

Packet 7

Custody and Child Support Modification

Forms and Procedures

For Wyoming

PETITIONER

2011

Published by
Citizens Access to Courts Committee
c/o Wyoming Supreme Court
2301 Capitol Avenue
Supreme Court Building
Cheyenne, WY 82002

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PETITIONER – CUSTODY AND CHILD SUPPORT MODIFICATION

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*All underlined forms are required to modify custody and child support where the parties agree.

**Other forms may be required by your Court.

CUSTODY AND CHILD SUPPORT MODIFICATION INFORMATION AND INSTRUCTIONS

CONFIDENTIALITY: If you have concerns about confidential information such as addresses and/or social security numbers, please consult an attorney and do not attempt to do this on your own. You should also know that Domestic Violence Protection Orders or Stalking Orders are available free of charge at the circuit court clerks' offices. You may request assistance in obtaining Domestic Violence Protection or Stalking Orders from your local domestic violence or sexual assault program or you may call the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-800-990-3877). There are also private attorneys that are willing to assist clients in these matters. If you have ever obtained a Domestic Violence Protection Order, this information should be indicated in the *Petition to Modify Custody and Support* or the *Counterclaim*. A Domestic Violence Protection Order generally will be in effect for up to three (3) months and any provision included in that order (such as child custody and/or support) will end when the order expires.

Read through the following information and instructions before completing the forms to ensure that you qualify to file for a modification of custody and child support in Wyoming.

This packet is to modify custody and child support. If you wish to modify child support only, a separate packet is available.

1. Qualifying for a modification of custody: In order to modify/adjust your current custody arrangement, you must show the Court that there has been a material change in circumstances.

a. **Material change in circumstances:** A court may modify an order concerning the care, custody and visitation of the children if there is a showing by either parent of a material change in circumstances since the entry of the order in question and that the modification would be in the best interests of the children pursuant to Wyoming law. (Wyo. Stat. §20-2-201(a)). A condition which existed when the custody order was entered is not a substantial or material change of circumstances.

(i) **Relocation:** moving away, by itself, is not a substantial or material change in circumstances sufficient to justify a change in custody order. *Gurney v. Gurney*, 899 P.2d 52, 55 (Wyo. 1995) (citing *Love*, 851 P.2d at 1288-89). The court will consider the attributes and characteristics of the parents and children and how the children have fared under the original custody and visitation arrangement. The court will also consider whether the relocating parent's motives for proposing the move are legitimate, sincere, in good faith, and whether reasonable visitation is possible for the remaining parent. *Watt v. Watt*, 1999 WY 4, 971 P.2d 608 (Wyo. 1999). The court should not refuse to support the efforts of the custodial parent to maintain and enhance their standard of living, even if it means moving away. So long as the court is satisfied with the motives of

the custodial parent in seeking the move and reasonable visitation is available to the remaining parent, the courts have held that being able to move away with the children is allowable.

- b. **Joint custody:** Because parents must work closely together in joint custody arrangements, it may be easier to reopen an order which contains a joint custody provision if the parties are no longer able to work together or if a party has moved and change it so that one person has primary custody and the other parent has visitation.
 - c. **Burden of proof:** It is up to the person trying to modify or change the custody arrangement of the earlier order/decreed to establish that a material and substantial change in circumstances has occurred, following the entry of the previous order.
 - d. **Judges have broad decision-making authority:** Custody, visitation, child support, and alimony are all committed to the sound discretion of the district court. The welfare and needs of the children are to be given paramount consideration. The determination of the best interests of the child is a question for the judge. A judge's decision is very hard to overturn.
2. **Modifying child support:** Often when a person seeks to modify child custody, child support will also be affected. If that is the situation in your case, this packet includes information to modify child support too.
- **If you believe there has been a material change in circumstances warranting a change in custody, you may move forward with this packet.**

Step 1. Getting Started. If you qualify to file for a modification of your current custody order, the following forms are necessary in all uncontested modification cases. It is recommended that you complete all of these forms before you file the *Petition to Modify Custody and Support* so that they will be ready to file at the appropriate time:

1. Petition to Modify Custody and Support (Attach a certified copy of the prior custody order)
2. Summons
3. Acknowledgement and Acceptance of Service
4. Confidential Financial Affidavit (both parties must file a financial affidavit)
5. Order Modifying Custody and Support
6. Confidential Statement of the Parties for Child Support Order
7. Order for Income Withholding
8. Income Withholding for Support (or, you can also open up a case with your local child support enforcement agency and they will prepare this form for you)

**Other forms may be required depending on the Court and on your situation. If additional forms are needed, they will be discussed below where applicable.

***You will need to obtain a certified copy of your prior order granting custody. This can be obtained from the Clerk of District Court where the prior custody order was filed.

Remember, your packet contains many forms that will not be required in all situations. Be sure to follow these instructions carefully to ensure you have completed the correct forms for your situation.

Step 2. File the Petition. In order to advise the Court that you wish to modify your current custody and child support order, you must file the *Petition to Modify Custody and Support* (“Petition”). If you are filing the *Petition*, you are the “Petitioner” regardless of whether you were the Plaintiff or the Defendant when the custody and child support order was first entered. The other party will be referred to as the “Respondent”.

Notarizing Signatures. Some forms will require you to have your signature notarized. Notary Publics may administer the oath and witness your signature, or in many cases, Clerks of Court will be willing to administer the necessary oath. Each Clerk’s office has their own policy so check with them first before seeking notarization of your signature on the forms.

You will file the *Petition* with the Clerk of District Court where the original custody and child support order was issued. Ask the Clerk for your case number. Delivering the *Petition* to the clerk’s office is called **filing** a case. A **filing fee** is required. Ask the Clerk what the amount of the filing fee is and what forms of payment are accepted. You will also need to attach a certified copy of your prior custody order to the *Petition*. The Clerk can assist you with obtaining a certified copy. There will be a charge for providing copies of your prior order.

Case Number: You will need to use the same case number assigned to the original custody and child support order. You must include that case number on all further paperwork in the “**caption**”. The caption is the top section of a pleading, motion, or petition stating the name of the petitioner, respondent, court and the case number.

Take the original and two (2) copies of each document to the Clerk’s office. The Clerk will give you copies of each document back after stamping them with the date they were filed. This is called a “file stamp”. You should keep one copy of each document for your records. The other set of documents will need to be served upon the respondent.

RECAP for Step 2: Start the modification action by filing the following documents with the Clerk of the District Court’s office located in the county courthouse where your original child support order was established:

- A. *Petition to Modify Custody and Support (attach certified copy of prior custody order)*; and
- C. *Summons* (If the respondent has already signed the *Acknowledgement and Acceptance of Service*, you may file it now and you can then skip to **Step 4 or Step 6** depending on your situation)
- D. Pay the **filing fee**
- E. Take the original and two (2) copies of each document to the Clerk’s office.
 - a. The Clerk will give you both copies back after file-stamping them
 - b. You should keep one copy for your records.
 - c. The other set of documents will need to be served upon the respondent.

Step 3. Serve the Respondent. Once the *Petition* filed, a copy must be formally given to (a/k/a **served** on) the respondent. **Personal service** of the *Petition* and *Summons* on the respondent by a **sheriff** is required for the *Petition* **unless** the respondent completes an

Acknowledgment and Acceptance of Service form. Formal service is required for the *Petition* so the Court has proof that the other party actually received the paperwork. Other forms of service exist, but these are the easiest methods that meet the formal service requirement for a *Petition*. If you cannot serve the respondent by either of these methods, ask the Clerk for additional forms for alternative methods of service.

You **MUST** give the respondent official notice that you have filed a *Petition* **within 90 days** from the date you filed the *Petition*. This is done by serving a copy of the *Summons* and *Petition* upon the respondent or by having the respondent sign an *Acknowledgment and Acceptance of Service* form stating a copy of those documents were received. If you do not serve the respondent within 90 days, your case can be dismissed by the Court.

A. **How to Serve the Respondent.** Choose **ONLY ONE** of the following options to serve the respondent:

Option 1– Service by Sheriff

Summons. It is recommended to have a sheriff in the county where the respondent can be found serve him or her with the papers. There will be a separate **service fee** (usually thirty-five (\$35.00) dollars in Wyoming). You can contact the sheriff’s department in the county where the respondent lives to determine the fee charged by the sheriff. This is also true if the respondent is going to be served out of state. You will need to provide the sheriff with a copy of the *Summons* and *Petition* to be served on the respondent.

Proof of Service. The sheriff’s office will complete the last page of the *Summons* called the “***Return***” (or they may have their own form - an “***Affidavit of Service***”) and will usually file the original with the Clerk’s office and send you a copy. If you receive what looks like the original “***Return***” or “***Affidavit of Service***” from the sheriff, call the Clerk’s office to ensure the original has been filed. If it has not, then file the original with the Clerk’s office and keep a copy for yourself. This is the proof that the respondent was given proper notice.

Note: Once the respondent has been served, you **MUST** file the original *Summons* and *Return* (or *Affidavit of Service*) with the Clerk’s office so that the Judge knows that proper service was made.

OR:

Option 2 – Acknowledgement and Acceptance of Service. If the respondent agrees, he or she may sign a form stating that a copy of the *Summons* and *Petition* were received. If the respondent agrees, you will need to fill out an *Acknowledgement and Acceptance of Service* form. The respondent must sign this document in front of a notarial officer.

Proof of Service. Once the *Acknowledgement and Acceptance of Service* form is signed, take the original and two (2) copies of the signed form to the Clerk’s office for filing. You should keep one copy for your records and provide the other copy to the respondent.

Note: You must file the signed *Acknowledgment and Acceptance of Service* form with the Clerk's office so that the Judge knows that proper service on the respondent was made.

RECAP for Step 3: You MUST give the respondent official notice that you have filed a Petition within 90 days from the date you filed the *Petition*. Choose one of the following methods:

Option 1 – Service by Sheriff

- A. Provide copy of the *Summons* and *Petition* to Sheriff where the respondent lives;
- B. Pay the *service fee*; and
- C. Once the respondent is served, be sure the original *Summons* and *Return or Affidavit of Service* are filed with the Clerk's office; **OR**

Option 2 – Acknowledgement and Acceptance of Service

- A. Provide a copy of the *Summons* and *Petition* to the respondent;
- B. Have the respondent sign the *Acknowledgment and Acceptance of Service* form in front of a notarial officer; and
- C. File the original *Acknowledgment and Acceptance of Service* form with the Clerk's office.

Step 4. Wait for the Respondent's time to Response respond to expire. Once the respondent is served, he or she has 20 days (if served in the State of Wyoming or 30 days if served out-of-state) to file a **Response** to the *Petition*. You must wait for the appropriate time period to expire before you can proceed with the case. You must wait the 20 days (or 30 days if served out-of-state) even if the respondent tells you that he or she is not going to file a *Response*.

- **Computation of Time Limits.** In computing most time limits, unless otherwise stated, the day the document is served shall not be included. The last day of the time period is included, unless it lands on a Saturday, a Sunday, or a legal holiday, or, if the Courthouse is closed then the time limit will be on the very next day that the Courthouse is open. **If you have questions about time limits you should seek the advice of an attorney.**
- While waiting, move on to **Step 5**. You can also use this time to continue to work on the other required forms to be sure they are filled out completely and correctly.

RECAP for Step 4: You MUST wait for the respondent's time to file a *Response* to expire before you can proceed with your case. In the meantime:

- A. Mark on the calendar when the time to *Response* expires;
- B. Move on to **Step 5** while waiting; and
- C. Use this time to ensure the required forms are filled out completely and correctly.

Step 5. Initial Disclosures. The law requires certain information be made available at least thirty (30) days after the respondent is served, including a schedule of financial assets; schedule of non-financial assets; schedule of all debts owed individually or jointly; location(s) of safety deposit box(es); employment information; information regarding other income and retirement accounts; and a summary of the facts believed to support the claim of

superior entitlement to custody where child custody is at issue. Both parties are required to provide this information in order to fully disclose finances of the parties relating to the calculation of child support. **EXCEPTON: If you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*, then you do NOT need to complete the *Initial Disclosures* and you can move on to Step 6.**

Please note that “A party must make its disclosures based on the information then reasonably available to it and is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party’s disclosures or because another party has not made its disclosures.”

A. **WHEN TO SERVE:** Initial Disclosures must be sent to the respondent (or his/her attorney) **WITHIN 30 DAYS AFTER THE RESPONDENT IS SERVED. Be sure to keep a copy of this document for your records.**

B. **DO NOT FILE THE INITIAL DISCLOSURES WITH THE COURT.** This form is only given to the respondent (or his/her attorney).

RECAP for Step 5: You MUST provide your *Initial Disclosures* to the respondent within 30 days after the respondent is served with the *Summons* and *Petition* unless you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*.

- A. Mark on the calendar the deadline to send your *Initial Disclosures*; and
- B. Send your *Initial Disclosures* to the respondent by the deadline.
- C. DO NOT file the *Initial Disclosures* with the Clerk’s office.

Step 6. Once the time for the respondent to file a *Response* has expired and you sent your *Initial Disclosures* to the respondent, if applicable, then several options exist to move your case forward to get a modification of your custody and child support order. Pick the option that best describes your situation:

Option A. If the respondent filed a *Response* or *Response and Counterclaim* and you both agree on all of the issues of your case, follow **Option A** below.

Option B. If the respondent did not file a *Response* or *Response and Counterclaim*, follow **Option B** below.

Option C. If the respondent filed a *Response* or *Response and Counterclaim* and you do NOT agree on all of the issues of your case, follow **Option C**.

Option A. The following instructions apply if the respondent filed a *Response* or *Response and Counterclaim*, and you both agree on all

of the issues of your case. If you and the respondent agree on the issues involved in your case, then you will need to complete the following:

A. **Fill out a *Confidential Financial Affidavit* and attach all required documents (tax returns for previous two years and statement of earnings for the current year).**

- Both parties are required to file a *Confidential Financial Affidavit* including the required attachments with the Court. If the respondent does NOT file a *Confidential Financial Affidavit*, you will need to complete an *Affidavit of Imputed Income* to show the Court how much money the respondent makes. This is an additional form contained in your packet.
- **Required Attachments.** The *Confidential Financial Affidavits* of the parties must be supported with documentation of both current and past earnings. Proper documentation of current earnings includes, but is not limited to, pay stubs, employer statements, or receipts and expenses if self-employed. Documentation of current earnings shall be supplemented with copies of the most recent tax return to provide verification of earnings over a longer period. Include copies of income tax returns for the previous two years and your most recent pay stub(s) to show how much you have made so far this year.

