or Petitioner v. 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: _____

Case No. _____

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.
 - If you have children in school, contact Legal Aid's Lawyer in the School Program at LIS@LAWV.net or www.legalaidwv.org/lis
 - If you get WV Works, ask your WV Works caseworker for a referral to Legal Aid
- ***Find a Lawyer - West Virginia Lawyer Referral Service***
 - www.wvlawyerreferralservice.org
- ***College Foundation of West Virginia - Financial Aid Information***
 - <https://cfwv.com>
- ***Free Application for Federal Student Aid - FAFSA***
 - <https://studentaid.gov>