

DESERTION/NON-SUPPORT PETITION (Criminal)

Commonwealth of Virginia

VA. CODE § 20-61

CASE NO.:

DCSE ID No. (to be added if DCSE is involved in case)

Juvenile and Domestic Relations District Court

v.

PETITIONER

RESPONDENT

RESIDENTIAL ADDRESS

RESIDENTIAL ADDRESS

MAILING ADDRESS IF DIFFERENT

MAILING ADDRESS IF DIFFERENT

Social Security No.

Social Security No.

Driver's License No. and State

Driver's License No. and State

Telephone No. (H) (W)

Telephone No. (H) (W)

Date of Birth

Date of Birth

EMPLOYER

EMPLOYER

EMPLOYER'S ADDRESS

EMPLOYER'S ADDRESS

Petitioner's address not to be disclosed.

The undersigned petitioner respectfully represents to the Court:

1. That the parties have never been married; That the defendant and petitioner were lawfully married on DATE in CITY/COUNTY AND STATE

2. That within the past TIME PERIOD That on or about DATE

the said defendant did unlawfully, and without just cause,

desert and/or willfully neglect and refuse and fail to provide for the support and maintenance of: his or her spouse and the following children under the age of eighteen years: Name Date of Birth Prior Adjudications as to Custody Parentage who resides at petitioner's address (Check if a child is over eighteen years of age and disabled or otherwise incapable of earning a living.) his or her mother father such parent being incapacitated and unable to maintain herself or himself, such spouse, child, children or parent being then and there in necessitous circumstances

3. That no other case for support involving petitioner and respondent has been filed in any other court. Attached is/are support order(s) for the above named person(s) for whom support is being sought. 4. Division of Child Support Enforcement is is not involved in this case. 5. That this Court has jurisdiction by reason of the fact that: at the time of desertion, such spouse, child, children, or parent were residents of this jurisdiction; (or) such spouse, child, children or parent are now residents of this jurisdiction in necessitous condition and have remained here in such condition with the knowledge and acquiescence of the defendant; (or) the defendant is now and may be found within the jurisdiction of this Court. 6. That the facts and circumstances of this case are as follows:

7. An Order of Protection is currently in effect against the defendant yes no. If yes, give name of court issuing the order, state and expiration date:

..... COURT ISSUING ORDER STATE EXPIRATION DATE

PERSONS PROTECTED BY THE ORDER

Wherefore, your petitioner prays that proper process may issue, that the Court may make all proper and necessary inquiries into the matters set out above and find that the defendant is guilty of desertion and/or willful neglect and refusal and failure to provide for the support and maintenance of the dependents described in the petition, and that the Court

- A. Make a finding in its Order that the Defendant is the father of the children named in this petition (paternity has not been previously established).
B. Order the Defendant to furnish support as follows:

\$ per for child support divided thusly:
TYPE OF TIME PERIOD
 \$ divided equally among the above named children, or;
 \$
\$ per for spousal support and, in the Order, specifically allocate between child and spousal support TYPE OF TIME PERIOD

Or

\$ per for combined child/spousal (unitary) support TYPE OF TIME PERIOD

or such other amount as the Court deems to be appropriate which is needed for support of the above listed dependents.

- C. Order the Defendant to make reimbursements or arrearages which subsequently accrue, with the Defendant to pay a reasonable amount on a periodic basis:

\$ payable for child support as of accruing at a rate of \$ per TYPE OF TIME PERIOD
 \$ payable for child support as of accruing at a rate of \$ per TYPE OF TIME PERIOD
and, in the Order, specifically allocate between child and spousal arrearage.

Or

\$ for combined child/spousal (unitary) support as of accruing at a rate of \$ per TYPE OF TIME PERIOD

- D. Enter an order or require the Defendant to enter into an agreement creating a wage assignment to enforce any orders entered in the case as the responding court deems appropriate.
E. Order that all payments be made
 directly to the payee.
 to or through the Virginia Department of Social Services or its contractors.
F. Provide in the order that Defendant provides health insurance coverage, including dental and ophthalmologic (eye-related) services, if available, for the dependents and for delivery of the documents necessary for the use of such coverage to the dependents.
G. Require the Defendant to post a performance bond.
H.

Petitioner further requests the granting of such other and further relief as the law provides.
Written testimony and other documentation in support of this petition are attached and incorporated herein and made a part of this Petition.

DATE

PETITIONER

The Petitioner appeared this date before the undersigned and, upon being duly sworn, made oath that the facts stated in the foregoing petition are true based on the Petitioner's knowledge except as to those matters which are stated to be alleged on information and belief, to which the Petitioner believes such matters to be true.

DATE

CLERK DEPUTY CLERK INTAKE OFFICER
 NOTARY PUBLIC (MY COMMISSION EXPIRES