B. Fill out a *Confidential Statement of the Parties for Child Support Order*.

C. Fill out an *Order Modifying Custody and Support* (“Order”). This form will need to be filled out completely, signed by both you and the respondent and both of your signatures notarized. Here are some relevant laws and helpful hints in completing the *Order*:

Relevant Child Support Laws:

- a. **Recipients of certain public benefits.** Recipients of certain public benefits, such as POWER, are required to assign their rights to support to, and cooperate with, the department of family services in the establishment of parentage and the establishment, enforcement and modification of support obligations. If you or your children receive public benefits, contact your Department of Family Services Caseworker or local child support enforcement office as a modification of child support may have an impact on your benefits. **Wyo. Stat. §20-6-105.**
- b. **Military Personnel:** Military regulations specify that military duty will not be used as a basis for avoiding family support obligations, but setting the level of support is a civilian matter. It is most common to set the support obligation based on basic military pay. You can go to www.dfas.mil for updates on military pay and many other issues. If military pay and benefits are an issue in your child support case, you may want to contact an attorney for assistance. The following is also a helpful website:

<http://www.acf.hhs.gov/programs/cse/fct/militaryguide2000.htm#determine>.

- c. **Overtime compensation:** Overtime compensation is not counted in the “net income” unless the court, after considering all overtime earnings derived in the preceding twenty-four (24) month period, determines the overtime earnings can reasonably be expected to continue on a consistent basis.
- d. **Entry of income withholding order.** An income withholding order (IWO) enables an employer to take child support out of the pay of the parent obligated to pay. The court always enters an IWO which takes effect immediately, unless the parties agree otherwise, or unless one (1) of the parties demonstrates, and the court finds, that there is good cause not to require immediate income withholding. When the parties agree to an alternative arrangement, the arrangement must be in writing, signed by the parties and reviewed and entered in the record by the court. The court shall include in the record its findings of good cause, including a statement explaining why implementation of immediate income withholding would not be in the best interests of the child and, in cases involving modification of child support, proof of timely payments.

An income withholding order which did not become effective immediately upon entry, becomes effective upon the earliest of the following: (i) the date the parent paying requests withholding commence; or (ii) child support becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order.

- e. **Limits on amounts withheld:** The total amount that can be withheld from any employee's paycheck is limited by the Consumer Credit Protection Act (CCPA). The limits provided in the CCPA are fifty percent (50%) of disposable earnings if the parent who pays child support has a second family and sixty percent (60%) if there is no second family. These limits are each increased by five percent (5%) if payments are in arrears for a period equal to twelve (12) weeks or more. See definition of disposable income in paragraph 4 below.
- f. **Social security or veteran's benefits.** If your children receive part of a parent's social security or veteran benefits, you might want to contact an attorney or legal services program for assistance with child support calculation. If a proportion of a support obligor's (person who is supposed to pay child support) social security or veteran's benefit is paid directly to the custodian (parent or guardian with custody of the children) of the obligor's children who are the subject of the child support order, the total amount of the social security or veteran's benefit, including the amounts paid to the obligor and custodian under the child support order, will be counted as gross income to the obligor (count the amount the children receive as income to the parent who has to pay support). You will need to calculate the child support due and subtract the amount of the social security or veteran's benefit sent directly to the custodial

- parent from the noncustodial (obligor's) parent's share of presumptive support. If the subtraction of the social security or veteran's benefit sent directly to the custodian results in a negative dollar amount, the support amount shall be set at zero. The child support obligation shall be offset by the amount of the social security or veteran's benefit sent directly to the custodian, beginning from the time the custodian began receiving the social security or veteran's benefit. **Wyo. Stat. §20-2-304(e).**
- g. **Date new amount of child support begins.** An order for child support is not subject to retroactive modification except: (i) Upon agreement of the parties; or (ii) The order may be modified with respect to any period during which a petition for modification is pending, but only from the date notice of that petition was served on the respondent. **Wyo. Stat. §20-2-311(d).**
- h. **When the child support obligation ends.** An on-going child support obligation terminates when the:
- (i) Parents marry or remarry *each other* (After the remarriage of the parents to each other, the court may eliminate all child support arrearage existing between the parents except those assigned to the state of Wyoming);
 - (ii) Child dies;
 - (iii) Child is legally emancipated; or
 - (iv) Child attains the age of majority. (See "age of majority" definition below.)

IMPORTANT DEFINITIONS:

- a. **"Obligor"** means a person who owes a duty of support for a child;
- b. **"Payor"** means any employer or other person who pays income to an obligor and who has or provides health care coverage to employees;
- c. **"Arrearage"** means past due child support, past due medical support, past due spousal support, attorneys fees, guardian *ad litem* fees, costs, interest and penalties, but, does not include property settlements.
- d. **"Income"** means *any* form of payment or return in money or in kind to an individual, regardless of source. Income includes, but is not limited to wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability, permanent partial disability, permanent total disability, worker's compensation payments, unemployment compensation, disability, annuity and retirement benefits and any other payments made by any payor.
- e. **The following is not "income":** Means tested sources of income such as Pell Grants, aid under the Personal Opportunities With Employment Responsibilities (POWER) Program, food stamps and Supplemental Security Income (SSI) shall not be considered as income.

- f. **“Net” or “Disposable” income** is the gross income minus total mandatory deductions. **Mandatory deductions:** federal income tax withheld, social security tax (FICA) withheld, state income tax withheld, and other deductions required by law, such as required disability contributions and/or required retirement contributions. The cost of dependant health care coverage for dependent children may be deducted too.
- g. **“Imputed income”** can be used when either parent is voluntarily unemployed or underemployed. In such case the child support shall be computed based upon the potential earning capacity (imputed income) of the unemployed or underemployed parent. In making that determination the court shall consider:
- 1) Prior employment experience and history;
 - 2) Educational level and whether additional education would make the parent more self-sufficient or significantly increase the parent's income;
 - 3) The presence of children of the marriage in the parent's home and its impact on the earnings of that parent;
 - 4) Availability of employment for which the parent is qualified;
 - 5) Prevailing wage rates in the local area;
 - 6) Special skills or training; and
 - 7) Whether the parent is realistically able to earn imputed income.
- h. **"Age of majority"** means a person eighteen (18) years of age, *except* for purposes of child support obligations, a parent's legal obligation for the support of his or her children, whether natural or adopted, continues past the age of majority in cases where the children are: (i) mentally or physically disabled and thereby incapable of self support; or (ii) between the age of majority and twenty (20) years and attending high school or an equivalent program as full-time participants.

ADDITIONAL INFORMATION FOR CALCULATING CHILD SUPPORT:

- **Child Support Payments.** You will need to determine the amount of child support due based upon the *Confidential Financial Affidavits* you and the respondent completed (or by the *Affidavit of Imputed Income* if the respondent did not complete his/her own *Confidential Financial Affidavit*). You may use the *Child Support Computation Form* as a guide to help you calculate the support due. Another option is to go online to:

www.alllaw.com/calculators/childsupport/wyoming/ to calculate child support.

- **You CANNOT agree that no support will be paid.** The statutes allow for a reduced amount of support when you agree on shared physical custody and each parent keeps the child(ren) overnight for more than forty percent (40%) of the year and both parents contribute substantially to the expenses of the children in addition to the payment of child support.

- Where the combined *net monthly* income of *both* parents is less than eight hundred and thirty three dollars (\$833.00), the non-custodial parent has to pay twenty-five percent (25%) of his/her net income, but the minimum amount of child support a person has to pay cannot be less than fifty dollars (\$50.00) per month for each family unit in which there are children to whom the noncustodial parent owes a duty of support.
- There are NO DEVIATIONS from the presumed support allowed UNLESS the Court CHOOSES to deviate from the set amount because the amount was unjust or inappropriate in the particular case. The Court must include the specific reasons for deviation in the *Order*.
- **NO AGREEMENTS FOR LESS THAN THE PRESUMED SUPPORT CAN BE APPROVED IF GOVERNMENT OR STATE BENEFITS (SUCH AS MEDICAID (TITLE 19), FOOD STAMPS, POWER, ETC. ARE BEING PROVIDED ON BEHALF OF ANY CHILD.** This means the Court cannot lower the amount of child support calculated by using the net income of you and the respondent even if you and the respondent agree to a lower amount of support.
- **Medical Support.** The law requires that medical support for the child(ren) be included as part of any child support order. The Court shall order either or both of the parents to provide medical support, if insurance can be obtained through an employer or other group carrier, or if it is otherwise reasonably available. This may include dental, optical or other health care needs for the child(ren). In addition, the Court will order that any medical expenses not covered by insurance and any deductible amount on the required insurance coverage be paid by one or both parents. If both parents are ordered to pay for expenses not covered by insurance, the Court will specify the proportion for which each parent is responsible (for example, 50 % to petitioner and 50 % to respondent).

D. Fill out an ***Order for Income Withholding***. The Court is required by statute to enter an *Order for Income Withholding* in every case where child support has been ordered.

E. Fill out an ***Income Withholding for Support***. This form is required if you need to have the child support paid directly from a non-custodial parent's employer. If you need assistance in filling out this form, or if you need assistance in collecting child support, you should contact the child support enforcement agency in your district. The Clerk can provide you with the agency's contact information.

F. **Other Forms:** The Court may also require other forms depending on the county where your case is filed. Ask the Clerk if additional forms are required.

G. **Copies and Envelopes.** Take an original and two (2) copies of each of the above documents for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to

you and one to the respondent with enough postage to cover the cost of mailing the *Order* to you and the respondent). A copy of any documents that you file (other than the *Order*) must be sent to the respondent on the date that you filled out on the *Certificate of Service* on each document.

- If a hearing is not required by your Court, the Clerk will mail a copy of your *Order* if accepted by the Court.
- If a hearing is required by your Court, follow the next steps:

H. **Hearing.** In some Courts, a hearing is required before the Judge will sign the *Order*. If this is the case, you will need to request a hearing by completing the **Request for Setting**. If you have reached an agreement, check the first box in paragraph 2 that states that the parties have both signed the *Order*. Indicate how much time you will need for the hearing (usually 15 minutes if there is an agreement). You will file the **Order Setting Hearing** with the Clerk's office and they will fill in the hearing date and time and mail a copy to you and the defendant. You will need to provide an addressed, stamped envelope for you and the defendant to the Clerk. These documents are additional forms contained in your packet.

I. **Evidence.** At the hearing, you will need to inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. You will also give the *Order* signed by both you and the respondent to the Judge. The Judge may ask you additional questions. The Judge will not guide you through the hearing, tell you how to proceed or advise you on the law. Following the hearing, the Judge will make any necessary changes to the *Order* and will sign it.

J. **When will your custody and child support order be modified?** Your order modifying custody and child support will not be effective until the Judge signs the *Order* and it is filed with the Clerk. It may take several days for the Judge to sign the *Order*. You must verify with the Clerk that the *Order* has been file-stamped before you can be sure your custody and child support order has been modified.

RECAP for Option A: If you and the respondent agree on all issues in the case and the respondent filed an *Response* or *Response and Counterclaim*, complete the following:

Remember: Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the respondent unless otherwise stated below.

1. *Confidential Financial Affidavit*
2. *Confidential Statement of the Parties for Child Support Order*
3. *Order for Income Withholding*
4. *Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency)
5. *Order Modifying Custody and Support*
 - Take an original and two (2) copies of the *Order* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order* to you and the respondent).

6. Complete and file any additional documents required by your Court.
7. If your Court requires a hearing before entering a *Order*, then, you will also need to file and do the following:
 - *Request for Setting*
 - *Order Setting Hearing*
 - Take an original and two (2) copies of the *Order Setting Hearing* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order Setting Hearing* to you and the respondent).
 - Attend the Hearing

Your custody and child support order has been modified when the *Order* has been signed by the Judge and filed by the Clerk.

Option B. If the respondent does NOT file a *Response* or *Response and Counterclaim*, obtain a default *Order* by following these steps:

A. **Default Order.** After the required waiting period has expired, you may obtain what is referred to as a default order if the respondent does NOT file a *Response* or *Response and Counterclaim* to the *Petition*.

B. **Necessary forms.** Fill out and sign the *Application for Entry of Default* and *Affidavit of Petitioner in Support of Default*. Take an original and two (2) copies of these documents to the Clerk and the blank *Entry of Default*. If your paperwork is correct, the Clerk will sign the *Entry of Default*. These are additional forms located in your packet.

C. **Additional Documents.** After the *Entry of Default* is signed by the Clerk, complete **Step 6, Option A, items A through G** above. **MAKE SURE TO MARK “DEFAULT” ON ORDER.** Also, be sure to complete an *Affidavit of Imputed Income* to provide evidence of the Respondent’s income to the Court.

D. **Default Hearing.** Some Courts will not enter a *Default Order Modifying Custody and Support* unless there is a hearing. Ask the Clerk if this is required for your Court. If it is, fill out a *Request for Setting* and request 15 minutes for the hearing. You will file the *Order Setting Hearing* with the Clerk’s office and they will fill in the hearing date and time and mail a copy to you and the respondent. You will need to provide an addressed, stamped envelope for you and the respondent to the Clerk.

E. **Evidence.** At the hearing, you will need to inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. You will also give the *Order* to the Judge. The Judge may ask you additional questions. The Judge will not guide you through the hearing, tell you how to proceed or advise you on the law. Following the hearing, the Judge will make any necessary changes to the *Order* and will sign it.

F. **When will your custody and child support order be modified?** Your custody and child support order will not be modified until the Judge signs the *Order* and it is filed with the Clerk. It may take several days for the Judge to sign the *Order*. You must verify with the Clerk that the *Order* has been file-stamped before you can be sure your child support has been modified. The time limit to appeal a decree begins to run from the day the *Order* is filed with the Clerk's office.

RECAP for Option B: If the respondent did NOT file an *Response* or *Response and Counterclaim*, complete the following:

Remember: Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the respondent unless otherwise stated below.

1. *Application for Entry of Default*
2. *Affidavit of Petitioner in Support of Default*
3. *Entry of Default* (Clerk will sign if your paperwork is correct)
4. *Confidential Financial Affidavit*
5. *Affidavit of Imputed Income*
6. *Confidential Statement of the Parties for Child Support Order*
7. *Order for Income Withholding*
8. *Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency)
9. *Order Modifying Custody and Support*. **MAKE SURE TO MARK "DEFAULT" ON DECREE.**
 - Take an original and two (2) copies of the *Order* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order* to you and the respondent).
10. Complete and file any additional documents required by your Court.
11. If your Court requires a hearing before entering a *Order*, then, you will also need to file and do the following:
 - *Request for Setting*
 - *Order Setting Hearing*
 - Take an original and two (2) copies of the *Order Setting Hearing* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order Setting Hearing* to you and the respondent).
 - Attend the Hearing

Your custody and child support order has been modified when the *Order* has been signed by the Judge and filed by the Clerk.

Option C. If the respondent filed a Response or a Response and Counterclaim, and you and the respondent do NOT agree on all issues of your case, you will need to have a trial:

A. **You must file a Reply to the Counterclaim.** If the respondent has filed a *Response and Counterclaim*, you will have a time limit (usually 20 days) to file a written response (***Reply to Counterclaim***) to the counterclaim. The original, signed copy of your reply must be filed with the Clerk and a copy must be sent to the respondent (or his/her attorney).

- **Caution:** If you do not file the original *Reply to Counterclaim* with the Clerk within the time allowed, the respondent can seek a default order against you and may get what he/she asked for in his/her counterclaim.

B. **Trial.** If there is no agreement, your case will have to be heard and decided by a Judge at a trial.

- **Caution:** It is strongly recommended that you hire or find an attorney to represent you at trial, though you may represent yourself. You proceed at your own risk and will be expected to know the laws.

C. **Request a trial date.** You will need to request a hearing by completing a *Request for Setting*. Write in “trial” where it asks the type of hearing. Indicate how much time you think it will take for you and the other party to present your evidence and write that in (usually one (1) to three (3) hours). You also need to decide whether or not you want a Court reporter to record the proceeding. If you request a Court reporter, you will be responsible for paying the fees. SEE BELOW FOR DETAILS ON GETTING A COURT REPORTER. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal the Judge’s decision if you do not get a Court reporter to take down everything that is said at the trial.

- You must file the *Request for Setting* and the *Order Setting Modification Trial and Requesting Pretrial Statements* with the Clerk’s office and someone there will fill in the hearing date and time and mail a copy to you and the other party. You will need to provide an addressed, stamped envelope for you and the respondent to the Clerk. Both the *Request for Setting* and the *Order Setting Modification Trial and Requiring Pretrial Statements* are additional forms contained in your packet.

D. **Pretrial Disclosures.** Both parties must provide to other party AND PROMPTLY FILE WITH THE COURT the *Pretrial Disclosures* regarding the evidence that it may present at trial. If you have questions, you should contact an attorney.

- When are the *Pretrial Disclosures* due? Unless otherwise directed by the Court, these disclosures must be made at least **30 days before trial.**

- Take the original and two (2) copies to the Clerk for filing. Keep one copy for your records and send the other copy to the respondent (or his/her attorney).

E. **Settlement before trial.** In the event that your case settles before the trial, you must present the Court with the completed and signed *Order Modifying Custody and Child Support* in writing before the Court will take the trial off of the schedule. There will be no continuances or canceling of the trial date based on telephone calls. If you need a continuance, you should contact an attorney for assistance in seeking one.

F. **Court reporter.** If you wish to have a Court Reporter you are required to make a request by phone to the appropriate official court reporter at least **three (3) working days** before the matter is set for hearing. The clerk will be able to inform you which court reporter to contact. The three-day notice requirement will not be waived by the Court. The notice is required for all civil matters including jury trials. Payment of the statutory reporting fee of **\$45.00** per day shall be paid to the official court reporter prior to the commencement of the hearing/trial. Checks for the statutory reporting fee shall be made payable to the Wyoming State Treasurer.

G. **Evidence and witnesses.** At the hearing, you will need to present your evidence and witnesses. If the *Order Setting Modification Trial and Requesting Pretrial Statements* is entered (signed by the judge), you must follow the terms and provide the Court with the information requested in that document, including copies of exhibits you want to introduce at the trial and a list of your proposed witnesses and what their testimony is going to be about within the time frame ordered (usually 3 to 5 days prior to the trial). Under the law, the Judge cannot help you or assist you at trial. You are on your own without an attorney.

H. **Final Decision (Order).** Following the trial, the Judge will make a decision or may take the matter under advisement, meaning he or she will need to think further before making a determination. If the Judge instructs you, you must take that decision and type it into the *Order Modifying Custody and Child Support* incorporating the Judge's decision.

- **You are again reminded that, if you choose to continue without an attorney, you are expected to know what to do and how to do it. The judge will not guide you through the trial/hearing, tell you how to proceed or advise you on the law.**
- **You MUST also file the documents outlined in Step 6, Option A, items C through G above.**

I. **When will your custody and child support order be modified?** Your custody and child support order will not be modified until the judge signs the *Order* and it is filed with the Clerk of Court. It may take several days for the judge to sign the *Order*. You must verify with the Clerk's office that the *Order* has been file-stamped before you can be sure your custody and child support order has been modified. The time limit to appeal the *Order* begins to run from the day the *Order* is filed with the Clerk's office.

RECAP for Option C: If the respondent filed an *Response* or *Response and Counterclaim* and you do NOT agree on the issues, complete the following:

Remember: Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the respondent unless otherwise stated below.

1. If the respondent filed a *Response and Counterclaim*, file a *Reply to the Counterclaim* within 20 days after you receive the *Response and Counterclaim*.
2. Request a trial date
 - a. *Request for Setting*
 - b. *Order Setting Modification Trial and Requiring Pretrial Statements*
 - c. Take an original and two (2) copies of the *Order Setting Modification Trial and Requiring Pretrial Statements* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order Setting Modification Trial and Requiring Pretrial Statements* to you and the respondent).
3. File your *Pretrial Disclosures* and *Pretrial Memorandum*
4. At least 3 working days before the trial, request a court reporter, if desired.
5. Attend the Trial
6. *Order Modifying Custody and Support*
 - a. Take an original and two (2) copies of the *Order* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the respondent with enough postage to cover the cost of mailing the *Order* to you and the respondent).
7. *Confidential Statement of the Parties for Child Support Order*
8. *Order for Income Withholding*
9. *Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency)
10. Complete and file any additional documents required by your Court.

Your custody and child support order is modified when the *Order* has been signed by the Judge and filed by the Clerk.

CHECKLIST FOR PACKET 7
PETITIONER - MODIFICATION OF CUSTODY AND CHILD SUPPORT

STEP 1. These forms are required in all cases where you and the respondent agree on all of the issues:

- Petition to Modify Custody and Support (attach certified copy of prior custody order)
- Summons
- Acknowledgment and Acceptance of Service
- Confidential Financial Affidavit (both parties must file a financial affidavit)
- Confidential Statement of the Parties for Child Support Order
- Order Modifying Custody and Support
- Order for Income Withholding Order
- Income Withholding for Support (Or, you can also open up a case with your local child support enforcement agency and they will prepare this form for you)

*Other forms may be required based on your situation or on the Court where you are filing your petition. If other forms are required based on your situation, they will be discussed below. You will need to check with the Clerk to determine if the Court requires further documents.

STEP 2. File the *Petition* in the District Court the original child support order was entered. Take an original and two copies with you. The Clerk will keep the original. Keep one copy for yourself. The other copy is for service upon the respondent as described in **Step 3**.

Note: You will need to attach a certified copy of your prior custody order to the *Petition*. If you do not have a certified copy, ask the Clerk for one and pay any copying charges.

- Petition to Modify Custody and Support (attach certified copy of prior custody order)
- Summons* (**Note:** If the respondent has already signed the *Acknowledgement and Acceptance of Service*, you may file it at the same time you file your other paperwork and can skip to **Step 4** or **Step 6** depending on your situation.)
- Pay filing fee (check with Clerk for amount and payment options)

STEP 3. Serve the respondent (Choose 1 option below).

- Respondent signed the *Acknowledgement and Acceptance of Service* form

- File original *Acknowledgment and Acceptance of Service* form with the Court; **OR**
- Respondent was personally served by the Sheriff
- File original *Return or Affidavit of Service* completed by Sheriff with the Court.

- STEP 4.** Wait the required time for respondent to file an *Answer* to the Complaint.
- 20 days have elapsed.** Respondent was personally served in the State of Wyoming or signed an *Acknowledgment and Acceptance of Service* form; **OR**
 - 30 days have elapsed.** Respondent was personally served outside the State of Wyoming; **OR**
 - Exception:** If you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*, then you can move on to **Step 6**.

- STEP 5.** Complete the *Initial Disclosures*
- Send the *Initial Disclosures* to the respondent within **30 days** after the respondent was personally served by the Sheriff or signed the *Acknowledgment and Acceptance of Service* form. **DO NOT FILE** the *Initial Disclosures* with the Court.
 - Exception:** If you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*, then you do NOT need to complete the *Initial Disclosures* and you can move on to **Step 6**.



STEP 6. There are three options to choose from on this step depending on your situation. Review each option carefully and pick the option that best describes your situation.

Option A: If the respondent filed a *Response* or a *Response and Counterclaim* and you both agree on all issues, complete **Option A**.

Option B: If the respondent did not file an *Response* or a *Response and Counterclaim*, complete **Option B**.

Option C: If the respondent filed an *Response* or a *Response and Counterclaim* and you do NOT agree on all issues, complete **Option C**.

OPTION A: If the respondent filed an *Response* or a *Response and Counterclaim* and you both agree on all issues, fill out and file the following documents to finish your case:

Reply to Counterclaim. If the respondent filed a *Response and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the respondent filed the *Response* or a *Response and Counterclaim*. You do NOT need to complete this form if the respondent only filed an *Answer*.

Confidential Financial Affidavit

Attach tax returns for prior 2 years; and

Attach statement of earnings for the current year.

Additional form that may be needed:

Affidavit of Imputed Income. If the respondent does NOT file a *Confidential Financial Affidavit*, you will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the respondent makes. You do not need to complete this form if the respondent filed a *Confidential Financial Affidavit*.

Confidential Statement of the Parties for Child Support

Order Modifying Custody and Support

Order for Income Withholding

Income Withholding for Support (or, you can open up a case with your local child support enforcement agency).

Copies and Envelopes:

Take an original and 2 copies of each form to the Clerk for filing.

One envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you.

One envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent.

Mail a copy of the other forms to the respondent and keep a copy for your records.

Additional Forms: The Court may also require these additional forms depending on the county where your case is filed. Ask the Clerk if additional forms are required. If so, provide copies and envelopes for each additional form as follows:

Take an original and 2 copies of each additional form to the Clerk for filing.

Mail a copy of any additional form filed with the Clerk to the respondent and keep a copy for your records.

- Hearing. Some Courts require a hearing before the Judge will sign the *Order Modifying Custody and Support*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.
- Attend the Hearing: Inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. Give the Judge the *Order Modifying Custody and Support* you completed.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.

OPTION B. If the respondent does NOT file a *Response* or *Response and Counterclaim*, fill out and file the following documents to finish your case:

- Application for Entry of Default*
- Affidavit of Petitioner in Support of Default*
- Take a blank *Entry of Default* for the Clerk to sign
- Confidential Financial Affidavit*
 - Attach tax returns for prior 2 years; and
 - Attach statement of earnings for the current year.
- Affidavit of Imputed Income*. You will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the respondent makes.
- Confidential Statement of the Parties for Child Support*
- Order Modifying Custody and Support*
- Order for Income Withholding*
- Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency).
- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing

- Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you
- Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent
- Mail a copy of the other forms to the respondent and keep a copy for your records.

- Additional Forms: The Court may also require additional forms depending on the county where your case is filed. Ask the Clerk if additional forms are required. If so, provide copies and envelopes for each additional form as follows:
 - Take an original and 2 copies of each additional form to the Clerk for filing
 - Mail a copy of any additional form filed with the Clerk to the respondent and keep a copy for your records.

- Hearing. Some Courts require a hearing before the Judge will sign the *Order Modifying Custody and Support*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.

- Attend the Hearing: Inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. Give the Judge the *Order Modifying Custody and Support* you completed.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.

OPTION C. If the respondent files a *Response* or *Response and Counterclaim*, and you both do NOT agree on all of the issues of your case, fill out and file the following forms and attend the trial to finish your case:

***Caution: It is strongly recommended that you hire or find an attorney to represent you at trial, even though you may represent yourself. You proceed at your own risk and will be expected to know the rules and laws.**

- Reply to Counterclaim.* If the respondent filed an *Answer and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the respondent filed the *Response and Counterclaim*. You do not need to complete this form if the respondent only filed an *Answer*.
 - Take original and two copies to the Clerk for filing
 - Mail copy to the respondent and keep a copy for your records
- Request a Trial Date.
 - Request for Setting*
 - Order Setting Modification Trial and Requesting Pretrial Statements* (Judge will fill out date and time)
 - Take original and two copies to the Clerk for filing
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.
- Pretrial Disclosures and Pretrial Memorandum*
 - File at least **30 days** before the trial date
 - Take original and two copies to the Clerk for filing
 - Mail copy to the respondent and keep a copy for your records
- At least 3 working days before the trial, request a court reporter, if desired.
- Attend the Trial: Present your evidence and witnesses.
- Decision by Judge: The Court will tell you at the end of the trial if it will prepare the *Order* or if it wants you or the other party to prepare the *Order* and the terms to include in it. Have a blank *Order* ready to fill out in case the Judge asks you to prepare the *Order*. This way, you can fill it out as he gives his ruling.
- Confidential Statement of the Parties for Child Support*
- Order Modifying Custody and Support* (Unless the Court is preparing this for you)
- Order for Income Withholding*
- Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency).

- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent
 - Mail a copy of the other forms to the respondent and keep a copy for your records.

- Additional Forms: The Court may also require additional forms depending on the county where your case is filed. Ask the Clerk if additional forms are required. If so, provide copies and envelopes for each additional form as follows:
 - Take an original and 2 copies of each additional form to the Clerk for filing.
 - Mail a copy of any additional form filed with the Clerk to the respondent and keep a copy for your records.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

PETITION TO MODIFY CUSTODY AND SUPPORT

Petitioner respectfully requests this Court modify an order regarding child custody and support, and, if applicable, enter a judgment for arrears/back child support. In support of this petition, the petitioner states the following:

1. Petitioner is the **[Check the appropriate box]**

- custodial parent; OR
 non-custodial parent

and is a resident of _____ County, State of _____

2. **[Check the appropriate box]**

A child support order was entered on _____ **[date]** by this Court; OR

A child support order was entered on _____ **[date]** by the _____ Court, _____ County, State of _____

3. **CHILD CUSTODY JURISDICTION:** This court made the original child custody determination and has exclusive, continuing jurisdiction to modify the order concerning the care, custody and visitation of the children. The child, the child's parents or any person acting as a parent presently reside in this state. (If this court did not enter the original order or if neither party or the child(ren) continues to reside in this state, seek the advice of an attorney.)

4. **REQUIRED INFORMATION FOR CHILDREN:** The following information is required for each child, unless you have a court order or are operating under another law allowing you to maintain confidentiality of addresses or other identifying information. If the information in paragraphs 5 through 8 is not furnished, the court, upon

motion of a party or its own motion, may stay the proceeding until the information is furnished. (Attach a separate sheet, if necessary.)

Child's initials: _____

Child's year of birth: _____

Place of birth: _____

Present address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period

Attach a separate sheet if necessary

Child's initials: _____

Child's year of birth: _____

Place of birth: _____

Present address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period

Attach a separate sheet if necessary

Child's initials: _____

Child's year of birth: _____

Place of birth: _____

Present address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period

Attach a separate sheet if necessary

Child's initials: _____

Child's year of birth: _____

Place of birth: _____

Present address: _____

Name(s) of person(s) with whom child/ren lived during the past 5 years	Beginning Date	Ending Date	Present address of person(s) with whom child(ren) lived during this period

Attach a separate sheet if necessary

5. **OTHER CASES INVOLVING CHILD(REN):** State whether you have participated as a party or witness or *in any capacity* in any other proceeding (court cases) concerning the custody, allocation of decision-making, or visitation/parenting time of any of the children listed in this *Petition* in this *or any other state*: (If yes, please be specific regarding case number, court, state and nature of case, date of child-custody determination, if any, and child(ren)'s initials: _____

6. **OTHER PROCEEDINGS, INCLUDING PROTECTION ORDERS:** State whether you have any information of any custody proceeding that could affect the current proceeding, including proceedings for enforcement and civil and criminal proceedings relating to domestic violence, protective orders, termination of parental rights and adoptions, and if so, identify the court, the state, the case number and the nature of the proceeding and child(ren)'s initials: _____

7. **CUSTODY AND VISITATION RIGHTS OF OTHERS:** The following people are not parties in this matter, but have physical custody of the child(ren) or claim rights of parental responsibilities, legal custody or physical custody, or visitation/parenting time with the child(ren) (names and addresses of those persons): _____

8. The Order listed in Paragraph 2: **[Check the appropriate box]**

The Order has not been modified or changed in this state or any other state with respect to the child support and medical insurance obligations; OR

The Order was last modified with respect to the child support and/or medical insurance obligations by order of this Court on _____
_____ **[date]**; OR

The Order was last modified with respect to the child support and/or medical insurance obligations by Order of the _____ Court,
_____ County, State of _____, on _____
_____ **[date]**.

9. Attached is a certified copy of the custody order to be modified as required by Wyo. Stat. §20-2-203(c). According to the terms of the most recent court order, custody and visitation was ordered as follows: _____

10. *If child support was also ordered*, according to the terms of the most recent court order: **[Check the appropriate boxes for each section]**

A. The non-custodial parent is required to pay \$_____ per month in child support for the parties' minor child(ren) named in paragraph 4. The non-custodial parent is **[Check one box]**

in arrears (owes back child support). (A copy of the record of child support payments certified as a true copy of the original by the custodian of the record [Clerk of District Court or Child Support Enforcement] may be attached and/or forwarded to the court. The copy is evidence of facts asserted in it, and is admissible to show whether payments were made. Wyo. Stat. §20-4-166(c)). If applicable, the amount of arrears is \$_____ through the date of the filing of this Petition. A judgment should be entered against the non-custodial parent for this amount and any additional amounts which may accrue prior to entry of an order in this action; OR

current (not in arrears) for the child support obligation.

B. The custodial non-custodial parent is required to provide medical insurance for the child(ren). Such insurance has has not been provided as ordered.

C. The non-custodial parent was required not required to pay for a percentage of medical expenses not covered by insurance. Such medical expenses have have not been paid as ordered. If the non-custodial parent has not paid medical expenses as ordered, the total amount owed is \$ _____ through the date of the filing of this Petition (attach copies of bills/receipts, if available). A judgment should be entered against the non-custodial parent for this amount and any additional amounts that are owed prior to entry of an order in this action.

D. Neither party has been ordered to provide medical insurance. Petitioner is requesting this Court order _____ **[Name]** to provide medical insurance and that all medical expenses not covered by insurance be divided in the following manner: _____% to be paid by Mother and _____% to be paid by Father.

12. Reason for seeking modification of child custody. Since the date of the last order, a material change in circumstances has occurred which warrants modifying the child custody and/or child support obligations. The change in circumstances is: [Please describe] _____

13. That because of the substantial and material change in circumstances, it is in the best interests of the child(ren) to have the following custody/visitation arrangements: _____

WHEREFORE, Petitioner respectfully requests:

1. The Court set a hearing on the *Petition to Modify Custody and Support*;
2. The parties be ordered to complete and file *Confidential Financial Affidavits* as provided by Wyo. Stat. § 20-2-308;

3. The Court review and modify the child custody to an arrangement in the best interests of the child(ren);
4. The Court review and modify the child support order to an amount consistent with the Wyoming Child Support Guidelines;
5. The Court review and modify the medical insurance obligation and the allocation of costs not covered by medical insurance, if requested.
6. If applicable, the Court enter a judgment for child support arrears and for unpaid medical expenses not covered by medical insurance.
7. Other: _____

8. For such other and further relief as the Court deems necessary and just.

DATED this _____ day of _____, 20__.

 Signature

Printed Name: _____

Address: _____

Phone Number: _____

STATE OF _____)
) ss.
 COUNTY OF _____)

Subscribed and sworn to before me by _____, this
 _____ day of _____, 20__.

Witness my hand and official seal.

 Notarial Officer

My commission expires:

-----Fill in, if applicable-----
Pursuant to Rule 102(a)(1)(B) of the Wyoming Uniform Rules of District Court the following attorney has participated in the preparation of this pleading but said attorney is NOT deemed to have entered an appearance in this matter:

Attorney's Name

Attorney's Address/Telephone:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

SUMMONS

Respondent: _____.)
(Print name of other party)

To the above named Respondent:

Print Respondent's Name: _____

Home Address: _____

Phone: _____

Employer Name & Address: _____

YOU ARE HEREBY SUMMONED and required to file with the Clerk and serve upon the Plaintiff or Plaintiff's attorney if s/he has one, an Answer to the *Petition to Modify Custody and Support* ("Petition") which is herewith served upon you, within 20 days after service of this Summons upon you, exclusive of the day of service. (If service upon you is made outside of the state of Wyoming, you are required to file and serve your answer to the Petition within 30 days after service of this Summons upon you, exclusive of the day of service.) If you fail to do so, judgment by default will be taken against you for the relief demanded in the Petition.

Dated _____, 20_____.

(Seal of District Court)

Clerk of Court

By: _____
Deputy Clerk _____

Petitioner's Name

Address

Phone Number

STOP: SHERIFF WILL FILL THIS OUT (Attach to Summons)

RETURN

STATE OF WYOMING)
) ss
COUNTY OF _____)

TO BE USED BY WYOMING SHERIFF, UNDER
SHERIFF OR DEPUTY

I, _____, Sheriff in and for said County of _____, in the State aforesaid, do hereby certify that I received the within Summons, together with a copy of the Petition to Modify Custody and Support ("Petition") filed in the above entitled matter, and that I served the same in the County aforesaid on the _____ day of _____, 20____ by delivering a copy of the same, together with a copy of the Petition, to:

Sheriff

By:

Deputy Sheriff

Sheriff's fees: Service, \$ _____; Return \$ _____

Mileage \$ _____; Total \$ _____

AFFIDAVIT OF SERVICE

STATE OF _____)
)ss TO BE USED BY A PERSON OTHER THAN WYOMING
COUNTY OF _____) SHERIFF, UNDER SHERIFF OR DEPUTY

_____, being first duly sworn, on oath deposes and says that s/he is over 18 years old and is not a party to the foregoing action or interested therein, and that s/he made service of said Summons in the County aforesaid on the _____ day of _____, 20____, by delivering a copy of the same, together with a copy of the Petition to Modify Custody and Support, to:

Name: _____

Address: _____

By: _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notarial Officer

My Commission Expires:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

ACKNOWLEDGEMENT AND ACCEPTANCE OF SERVICE

I, _____, hereby
(Print Defendant's Name)
acknowledge receipt of a copy of the *Petition to Modify Custody and Support* ("Petition") filed in this case and the *Summons* issued by the clerk. I waive any requirement for other service of process (Rule 4(m)(2)(v), Wyoming Rules of Civil Procedure). I agree to answer or otherwise plead within 20 days from this date (30 days if copies of the papers were received outside of Wyoming). I understand that if I fail to file an answer or other pleadings with the clerk of this court and serve the same upon the Plaintiff in accordance with the Wyoming Rules of Civil Procedure within the time limits stated, I will be in default and Plaintiff may be afforded the relief demanded in the *Petition* without a trial or other hearing.

DATED this _____ day of _____, 20____.

Respondent's Signature
Phone Number: _____
Address: _____
City/State/Zip Code: _____

Subscribed and sworn to before me on this _____ day of _____,
20_____.

WITNESS my hand and official seal.

Notarial Officer

My Commission Expires:

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Other Party's/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

STATE OF WYOMING)
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____,)
(Print name of other party))

INITIAL DISCLOSURES

The following initial disclosures, are submitted by the Petitioner or Respondent pursuant to Wyoming Rule of Civil Procedure 26(a)(1.1). This information is required in all divorce proceedings to the extent that the information pertains to a particular claim or defense in the action. This information must be made available to the opposing party's attorney or the opposing party if he or she does not have an attorney for the divorce action within thirty (30) days after the defendant has been served with the *Petition to Modify Custody and Support*. For any of the following disclosures that do not pertain to you, write "not applicable" on the appropriate schedule.

1. A schedule of financial assets owned individually or jointly, such as savings or checking accounts, stocks, bonds, cash or cash equivalents, including the name and address of the depository, the date such account was established, the type of account, the account number, and whether the account is acknowledged to be a marital asset or asserted to be a non-marital asset and, if asserted to be a non-marital asset, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Financial Assets.**)

2. A schedule of non-financial assets, such as personal or real property (i.e. house, land, vehicles, household items, etc.) owned individually or jointly, including the purchase price

and the date of purchase or acquiring the property, the present market value, any indebtedness relating to such asset, the state of record ownership, whether purchased from marital assets or obtained by gift or inheritance, and whether acknowledged to be a marital asset or asserted to be a non-marital asset and, if asserted to be a non-marital asset, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Non-Financial Assets.**)

3. A schedule of all debts owed individually or jointly, identifying the date any obligation was incurred, the spouse in whose name the debt was incurred, the present amount of all debts and monthly payments, the use to which the money was put which caused the debt to arise, identification of any asset which serves as security for such debt, and an acknowledgement of whether each debt is a marital or non-marital debt, and if asserted to be a non-marital debt, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Debts.**)

4. A schedule of safe deposit boxes, including the name and address of the institution where the box is located, the box number, the name and address of the individual(s) who has access to the box, an inventory of the contents, and the value of the assets located therein. (See attached **Schedule of Safety Deposit Boxes.**)

5. A schedule of employment, including the name and address of your employer; gross monthly wage; payroll deduction(s), specifically identifying the type and amount; the amount of other benefits including transportation, employer contributions to health care, and employer contributions to retirement accounts; and outstanding bonuses. (See attached **Schedule of Employment.**)

6. A schedule of all other sources of income, including the name and address of the source and the amount and date the income was received. (See attached **Schedule of Other Income.**)

7. A schedule of all retirement accounts or benefits, including the name and address of the institution holding the accounts or benefits, the present value if readily ascertainable, the initial date of any account, the expected payment upon retirement and the specific retirement date, and the value of the account at the date of the marriage if the account existed prior to marriage. (See attached **Schedule of Retirement Accounts or Benefits.**)

8. If seeking custody, or a change in custody, set forth the facts believed to support your claim of superior entitlement to custody. In addition, as to a change of custody, set forth the facts comprising a substantial change in circumstances and disclose any supporting documentation. (See attached **Schedule of Custody**.)

9. **NOTE: *Supplementation of disclosures and responses.*** Wyoming Rules of Civil Procedure 26(e)(1): A party who has made a disclosure or responded to a request for discovery with a disclosure or response is under a duty to supplement or correct the disclosure or response to include information thereafter acquired, if ordered by the court or in the following circumstances:

A party is under a duty to supplement at appropriate intervals, its disclosures if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

DATED this ____ day of _____, 20__.

Signature
Printed Name: _____
Address: _____
Phone Number: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Other Party/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

Schedule of Financial Assets

Pursuant to Wyoming Rule 26(a)(1.1)(A)
Required effective July 1, 2008

<u>Type of Account:</u> Savings, Checking, Stocks, Bonds, Cash or Cash Equivalent	<u>Name of Financial Institution:</u> bank, credit union, or other financial institution	<u>Address of Financial Institution:</u>	<u>Date Account Opened</u> (Month/Day/Year)	<u>Last 4 Digits of Account No.</u>	<u>Asserted as marital or non-marital asset?</u> (If non-marital, explain legal & factual basis) (Please attach a separate piece of paper if more space is needed, and label the paper.)

Additional sheets of paper are attached if needed

Schedule of Non-Financial Assets
Pursuant to Wyoming Rule 26(a)(1.1)(B)
Required effective July 1, 2008

Item	Purchase Price	Date Acquired/ Purchased	Present Market Value	Debt Related to Asset	State of Record Ownership (Where item is registered or located)	Purchased w/ Marital Assets, Gift, or Inheritance	Asserted as marital or non-marital asset? (If non-marital, explain legal & factual basis) (Please attach a separate piece of paper if more space is needed, and label the paper.)

Additional sheets of paper are attached if needed

Schedule of Employment

Pursuant to Wyoming Rule 26(a)(1.1)(E)

Required effective July 1, 2008

Name of Employer	Address of Employer	Gross Monthly Wages (Before tax and payroll deductions are taken out)	Payroll Deductions (Specify type & amount)(Examples: Social Security, taxes, retirement, health insurance)	Amount of other benefits, including transportation and employer contribution to health care & retirement accounts	Outstanding Bonuses (owed to you, but not yet received)

Additional sheets of paper are attached if needed

Schedule of Other Income
Pursuant to Wyoming Rule 26(a)(1.1)(F)
Required effective July 1, 2008

Name of all sources of other income*	Address of source of other income	Amount Received	Date Received (Month/Day/Year)

Additional sheets of paper are attached if needed

*“Income” means any form of payment or return in money or in kind to an individual, regardless of source. Income includes, but is not limited to wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability, permanent partial disability and permanent total disability, worker’s compensation payments, unemployment compensation, disability, annuity and retirement benefits and any other payments made by any payor.

Schedule of Retirement Accounts or Benefits

Pursuant to Wyoming Rule 26(a)(1.1)(G)

Required effective July 1, 2008

Name of institution holding account	Address of institution where account is located	Present value of account	Date account was opened (Month/Day/Year)	Expected payment upon retirement & specific date of retirement	Value of account at date of marriage

Additional sheets of paper are attached if needed

Schedule of Custody

Pursuant to Wyoming Rule 26(a)(1.1)(H)

Required effective July 1, 2008

Party seeking custody or a change in custody should state the facts believed to support the claim of why he or she should have custody of the children:	As to a change of custody, the party seeking a change of custody should state any facts that show a substantial change in circumstances and attach any documents that support the change in custody:

Additional sheets of paper are attached if needed

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

CONFIDENTIAL

Respondent: _____)
(Print name of other party) .)

**CONFIDENTIAL
FINANCIAL AFFIDAVIT
W.S. §20-2-308**

A financial affidavit must be completed by each parent. You must attach copies of your tax returns and W-2 forms for the most recent two years and a copy of a cumulative earning statement for the current year. **Parents who are self-employed must supply verified income and expense statements from their business for the two most recent years.**

All financial affidavits and records required by law to be attached to the affidavit shall constitute a confidential file and are subject to inspection by persons other than the parties, their attorneys or the department of family services to the extent necessary to enforce the Child Support Enforcement Act and the Uniform Interstate Family Support Act only by court order. (Wyo. Stat. § 20-2-308(d))

THE UNDERSIGNED, (Print Name) _____, hereby swears or affirms, under penalty of perjury, that the following answers are correct and complete.

PERSONAL INFORMATION

1. Your name: (First, Middle, Last) _____

Gender: Male Female

2. (a) Your present address: _____

City, State, Zip Code: _____

Your home phone number: () _____

A message phone number: () _____

How long have you resided at this location? _____

(b) If your mailing address is different than the above address, please provide your mailing address:

3. Your Social Security Number is: _____

4. Check all that apply: Employed Self-Employed Both Unemployed

Parents who are self-employed must supply verified income and expense statements from their business for the last two years.

5. (a) Your present employer: _____

(b) Employer's address: _____

City, State, Zip Code: _____

Employer's phone: _____

(c) Your occupation: _____

6. Your work experience for the last three years is as follows:

COMPANY AND LOCATION	DATES FROM - TO	JOB DESCRIPTION/TITLE	SALARY OR WAGE	REASON YOU LEFT

7. (a) Your education is: _____ years high school; _____ years college; _____ years trade school; _____ years other _____.

(b) List your degree(s) or certificate(s) in _____.

8. List the children you are legally responsible for supporting and *who live with you*:

Child's Name	Birth Date	Social Security No.	COURT AND DATE OF ORDER	SUPPORT/MONTH	ARREARS (Amount Past Due)

9. List any court-ordered support obligation for children who *do not* live with you:

Child's Name	Birth Date	Social Security No.	COURT AND DATE OF ORDER	SUPPORT/MONTH	ARREARS (Amount Past Due)

10. If you are the parent of any children *not named above*, list them below:

Child's Name	Birth Date	Social Security No.	COURT AND DATE OF ORDER	SUPPORT/MONTH	ARREARS (Amount Past Due)

11. If you contribute to the support of any children for whom you have no legal obligation, list below:

Child's Name	Birth Date	Social Security No.	Does this child live with you?	OTHER PARENT'S NAME AND ADDRESS	YOUR RELATIONSHIP TO THE CHILD
			<input type="checkbox"/> Yes <input type="checkbox"/> No		
			<input type="checkbox"/> Yes <input type="checkbox"/> No		
			<input type="checkbox"/> Yes <input type="checkbox"/> No		

12. List all child(ren) involved in this civil matter:

Child's Name	Birth Date	Social Security No.	Does this child live with you?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Do you owe back child support (arrears) in this case? If so, how much? \$_____.

14. Do you owe back child support (arrears) on any other child support obligations? If so, how much? (List **total of all support arrearages for all children, except this case**). \$_____.

15. Means tested benefits (POWER Program, Health Care Benefits under Title XIX of the Social Security Act or similar state program, General Assistance, Food Stamps, Supplemental Security Income, etc.) are being provided to your children, as follows:

CHILD'S NAME	BIRTH DATE	STATE	TYPE OF BENEFIT	AMOUNT OF BENEFIT

INCOME & EXPENSE INFORMATION

16. (a) List pay dates or otherwise describe pay schedule: _____
- weekly
 - every two weeks
 - twice per month (i.e. 1st and 15th of every month)
 - monthly
 - annually

My gross income** (before deductions) is: \$_____ per month. (Convert annual, bi-monthly, and weekly amounts to monthly amounts).

**** Gross income (includes tips, commission and bonuses). Monthly amounts are calculated by multiplying weekly amount by 52 and dividing by 12; multiplying bi-weekly amounts by 26 and dividing by 12; and multiplying semi-monthly amounts by 24 and dividing by 12.**

(b) Please list the deductions taken out of your check by your employer:
(Please provide copies of pay-stubs for all payroll deductions)

Mandatory Deductions		Voluntary Deductions, Continued	
Federal Income Tax		Health, Dental, Vision Insurance	
Social Security Tax		Dues	
Medicare Tax		Bonds	
Current child support for other children		Stock Purchase Plan	
Retirement/Pension deductions (mandatory deductions only)		Flex Benefit Cafeteria Plan	
Other -		Disability Insurance	
Other -		Life Insurance	
Voluntary Deductions		Charity	
Bank/Credit Union (savings)		Child Care	
Bank/Credit Union (loan)		Other -	
Retirement/Deferred Compensation		Other -	
Filing Status: _____		Total Monthly Deductions:	\$
No. of Dependents Claimed: _____			
		Total Monthly Net Income***	\$

*** Net income means gross income less personal income taxes, social security deductions, cost of dependent health care coverage for all dependent children, actual payments being made under preexisting support order for current support of other children, other court-ordered support obligations currently being paid and mandatory pension deductions. Payments towards child support arrearage shall not be deducted to arrive at net income.

(c) How many hours do you work each week?
 Regular _____ Overtime _____ Total _____
 Is the overtime listed above expected to continue on a consistent basis? YES NO
 How often do you receive overtime compensation? _____

(d) Date of your last salary increase or decrease: _____.

17. **YOUR INCOME FROM ALL OTHER SOURCES** (Include the monthly average of annual or sporadic income; also include any government benefits):

AMOUNT	INCOME SOURCE	ADDRESS OF SOURCE

18. Has anyone been ordered to provide health insurance, or is there any other medical provision in an existing court order?

Check one: YES NO

If yes, explain: _____

19. Are the child(ren) involved in this case covered by health insurance?

Check one: YES NO

If yes, list the children covered below:

You must provide current written proof from your insurance carrier verifying the names of the actual person(s) covered under your policy.

20. Attached to this affidavit are:

1) copies of my last two years income tax returns,

2) copies of my W-2 Forms for the last two years, and

3) copies of statements of earnings from each of my employers showing

cumulative pay for this year. Parents who are self-employed must supply verified income

and expense statements from their business for the two most recent years.

PERJURY STATUTE

21. Wyoming Statute § 6-5-301, (1977, as amended) [Perjury] provides:

(a) A person commits perjury if, while under a lawfully administered oath or affirmation, he knowingly testifies falsely or makes a false affidavit, certificate, declaration, deposition or statement, in a judicial, legislative or administrative proceeding in which an oath or affirmation may be required by law, touching a matter material to a point in question.

(b) Perjury is a felony punishable by imprisonment for not more than five (5) years, a fine of not more than five thousand dollars (\$5,000.00), or both.

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Other Party's/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

CONFIDENTIAL

Respondent: _____.)
(Print name of other party)

AFFIDAVIT OF IMPUTED INCOME

(Only use this form if you are unable to get the other party to complete a Confidential Financial Affidavit)

I, _____, of lawful age, first being duly sworn upon my
(print name)
oath, depose and state as follows:

1. I am the Petitioner Respondent in the above-captioned matter.
2. I am not able to get a *Confidential Financial Affidavit* from the other party because: _____.
3. The other party has certifications, degrees, education or training relevant to his/her employability as follows: _____

4. Explain, to the best of your knowledge, the other party's work history or other sources of income for the previous two years: _____

5. His/her income for this year is unknown, as she/he has not provided financial information and has failed, neglected or otherwise refused to file a *Confidential Financial Affidavit*.
6. I do do not have copies of the last two year's income tax returns showing the amount earned by Petitioner Respondent. ATTACH

ANY TAX RETURNS, W-4s, CHECK STUBS OR OTHER INFORMATION ABOUT THE OTHER PARTY'S INCOME TO THIS DOCUMENT.

If you have information about the other parent's previous or current employment by area and occupation, you may be able to get information regarding wages by visiting the U.S. Department of Labor Bureau of Labor Statistics website for wage information by area and occupation <http://www.bls.gov/bls/blswage.htm>. Attach any relevant documentation to this Affidavit.

7. Petitioner's Respondent's income is based on him/her being paid:

- _____ weekly
- _____ every two weeks
- _____ twice per month (i.e. 1st and 15th of every month)
- _____ monthly
- _____ annually

Convert annual, bi-weekly, bi-monthly, and weekly amounts to *monthly* amounts below.

**** Gross income (includes tips, commission and bonuses). Monthly amounts are calculated by multiplying weekly amount by 52 and dividing by 12; multiplying bi-weekly amounts by 26 and dividing by 12; and multiplying semi-monthly amounts by 24 and dividing by 12; annually by dividing by 12. If only the "gross income" is known, multiply that number by .25 (or other number if instructed by Court) and then subtract that amount from the gross to arrive at the net monthly income. If the other party has a history of only working for minimum wage or less, and is capable, to your knowledge of working 40 hours/week, the court may impute his/her income at \$1,135.00 net monthly for a noncustodial parent and \$1,160.50 net monthly for a custodial parent. You may call your local child support enforcement office for more information on imputing a custodial or non-custodial parent's wage. Federal minimum wage is \$7.25/hour as of July 1, 2009.**

8. Petitioner's Respondent's estimated gross income (before deductions) is: \$_____ *per month*, to the best of my information and belief.

"Income" means any form of payment or return in money or in kind to an individual, regardless of source. Income includes, but is not limited to wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability, permanent partial disability and permanent total disability worker's compensation payments, unemployment compensation, disability, annuity and retirement benefits, and any other payments made by any payor, but shall not include any earnings derived from overtime work unless the court, after considering all overtime earnings derived in the preceding twenty-four (24) month period, determines the overtime earnings can reasonably be expected to continue on a consistent basis. In determining income, all reasonable unreimbursed legitimate business expenses shall be deducted. Means tested sources of income such as Pell grants, aid under the personal opportunities with employment responsibilities (POWER) program, food stamps and supplemental security income (SSI) shall not be considered as income. Gross income also means potential income of parents who are voluntarily unemployed or underemployed.

"Net income" means income as defined in the box above, less personal income taxes, social security deductions, cost of dependent health care coverage for all dependent children, actual payments being made under preexisting support orders for current support of other children, other court-ordered support obligations currently being paid and mandatory pension deductions. Payments towards child support arrearage shall not be deducted to arrive at net income.

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Other Party/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

DO NOT FILE WITH CONFIDENTIAL FINANCIAL AFFIDAVIT.
FOR COMPUTATION PURPOSES ONLY.
EFFECTIVE JULY 1, 2005.

§ 20-2-304. Presumptive child support:

(i) One (1) child:

Net Monthly Income of Both Parents	Percentage of Income Allocated For One Child	Base Support Plus Marginal Percentage
\$ 833.00	26.2	\$ 218.00 + 24.3% over \$ 833.00
\$ 2,083.00	25.1	\$ 522.00 + 23.3% over \$ 2,083.00
\$ 2,917.00	24.6	\$ 716.00 + 12.9% over \$ 2,917.00
\$ 3,750.00	22.0	\$ 824.00 + 10.7% over \$ 3,750.00
\$ 5,000.00	19.2	\$ 958.00 + 9.9% over \$ 5,000.00
\$ 6,667.00	16.8	\$ 1,122.00 + 9.4% over \$ 6,667.00
\$ 8,958.00	14.9	\$ 1,338.00 + 5.9% of anything over \$8,958.00

(ii) Two (2) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Two Children	Base Support Plus Marginal Percentage
\$ 833.00	36.8	\$ 307.00 + 33.8% over \$833.00
\$ 2,083.00	35.0	\$ 729.00 + 31.9% over \$2,083.00
\$ 2,917.00	34.1	\$ 995.00 + 16.4% over \$2,917.00
\$ 3,750.00	30.2	\$ 1,131.00 + 13.1% over \$3,750.00
\$ 5,000.00	25.9	\$ 1,295.00 + 12.5% over \$5,000.00
\$ 6,667.00	22.5	\$ 1,503.00 + 12.5% over \$6,667.00
\$ 8,958.00	20.0	\$ 1,790.00 + 7.0% of anything over \$8,958.00

(iii) Three (3) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Three Children	Base Support Plus Marginal Percentage
\$ 833.00	42.7	\$ 356.00 + 38.7% over \$ 833.00
\$ 2,083.00	40.3	\$ 840.00 + 36.4% over \$ 2,083.00
\$ 2,917.00	39.2	\$ 1,144.00 + 16.8% over \$ 2,917.00
\$ 3,750.00	34.2	\$ 1,284.00 + 13.3% over \$ 3,750.00
\$ 5,000.00	29.0	\$ 1,450.00 + 13.7% over \$ 5,000.00
\$ 6,667.00	25.2	\$ 1,677.00 + 12.2% over \$ 6,667.00
\$ 8,958.00	21.9	\$ 1,958.00 + 7.7% of anything over \$8,958.00

(iv) Four (4) children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Four Children	Base Support Plus Marginal Percentage
\$ 833.00	47.6	\$ 397.00 + 43.2% over \$ 833.00
\$ 2,083.00	45.0	\$ 937.00 + 40.6% over \$ 2,083.00
\$ 2,917.00	43.7	\$ 1,275.00 + 18.7% over \$ 2,917.00
\$ 3,750.00	38.2	\$ 1,431.00 + 14.8% over \$ 3,750.00
\$ 5,000.00	32.3	\$ 1,616.00 + 15.2% over \$ 5,000.00
\$ 6,667.00	28.1	\$ 1,870.00 + 13.7% over \$6,667.00
\$ 8,958.00	24.4	\$ 2,183.00 + 8.6% of anything over \$8,958.00

(v) Five (5) or more children:

Net Monthly Income of Both Parents	Percentage of Income Allocated For Five Children	Base Support Plus Marginal Percentage
\$ 833.00	52.4	\$ 436.00 + 47.5% over \$ 833.00
\$ 2,083.00	49.5	\$ 1,030.00 + 44.7% over \$ 2,083.00
\$ 2,917.00	48.1	\$ 1,403.00 + 20.6% over \$ 2,917.00
\$ 3,750.00	42.0	\$ 1,575.00 + 16.3% over \$ 3,750.00
\$ 5,000.00	35.6	\$ 1,778.00 + 16.8% over \$ 5,000.00
\$ 6,667.00	30.9	\$ 2,057.00 + 15.0% over \$ 6,667.00
\$ 8,958.00	26.8	\$ 2,402.00 + 9.4% of anything over \$ 8,958.00

DO NOT FILE WITH CONFIDENTIAL FINANCIAL AFFIDAVIT.
FOR COMPUTATION PURPOSES ONLY. EFFECTIVE JULY 1, 2005.

CHILD SUPPORT COMPUTATION FORM

A. COMPUTATION OF BASIC SUPPORT OBLIGATIONS: WYO. STAT. §20-2-304		
1.	Mother's Net Monthly Income:	\$
2.	Father's Net Monthly Income:	\$
3.	Combined Net Monthly Income:	\$
4.	Using the support tables for presumptive support at Wyo. Stat. § 20-6-304 (a) the basic joint support obligation of the parents.	\$
5.	Mother's Proportionate Share: Line 1/Line 3 x Line 4 =	\$
6.	Father's Proportionate Share: Line 2/Line 3 x Line 4 =	\$
		\$
		SUPPORT DUE

NOTE: If the custody of the children is shared or split as defined under Wyo. Stat. § 20-2-304 (c) and (d) other formulas apply. If “split” (meaning each parent has physical custody of at least one (1) child), the amount shall be allocated to each parent based upon the number of those children in the physical custody of that parent (See subsection C below). If “shared” with each parent having actual overnight custody of the children for a certain percentage of time, the amount will be allocated based on the percentage of time, see below.

<p>B. SHARED CUSTODY: Wyo. Stat. § 20-2-304 (c) provides for special support computation of support when each parent keeps the children overnight for more than forty percent (40%) of the year <i>and</i> both parents contribute substantially to the expenses of the children <i>in addition to</i> the payment of child support. If this is the custodial arrangement, support may be computed as follows assuming all other statutory provisions apply.</p>				
7.	a) Percent of year children will reside overnight with mother.	_____ %	b) percent of year children will reside overnight with father.	_____ %
8.	Mother's support obligation: Line 5 x Line 7b			\$ _____
9.	Father's support obligation : Line 6 x Line 7a			\$ _____
10.	MONTHLY SUPPORT DUE: The difference between lines 8 and 9 represents the net monthly support due from the parent having the greater support obligation.			\$ _____

<p>C. SPLIT CUSTODY: Wyo. Stat. §20-2-304 (d) provides for special computations of support when each parent has physical custody of at least one (1) child. In such cases the support should be computed as follows:</p>		
11.	Joint presumptive support per child: Line 4 ÷ Total children of parents.	\$ _____
12.	Mother's support obligation for children in custody of father: Line 1/Line 3 x Number of children with father x Line 11	\$ _____
13.	Father's support obligation for children in custody of mother: Line 2/Line 3 x Number of children with mother x Line 11	\$ _____
14.	MONTHLY SUPPORT DUE: The difference between lines 12 and 13 represents the net monthly support due from the parent having the greater support obligation.	\$ _____

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

REPLY TO COUNTERCLAIM

Petitioner, hereby replies to Respondent's *Counterclaim* as follows:

1. Petitioner admits the allegations in Paragraphs _____
(list paragraphs that are accurate statements)
of Respondent's *Counterclaim*.
2. Petitioner denies the allegations in Paragraphs _____
(list paragraphs that you believe are not accurate)
of Respondent's *Counterclaim*.
3. Petitioner does not have information sufficient to either admit or deny the
allegations in Paragraphs _____ of Respondent's
(list paragraphs that you don't know are accurate or not)
Counterclaim.

WHEREFORE, Petitioner respectfully requests that the court find generally in her/his favor and against the Respondent, that Respondent take nothing by way of his/her *Counterclaim*, and for such other and further relief as the court deems just and proper.

DATED this _____ day of _____, 20__.

Signature
Printed Name: _____
Address: _____

Phone: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Respondent's/Respondent's Attorney's Name and Address)

TO: _____

Your signature

Print name

-----Fill in, if applicable-----
Pursuant to Rule 102(a)(1)(B) of the Wyoming Uniform Rules of District Court the following attorney has participated in the preparation of this pleading but said attorney is NOT deemed to have entered an appearance in this matter:

Attorney's Name

Attorney's Address/Telephone:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Print name of other party))

Civil Action Case No. _____

APPLICATION FOR ENTRY OF DEFAULT

The Petitioner submits this *Application for Entry of Default* for a default judgment against the Respondent, _____, who has been served the *Petition to Modify Custody and Support* according to the *Affidavit/Return of Service* stating that Defendant **was served on** _____ [date], and has failed to reply to or otherwise respond, and the time allowed by law for doing so has now expired. Application is made to enter the default against the Respondent according to law.

DATED this _____ day of _____, 20____.

Signature
Printed Name: _____
Address: _____

Phone Number: _____

Subscribed and sworn to before me on this _____ day of _____,
20____.

WITNESS my hand and notary seal.

Notarial Officer

My commission expires:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Print name of other party)

Civil Action Case No. _____

AFFIDAVIT OF PETITIONER IN SUPPORT OF DEFAULT

STATE OF WYOMING)
) ss.
COUNTY OF _____)

THE PETITIONER, who is of lawful age being first duly sworn deposes and states as follows:

1. Petitioner has filed a *Petition to Modify Custody and Support* in this case.
2. Respondent was served with a copy of the *Petition* and *Summons* by one of the following methods:

The Respondent was served with a copy of the *Petition* and *Summons* by a duly authorized Deputy or the Sheriff of _____ County, State of _____ on _____.
(insert date)

OR

The Respondent filed an *Acknowledgment and Acceptance of Service* acknowledging that on _____
(insert date)
he/she received a copy of the *Petition* and the *Summons*.

OR

An *Affidavit to Allow Service by Publication* was filed and the Respondent was served by publication in the _____ Newspaper on the following dates:
_____.

OR

The Respondent was served with a copy of the *Petition* and *Summons* by Certified Mail, Restricted Delivery, Return Receipt requested on _____ (insert date), as evidenced by the green postal signature card attached.

3. More than 20 days (if served in Wyoming); 30 days (if served outside of Wyoming by publication or by Certified Mail), excluding the day of service, has elapsed since the date of service.
4. That the Respondent failed to answer or otherwise plead as required by law. The Respondent is not a minor nor incompetent and is not in the military service of the United States. This Affidavit is executed for the purpose of enabling Petitioner to obtain an *Entry of Default* against the Respondent.

DATED this _____ day of _____, 20____.

Signature
Printed Name: _____
Address: _____
Phone Number: _____

Subscribed and sworn to before me by _____ this
_____ day of _____, 20____.

Witness my hand and official seal.

Notarial Officer

My Commission Expires:

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

ENTRY OF DEFAULT

The Clerk of District Court, pursuant to the Petitioner's Respondent's *Application for Entry of Default* and *Affidavit in Support of Default*, does hereby enter default against the Petitioner Respondent for failure to plead or otherwise defend as provided by the Wyoming Rules of Civil Procedure, as appears from examination of the records and files herein or the return upon the original *Summons* filed in this cause.

DATED this _____ day of _____, 20____.

CLERK OF THE DISTRICT COURT

BY: _____

Copies to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

Respondent: _____.)
(Print name of other party)

REQUEST FOR SETTING

The Petitioner Respondent requests a time and date for a hearing/trial in the District Court. The hearing/trial will take approximately _____ hours/ _____ minutes and will address the following issues:

1. Child Custody and Support Modification (NOTE: If this box is checked, also submit the *Order Setting Modification Trial and Requiring Pretrial Statements.*)
2. The parties have both signed the *Order Modifying Custody and Support*; **OR**
 A hearing is needed to address:
 Motion for _____
 Other: _____ (for example, if your Court requires a hearing before entering a default order modifying custody and support, you would list a request for a default hearing here).

(NOTE: If a box is checked in paragraph 2, also submit the *Order Setting Hearing*).

3. Any party requesting the reporting of a particular matter by the official court reporter shall make a request by phone to the appropriate official court reporter at least **three (3) working days** before the matter is set for hearing. The clerk will be able to inform you which court reporter to contact. The three-day notice requirement will not be waived by the Court. The notice is required for all civil matters including jury trials. Payment of the statutory reporting fee of **\$45.00** per day shall be paid to the official court reporter prior to the commencement of the hearing/trial. Checks for the statutory reporting fee shall be made payable to the Wyoming State Treasurer. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal the Judge's decision if you do not have a transcript of everything that is said at the trial.

DATED this _____ day of _____, 20____.

Signature

Printed Name: _____

Address: _____

Phone Number: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Insert Other Party's/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
 (Print name of person filing))
)
vs.)
)
Respondent: _____)
 (Print name of other party)

Civil Action Case No. _____

ORDER SETTING HEARING

THIS MATTER having come before the Court upon a *Request for Setting*, and the Court being generally advised in the premises;

IT IS HEREBY ORDERED that a hearing on the *Petition to Modify Custody and Support* (or other items indicated in the ***Request for Setting***) is hereby scheduled for Courtroom No. ____ of the _____ County Courthouse, _____, Wyoming on the ____ day of _____, 20__ commencing at __:____ o'clock __.M.

(____) minutes/hour(s)/day(s) has been set aside for the trial of this matter. There will be no continuances or canceling of the hearing date based on telephone calls.

DATED this _____ day of __, 20____.

DISTRICT COURT JUDGE

Copies to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing)
)
vs.)
)
Respondent: _____)
(Print name of other party)

Civil Action Case No. _____

**ORDER SETTING MODIFICATION TRIAL
AND REQUIRING PRETRIAL STATEMENTS**

THIS MATTER having come before the Court upon a *Request for Setting*, and the Court being generally advised in the premises;

IT IS HEREBY ORDERED that a trial of the above matter is hereby scheduled for Courtroom No. ____ of the _____ County Courthouse, _____, Wyoming on the ____ day of _____, 20__ commencing at __:____ o'clock __.m.

(____) minutes/hour(s)/day(s) has been set aside for the trial of this matter.

IT IS FURTHER ORDERED that each party shall file and serve on the opposing party or their attorney, if represented, no later than five (5) days prior to the trial, the party's sworn statement setting forth the facts, to the best of the party's knowledge and belief, called for by Section "A" of the attached list of information, and a statement by counsel (attorney), if any, of the client's position and proof as called for by Section "B." These filings are required to narrow and simplify the issues, prevent surprise and to eliminate unnecessary proof. The material may be presented in narrative form but must be complete for purposes called for by this order. To avoid duplication, the parties or their attorneys, if any, may submit a joint statement of those items not in dispute.

Any party requesting the reporting of a particular matter by the official court reporter shall provide notice to the official court reporter at least three (3) working days before the matter is set for hearing. The three-day notice requirement will not be waived by the Court.

The notice is required for all civil matters including jury trials. Payment of the statutory reporting fee of \$45.00 per day shall be paid to the official court reporter prior to the commencement of the hearing/trial. Checks for the statutory reporting fee shall be made payable to the Wyoming State Treasurer. Rule 904 Uniform Rules of the District Courts of the State of Wyoming.

In the event that this case settles, the parties are informed that there will be no change in the scheduling of this matter by the Court until such time as the settlement is reduced to writing and a written agreement is presented to the court. There will be no continuances or canceling of the trial date based on telephone calls.

DATED this _____ day of ____, 20____.

DISTRICT COURT JUDGE

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

SECTION "A"
SWORN STATEMENT OF PARTY

Items to be included:

1. Personal data and history relevant to the issues, including name, age, prior marriages, if any, children's initials, present living situation of the parties and their immediate family. For instance, where each party and the children are residing, with whom the children are residing, and how the children are being cared for during the day. This item calls for a brief but comprehensive statement of the party's personal history as it may relate to the divorce litigation.
2. Present employment, including identity and location of employer, nature of the job, length of employment, gross and net income and benefits, including health and accident coverage, if any, its convertibility to non-group plan in event of loss of employment, terms of retirement program, all deductions from salary or wages, and prospects for the continuation of the employment.
3. Employment history and employability, including previous employment and incomes, education, training and work experience affecting employability. Include any other factors substantially affecting employability.
4. Other income, whatever the source.
5. Any other information which counsel, or the party, believe to be material to the determination of the issues.

SECTION "B"
STATEMENT OF COUNSEL

Statement of the case by counsel of the client's position with respect to:

1. Amount of child support:
 - a. Amount called for by the child support guidelines;
 - b. Why, if it is urged, there should be departure from the guidelines.
2. Reasons, either in favor of or against modification of child custody and/or child support.
3. List of witnesses and specific summary of expected testimony.
4. Exhibits.

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Print name of other party)

Civil Action Case No. _____

PRETRIAL DISCLOSURES

NOTE: Unless otherwise directed by the court, these disclosures must be made **at least 30 days before trial**. Within 14 days thereafter, unless a different time is specified by the court, a party may serve **and promptly file with the Clerk of District Court** a list disclosing (i) any objections to the use under Rule 32 (a) of a deposition designated by another party under Rule 26(a)(3)(B), and (ii) any objection, together with the grounds therefore, that may be made to the admissibility of materials identified under Rule 26(a)(3)(C). Objections not so disclosed, other than objections under Rules 402 and 403 of the Wyoming Rules of Evidence, are waived unless excused by the court for good cause.

Petitioner or Respondent submits the following initial disclosures, pursuant to Wyoming Rule of Civil Procedure 26(a)(3), required in pretrial proceedings. This information must be made available to the opposing party or the opposing party's counsel and the Court at least thirty (30) days before the trial.

A. The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

B. The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically (i.e. by a court reporter), a transcript of the pertinent portions of the deposition testimony.

C. An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

NOTE: *Supplementation of disclosures and responses.* Wyoming Rules of Civil Procedure 26(e)(1) states that: A party who has made a disclosure or responded to a request for discovery with a disclosure or response is under a duty to supplement or correct the disclosure or response to include information thereafter acquired, if ordered by the court or in the following circumstances:

A party is under a duty to supplement at appropriate intervals, its disclosures if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

DATED this _____ day of _____, 20__.

Signature _____

Printed name: _____

Address: _____

Phone Number: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

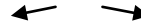
(Print Other Party/Other Party's Attorney's Name and Address)

TO: _____

Your signature

Print name

(check one)



Name of Witness	Address and Telephone Number	Expect to call witness to testify	<i>May</i> call witness to testify if the need arises

Additional sheets of paper are attached if needed

(check one)



Document or Exhibit	Summary of Evidence	Expect to offer	<i>May</i> offer if the need arises

Additional sheets of paper are attached if needed

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

ORDER MODIFYING CUSTODY AND SUPPORT

THIS MATTER having come before the Court upon the *Petition to Modify Custody and Support*; and the Court, having reviewed the file herein, having heard the arguments of the parties, if applicable, and otherwise being fully advised in the premises, FINDS:

1. This Court has jurisdiction over the parties and the subject matter of these proceedings.

2. The Respondent was served with the *Petition to Modify Custody and Support*:
[check one]

- Personally (by the sheriff) on the following date _____ in the following state: _____; OR
- Respondent accepted service (*Acknowledgement and Acceptance of Service* must be filed. Respondent's signature must be notarized.); OR
- By publication. (*Copy of Affidavit of Publication* must be filed.); OR
- By *Registered or Certified Mail*. (Return receipt must be filed and Clerk must have entered certificate of service.)

3. Respondent filed [check one]

- a *Response*; OR
- a *Response and Counterclaim*; OR
- no response (default must be entered, unless there is a waiver of right to answer); OR
- no response but both parties have signed and agreed to the entry of this Order.

4. An Order establishing custody and support was entered by the _____
 _____ Court, _____ District, State of _____,
 case/docket number _____ on _____ [date].

5. In the Order, Mother Father was granted custody of the parties' minor child[ren] and Mother Father was ordered to pay \$_____ per month in child support and Mother OR Father OR Both Parents was/were ordered to provide medical insurance coverage.

6. A substantial and material change in circumstances exists and it is in the best interest of the child(ren) to modify custody.

7. Children to whom this order relates:

Name (Initials Only)	Address	Year of Birth	Place of Birth

Additional sheets of paper are attached if needed

IT IS HEREBY ORDERED THAT:

8. **CUSTODY, VISITATION AND/OR PARENTING TIME:** [Check the boxes that apply]

A. **Primary residential/physical custody**

Mother **OR** Father shall have the primary care, custody and control of the parties' minor child(ren); **OR**

The parties shall have joint physical custody. The parties shall share physical custody of the minor children as described on the attached sheet of paper.

Attach a schedule describing the sharing of physical custody.

Skip to Section 3 – Child Support.

B. Visitation: The child(ren) shall spend time with the non-custodial parent as the parties may agree, but if they cannot agree, then time shall be spent with the child(ren) as follows:

B.1. **WEEKENDS:** The child(ren) shall spend time with Mother **OR** Father every every other other (specific weekends such as 1st and 3rd): _____ from _____ a.m./p.m. to _____ a.m./p.m.

B.2. **OTHER PARENTING TIME/VISITATION:** In addition to the Weekend visitation above, the child(ren) shall also spend time with Mother **OR** Father as follows (specify specific dates and times such as each Wednesday from 4:00 p.m. to 8:00 p.m., etc.): _____

Additional sheets of paper are attached (if necessary).

B.3. **SUMMER SCHEDULE: (Choose one)**

Option 1: Mother Father shall have parenting time/visitation with the parties' child(ren) beginning _____ and continuing until _____ (i.e. ten days after school lets out from 5:00 p.m. and continuing until ten days prior to school starting up again at 5:00 p.m.).

The other parent shall have the same Weekend and Other Parenting Time/Visitation as described in paragraphs B.1 and B.2 above during the summer; OR

Option 2: The summer schedule will remain the same as during the school year; OR

Option 3: The summer schedule will be as follows: _____

Additional sheets of paper are attached (if necessary).

B.4. **HOLIDAY SCHEDULE:** The following holiday schedule will take priority over the regular weekday, weekend, and summer schedules described above. Fill in the blanks below with Mother or Father to indicate who the child(ren) will be with for the holidays. Provide beginning and ending times. If a holiday is not specified as even, odd, or every year with one parent, then the child(ren) will remain with the parent they are normally scheduled to be with.

(Be very specific about the dates, days, times, location, and by whom exchanges will take place)

Holiday/Event	Parent Spending Time with Child(ren) (Mother or Father)	Odd numbered years	Even numbered years	Every Year	Time & Place of exchange
<input type="checkbox"/> Mother's Day					
<input type="checkbox"/> Memorial Day					
<input type="checkbox"/> Father's Day					
<input type="checkbox"/> July 4 th					
<input type="checkbox"/> Labor Day					
<input type="checkbox"/> Thanksgiving Break		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Christmas		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Spring Break		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Child(ren)'s Birthdays					
<input type="checkbox"/> Religious Events					
<input type="checkbox"/> Other Holiday Event					

Additional sheets of paper are attached (if necessary).

B.5. **OTHER (including no visitation or supervised visitation):** If you require a schedule that is difficult to explain in the format above or if your situation is unique such that visitation is not appropriate or requires supervision, please provide a detailed visitation schedule that fits your needs or an explanation of why visitation is not appropriate on a separate sheet of paper and attach it.

C. TEMPORARY CHANGES TO THE SCHEDULE: Any schedule for sharing time with the child(ren) may be changed as long as both parents agree to the changes ahead of time: in writing. If a child is ill and unable to spend time with a parent, a makeup parenting time will be scheduled. If a parent fails to have the child(ren) during their scheduled parenting time for any other reason, there will be no makeup of parenting time unless the parents agree otherwise.

D. PERMANENT CHANGES TO THE SCHEDULE: Once the judge signs the final *Decree of Divorce* in your case and approves this Parenting Plan, any changes that the parents do not agree on can be made only by applying to the court for a modification. One parent cannot change a court-ordered Parenting Plan on their own.

E. PARENT-CHILD COMMUNICATION: Both parents and child(ren) shall have the right to communicate by telephone, in writing or by e-mailing during reasonable hours without interference or monitoring by the other parent.

F. MUTUAL RESPECT: Parents will not say things or knowingly allow others to say things in the presence of their child(ren) that would take away the child(ren)'s love and respect for the other parent.

G. ACCESS TO RECORDS: The law provides that both parties have access to the records of the child(ren) including school records, activities, teachers and teachers' conferences as well as medical and dental treatment providers and mental health records, unless access is limited by the Court. If you believe that there are valid reasons to limit the other party's access to records, you must ask the Court to limit access and obtain an order that does so. (Wyo. Stat. §20-2-201(e)).

H. OTHER TERMS: Add any other items regarding the child(ren) you would like to include in your Parenting Plan. _____

Additional sheets of paper are attached (if necessary).

I. EXCHANGE OF CHILD(REN)/TRANSPORTATION: Both parents shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed-upon time of exchange. All clothing that accompanied the child(ren) shall be returned to the other parent.

While both parents continue to reside in the same locale, both parents shall share equally in the responsibility of exchanging their child(ren) from one parent to the other;

OR

Mother Father shall pick up the child(ren) from _____ at
(location)

the beginning of the visitation and Mother Father shall pick up the child(ren) at the end of the visitation from _____; **OR**
(location)

Other: (provide details for the exchange of the child(ren)): _____

Additional sheets of paper are attached (if necessary).

ONCE FILED, THE PARTIES MAY MAKE SUBSTANTIAL, PERMANENT MODIFICATIONS TO THIS PARENTING PLAN ONLY BY WRITTEN AGREEMENT SIGNED BY BOTH PARTIES, APPROVED BY THE JUDGE AND FILED WITH THE COURT. MINOR, NON-PERMANENT CHANGES MAY BE MADE ANY TIME IF BOTH PARTIES AGREE TO THE CHANGES.

9. Presumptive Child Support Calculation (“Imputed income” can be used when either parent is voluntarily unemployed or underemployed. In such case the child support shall be computed based upon the potential earning capacity (imputed income) of the unemployed or underemployed parent. See factors considered by court in the instruction section of pro se packet.)

A. Based upon the custody arrangement of the parties’ minor child(ren), and as required by Wyo. Stat. § 20-2-304, the presumptive support obligation is

\$ _____ per month. Monthly Presumptive Child Support for _____ **[insert number]** of child(ren) is as follows:

1. Father’s net monthly income is: \$ _____
2. Mother’s net monthly income is: \$ _____
3. Total child support obligation of both parents is: \$ _____
4. Father’s presumptive child support obligation is: \$ _____
5. Mother’s presumptive child support obligation is: \$ _____

10. **CHECK ONE:**

- The child(ren) receive(s) means tested income (such as POWER, health care benefits under Title XIX (19) of the Social Security Act, food stamps, supplemental security income (SSI) or other similar benefits); OR
- The child(ren) DO NOT receive(s) any means tested income.

11. Consideration of factors to deviate from presumptive support: No agreement which is less than the presumed child support amount shall be approved if means tested sources of income such as aid under the personal opportunities with employment responsibilities (POWER) program, health care benefits under Title XIX of the Social Security Act, food stamps, supplemental security income (SSI) or other similar benefits are being paid on behalf of any of the children.

[Check the appropriate box]

- Deviations are not appropriate in this case; OR
- The parties agree that allowance and consideration should be, or have been, made based on the following statutory factors set forth in Wyo. Stat. § 20-2-307(b) (See instructions for deviation factors): _____

_____. **[List the reason why child support should be increased or decreased.]** Therefore, presumptive child support would be unjust or inappropriate for the immediate future. Based on the deviation reason(s) above, child support shall be set at \$_____ per month.

12. **Previous Support Order:** According to the terms of the most recent court order, _____ **[Name]** was ordered to pay \$_____ per month for the support of the child(ren) named in paragraph 3.

13. **Judgment of Arrears: [Check all the boxes that apply]**

Petitioner or Respondent is in arrears in the support obligation in the amount of \$_____ from _____ **[Date of previous support order]** through _____ **[Last day of the month before this Order is filed]** for which judgment shall be entered; AND/OR

Petitioner or Respondent owes unpaid medical expenses in the amount of \$_____ from _____ **[Date of the order establishing medical support]** through _____ **[Last day of the month before this Order is filed]**, for which judgment shall be entered.

IT IS HEREBY ORDERED THAT:

14. Judgment for past due support, including medical support if applicable, is hereby entered against Petitioner or Respondent in the amount of \$_____ through _____ **[Date]**.

15. **Payment of Judgment:** Beginning _____ **[Date]**, Petitioner or Respondent shall pay \$_____ per month in addition to current support towards the judgment of \$_____ **[total amount of judgment listed in paragraph 12]** until the judgment is paid and satisfied in full.

16. **Future Child Support:** Child support shall continue during the minor child's minority, and beyond if the child has a mental, emotional or physical impairment preventing emancipation, or while the child is attending high school or an equivalent program as a full-time student between the ages of 18 and 20. Child support shall terminate if, during the child's minority, the child marries, is emancipated, becomes self-supporting or dies.

A. **Amount:** Petitioner or Respondent shall pay \$_____ per month for the support of the minor child(ren) listed in paragraph 5 beginning _____ **[Date]**. The support obligation shall be paid on the same day of each month thereafter until termination of the support order.

B. Place of Payment: All child support payments shall be paid to the Clerk of District Court, whose address is: _____

_____. The clerk shall forward the support payments to the receiving parent at the address provided by that parent to the clerk. Payments must be made with cashier's checks and money orders unless the clerk otherwise informs you.

17. Abatement (Temporary Relief from Paying Child Support): Child support may abate or decrease by one-half (1/2) of the daily support obligation for each day the non-custodial parent has physical custody of the child for whom support is due, **ONLY IF** the non-custodial parent has custody of the child for more than fifteen (15) consecutive days and if approved by the Court.

REQUIREMENTS:

- A. The non-custodial parent **MUST FILE** any claim for child support abatement with the clerk of the court within thirty (30) days after the period for which abatement is claimed and must pay ten dollars (\$10.00) to the clerk when filed.
- B. The clerk will then mail a copy of the claim to the custodial parent.
- C. The custodial parent can object or dispute any abatement claim by filing an objection with the clerk of court within thirty (30) days of the date the clerk mailed the notice to the custodial parent and paying ten dollars (\$10.00) to the clerk.
- D. The clerk will mail a copy of the objection to the non-custodial parent.
- E. Claims or objections not filed in a timely manner *or* not accompanied by the ten dollar fee will be rejected.

18. **MEDICAL INSURANCE PAYMENTS AND EXPENSES**: Either or both of the parents shall provide medical support, which may include dental, optical or other health care needs for their dependent children if insurance can be obtained through an employer or other group carrier, or if it is otherwise reasonably available as follows:

A. Mother, OR Father OR Both Parents are/is ordered to provide medical insurance for the minor child(ren). (It is important to understand that both parents have an obligation to ensure that their child or children have medical insurance coverage even if the state is currently providing such coverage, either or both parents may be required to pay the state back for the expenses incurred in providing medical insurance coverage for the child or children.)

B. The party or parties ordered to provide insurance shall submit to the court and to the other parent or the other parent's representative written proof that

the insurance has been obtained or that application for insurability has been made within sixty (60) days of entry of this Order.

C. Proof of insurance coverage shall contain, at a minimum:

- (i) The name of the insurer;
- (ii) The policy number;
- (iii) The address to which all claims should be mailed;
- (iv) A description of any restrictions on usage, such as pre-approval for hospital admission, and the manner in which to obtain pre-approval;
- (v) A description of all deductibles; and
- (vi) Two (2) copies of claim forms.

D. **INSURANCE INFORMATION:** The obligated parent(s) shall provide written notice to the clerk of this court and to the other parent if insurance coverage for any child is denied, revoked, or altered in any way that would affect the other parent (i.e. change to child's coverage, including any change relating to the information required above).

E. **UNCOVERED MEDICAL EXPENSES:** The parties shall pay any non-covered expenses, which may include dental, optical or other health care expenses incurred by any person or agency on behalf of a child if the expenses are not covered by insurance; the Mother paying _____% of uncovered expenses and Father paying _____% of uncovered expenses including co-payments and deductibles.

F. **CHANGES TO INSURANCE:** The obligated parent(s) shall provide written notice to the clerk of this court and to the other parent if insurance coverage for any child is denied, revoked or altered in any way that would affect the other parent including any change relating to the information required in Paragraph 17.C. in compliance with **Wyo. Stat. §20-2-401(c)**.

19. Income Withholding Order: [**Check one box**]

An order for immediate income withholding was previously entered by this Court.

An immediate income withholding order shall be entered, pursuant to Wyo. Stat. § 20-6-201 et seq., as amended, for all sums awarded herein; OR

Good cause exists for delaying entry of an immediate income withholding order: _____

[List the reasons for not requiring an income withholding order] However, an income withholding order shall be entered and will become effective upon the

earliest of the following (1) The date the obligor requests withholding commence; or (2) The date the obligor becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order.

20. **ENFORCEMENT:** Either party has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-310, including asking the court to enforce and require future compliance with an order, by finding the obligated parent to be in contempt of court, award attorney fees, costs and any other relief as the court may deem necessary under the circumstances. Wyoming law (Wyo. Stat. §1-16-102(c)) states that any payment of child support not paid when due shall automatically become a judgment against the parent who is supposed to pay on the due date. Any child support which is not paid within thirty-two (32) calendar days from the date due is subject to an automatic late payment penalty in an amount equal to ten percent (10%) of the amount of the judgment by operation of law.

21. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim a child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Initials of Child	Parent Entitled to Claim	Year Allowed to Claim
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____

22. **CHANGE OF EMPLOYMENT OR ADDRESS:** Each parent shall inform the other parent and the clerk of court in writing of any change of address, phone number, and employment:

A. **CHANGE OF EMPLOYMENT STATUS.** So long as there is a child support obligation, each parent shall notify the other parent and the Clerk of this Court, in writing, on forms available from the Court, within fifteen (15) days of any change in employment, including second jobs, changed employers, starting or ending unemployment compensation, and starting or ending of worker's compensation, or any other change in income.

B. CHANGE OF ADDRESS. So long as there is a child support obligation, if either parent plans to change his or her address, that parent must notify the other parent and the clerk of this court, in writing, on forms available from the Clerk of this Court, no later than fifteen (15) days **prior** to the day of the move, the destination of the move and the proposed move date.

C. CHANGE OF HOME CITY OR STATE OF RESIDENCE. Either parent who plans to change their home city or state of residence, must give written notice thirty (30) days prior to the move, both to the other parent and to the clerk of district court stating the date and destination of the move.

23. Either party or, when appropriate, the department of family services has the right to petition to enforce an order. **See Wyo. Stat. §20-2-310.**

24. Any provision of the previous support order not specifically addressed or modified herein shall remain in full force and effect.

25. **LIMITED REPRESENTATION:** Following Rule 1.2(c) of the Wyoming Rules of Professional Conduct, any attorney who has entered a limited appearance for the purpose of obtaining an *Order Modifying Child Support* is now discharged.

SO ORDERED this _____ day of _____, 20____.

DISTRICT COURT JUDGE

CHECK ONLY ONE BOX, AND SIGN WHERE INDICATED IN THAT SECTION ONLY:

If the parties have agreed:

I certify that I have read the foregoing *Order Modifying Custody and Support* and that I agree to the terms and agree to entry of the Order.

Petitioner's signature

STATE OF _____)
) ss
COUNTY OF _____)

Subscribed and sworn to before me by _____,
this _____ day of _____, 20_____.

Witness my hand and official seal

Notarial Officer

My Commission Expires:

Respondent's signature

STATE OF _____)
) ss
COUNTY OF _____)

Subscribed and sworn to before me by _____,
this _____ day of _____, 20_____.

Witness my hand and official seal

Notarial Officer

My Commission Expires:

If default has been entered and the Respondent did not respond:

The above is true and accurate and I want the court to approve:

Petitioner's signature

If a court hearing was held:

APPROVED AS TO FORM:

Petitioner's signature

Respondent's signature

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Print name of other party))

Civil Action Case No. _____

CONFIDENTIAL

CONFIDENTIAL STATEMENT FOR CHILD SUPPORT ORDER

The following information shall remain confidential and subject to inspection by persons other than the parties, their attorneys or the department of family services to the extent necessary to enforce the Child Support Enforcement Act and the Uniform Interstate Family Support Act **only by court order** and contains the:

1. Information for each parent:

Name of Petitioner: _____
Address: _____

Petitioner's Social Security Number: _____
Date of Birth: _____
Place of Birth: _____
Petitioner's Employer: _____
Employer's Address: _____

Name of Respondent: _____
Address: _____

Respondent's Social Security Number: _____
Date of Birth: _____
Place of Birth: _____
Respondent's Employer: _____
Employer's Address: _____

2. Information for each child for whom child support has been ordered in this case:

Child's Name: _____

Address: _____

Child's Social Security Number: _____

Date of Birth: _____

Place of Birth: _____

Child's Name: _____

Address: _____

Child's Social Security Number: _____

Date of Birth: _____

Place of Birth: _____

Child's Name: _____

Address: _____

Child's Social Security Number: _____

Date of Birth: _____

Place of Birth: _____

Child's Name: _____

Address: _____

Child's Social Security Number: _____

Date of Birth: _____

Place of Birth: _____

Add additional sheets of paper if needed to provide information for more children.

DATED this ____ day of _____, 20____.

IN WITNESS WHEREOF, we have hereunto set our hands the day and year first above written.

Signature

Printed Name: _____

Address: _____

Phone Number: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by Hand Delivery OR Faxed to this number _____ OR by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Respondent/Respondent's Attorney's Name and Address)

TO: _____

Your signature

Print name

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Spouse) (Print name)

Civil Action Case No. _____

ORDER FOR INCOME WITHHOLDING

THE COURT ORDERS any payor of _____
(name of Obligor, person owing child support), to pay child support to
_____ (name of Obligee, person owed child support) commencing on
_____ (date). Payments are due on the _____ day of every
_____ (specify time period, i.e. monthly). Total arrears (past due support) owed as
of _____ (date) for child support is \$_____.

The Court orders the immediate activation of an order for income withholding against the Obligor, pursuant to Wyo. Stat. § 20-6-204.

Income withheld must be paid to the Clerk at the following address for forwarding to the Obligee: Wyoming Child Support Enforcement, P.O. Box 1027, Cheyenne, WY 82003.

OR

Pursuant to Wyo. Stat. § 20-6-204, this order for income withholding is not subject to immediate activation because either:

Both parties have agreed in writing to an alternative arrangement. (When the parties agree to an alternative arrangement, the arrangement shall be in writing, signed by the parties and reviewed and entered in the record by the court.)

OR

The Court finds there is good cause not to require the immediate activation of an order for income withholding because: (The court shall include in the record its findings of good cause, including a statement explaining why implementation of immediate income withholding would not be in the best interests of the child and, in cases involving modification of child support, proof of timely payments.)

Any order for income withholding not subject to immediate activation shall become effective upon the date the Obligor requests withholding commence; or the date the Obligor becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order as set forth in Wyo. Stat. § 20-6-205.

IT IS FURTHER ORDERED that upon receipt of a notice of *Income Withholding for Support*, every employer or other person now or in the future owing income to the Obligor shall comply with all terms of the notice and shall withhold a portion of the Obligor's income and remit it to the Clerk at the address in the *Income Withholding for Support* form.

For purposes of this order: "INCOME" means any form of periodic payment or return in money to an individual, regardless of source. Income includes, but is not limited to wages, earnings, salary, commission, compensation as an independent contractor, temporary total disability and permanent partial disability, worker's compensation payments, unemployment compensation, disability, annuity and retirement benefits, and any other payment made by any payor.

Furthermore, no employer may discharge, discipline, refuse employment to, or otherwise penalize an Obligor because of this *Order for Income Withholding* or a subsequently issued *Income Withholding for Support* form.

IT IS FURTHER ORDERED that the payor comply with all the terms of an issued *Income Withholding for Support* form and all subsequent notices served upon the payor;

The last known addresses of the Obligor and Obligee are as follows:

Obligor (person owing child support): _____

Address: _____

Obligee (person to receive child support): _____

Address: _____

IT IS, FURTHER, ORDERED that each party shall notify the Clerk of District Court, in writing, on forms available from the Clerk, within fifteen (15) days of any changes in address or employment status.

At the time this *Order for Income Withholding* is entered, the Clerk shall mail a copy of the order and the support order to the last known address of the Obligor and the Obligee as listed below.*

DATED this _____ day of _____, 20_____.

BY THE COURT:

District Court Judge

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

* Be sure to include addressed/stamped envelopes for you and the defendant when filing this *Order for Income Withholding* so that copies of this Order can be mailed by the Clerk as required by law.

INCOME WITHHOLDING FOR SUPPORT

- ORIGINAL INCOME WITHHOLDING ORDER/NOTICE FOR SUPPORT (IWO)
- AMENDED IWO
- ONE-TIME ORDER/NOTICE FOR LUMP SUM PAYMENT
- TERMINATION of IWO

Date: _____

Child Support Enforcement (CSE) Agency Court Attorney Private Individual/Entity (Check One)

NOTE: This IWO must be regular on its face. Under certain circumstances you must reject this IWO and return it to the sender (see IWO instructions <http://www.acf.hhs.gov/programs/cse/newhire/employer/publication/publication.htm#forms>). If you receive this document from someone other than a State or Tribal CSE agency or a Court, a copy of the underlying order must be attached.

State/Tribe/Territory _____ Remittance Identifier (include w/payment) _____
City/County/Dist./Tribe _____ Order Identifier _____
Private Individual/Entity _____ CSE Agency Case Identifier _____

Employer/Income Withholder's Name _____ Employer/Income Withholder's Address _____ _____ Employer/Income Withholder's FEIN _____ Child(ren)'s Initials _____ _____ _____ _____ _____	RE: _____ Employee/Obligor's Name (Last, First, Middle) _____ Employee/Obligor's Last 4 digits of SSN _____ Custodial Party/Obligee's Name (Last, First, Middle) _____ <div style="border: 1px solid black; width: 100%; height: 100%; margin-top: 20px;"></div> Child(ren)'s Year of Birth _____ _____ _____ _____ _____
--	--

ORDER INFORMATION: This document is based on the support or withholding order from _____ (State/Tribe). You are required by law to deduct these amounts from the employee/obligor's income until further notice.

\$ _____	Per _____	current child support
\$ _____	Per _____	past-due child support - Arrears greater than 12 weeks? <input type="checkbox"/> Yes <input type="checkbox"/> No
\$ _____	Per _____	current cash medical support
\$ _____	Per _____	past-due cash medical support
\$ _____	Per _____	current spousal support
\$ _____	Per _____	past-due spousal support
\$ _____	Per _____	other (must specify) _____

for a **Total Amount to Withhold** of \$ _____ per _____.

AMOUNTS TO WITHHOLD: You do not have to vary your pay cycle to be in compliance with the *Order Information*. If your pay cycle does not match the ordered payment cycle, withhold one of the following amounts:

\$ _____	per weekly pay period	\$ _____	per semimonthly pay period (twice a month)
\$ _____	per biweekly pay period (every two weeks)	\$ _____	per monthly pay period

\$ _____ **Lump Sum Payment:** Do not stop any existing IWO unless you receive a termination order.

REMITTANCE INFORMATION: If the employee/obligor's principal place of employment is Wyoming, you must begin withholding no later than the first pay period that occurs after the date of service of this notice. Send payment within 7 working days of the pay date. If you cannot withhold the full amount of support for any or all orders for this employee/obligor, withhold up to _____% of disposable income for all orders. If the employee/obligor's principal place of employment is not Wyoming, obtain withholding limitations, time requirements, and any allowable employer fees at http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm for the employee/obligor's principal place of employment.

For electronic payment requirements and centralized payment collection and disbursement facility information (State Disbursement Unit [SDU]), see http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm.

Include the **Remittance Identifier with the payment** and if necessary this FIPS code: _____ .

Remit payment to: Wyoming Child Support Enforcement, PO Box 1027, Cheyenne, WY 82003.

Return to Sender [Completed by Employer/Income Withholder]. Payment must be directed to an SDU in accordance with 42 USC §666(b)(5) and (b)(6) or Tribal Payee (see Payments to SDU below). If payment is not directed to an SDU/Tribal Payee or this IWO is not regular on its face, you *must* check this box and return the IWO to the sender.

Signature of Judge/Issuing Official (if required by State or Tribal law): _____
Print Name of Judge/Issuing Official: _____
Title of Judge/Issuing Official: _____
Date of Signature: _____

If the employee/obligor works in a State or for a Tribe that is different from the State or Tribe that issued this order, a copy of this IWO must be provided to the employee/obligor.

If checked, the employer/income withholder must provide a copy of this form to the employee/obligor.

ADDITIONAL INFORMATION FOR EMPLOYERS/INCOME WITHHOLDERS

State-specific contact and withholding information can be found on the Federal Employer Services website located at: http://www.acf.hhs.gov/programs/cse/newhire/employer/contacts/contact_map.htm

Priority: Withholding for support has priority over any other legal process under State law against the same income (USC 42 §666(b)(7)). If a Federal tax levy is in effect, please notify the sender.

Combining Payments: When remitting payments to an SDU or Tribal CSE agency, you may combine withheld amounts from more than one employee/obligor's income in a single payment. You must, however, separately identify each employee/obligor's portion of the payment.

Payments To SDU: You must send child support payments payable by income withholding to the appropriate SDU or to a Tribal CSE agency. If this IWO instructs you to send a payment to an entity other than an SDU (e.g., payable to the custodial party, court, or attorney), you must check the box above and return this notice to the sender. Exception: If this IWO was sent by a Court, Attorney, or Private Individual/Entity and the initial order was entered before January 1, 1994 or the order was issued by a Tribal CSE agency, you must follow the "Remit payment to" instructions on this form.

Reporting the Pay Date: You must report the pay date when sending the payment. The pay date is the date on which the amount was withheld from the employee/obligor's wages. You must comply with the law of the State (or Tribal law if applicable) of the employee/obligor's principal place of employment regarding time periods within which you must implement the withholding and forward the support payments.

Multiple IWOs: If there is more than one IWO against this employee/obligor and you are unable to fully honor all IWOs due to Federal, State, or Tribal withholding limits, you must honor all IWOs to the greatest extent possible, giving priority to current support before payment of any past-due support. Follow the State or Tribal law/procedure of the employee/obligor's principal place of employment to determine the appropriate allocation method.

Lump Sum Payments: You may be required to notify a State or Tribal CSE agency of upcoming lump sum payments to this employee/obligor such as bonuses, commissions, or severance pay. Contact the sender to determine if you are required to report and/or withhold lump sum payments.

Liability: If you have any doubts about the validity of this IWO, contact the sender. If you fail to withhold income from the employee/obligor's income as the IWO directs, you are liable for both the accumulated amount you should have withheld and any penalties set by State or Tribal law/procedure. _____

Anti-discrimination: You are subject to a fine determined under State or Tribal law for discharging an employee/obligor from employment, refusing to employ, or taking disciplinary action against an employee/obligor because of this IWO. _____

Employer's Name: _____ Employer FEIN: _____
Employee/Obligor's Name: _____
CSE Agency Case Identifier: _____ Order Identifier: _____

Withholding Limits: You may not withhold more than the lesser of: 1) the amounts allowed by the Federal Consumer Credit Protection Act (CCPA) (15 U.S.C. 1673(b)); or 2) the amounts allowed by the State or Tribe of the employee/obligor's principal place of employment (see *REMITTANCE INFORMATION*). Disposable income is the net income left after making mandatory deductions such as: State, Federal, local taxes; Social Security taxes; statutory pension contributions; and Medicare taxes. The Federal limit is 50% of the disposable income if the obligor is supporting another family and 60% of the disposable income if the obligor is not supporting another family. However, those limits increase 5% - to 55% and 65% - if the arrears are greater than 12 weeks. If permitted by the State or Tribe, you may deduct a fee for administrative costs. The combined support amount and fee may not exceed the limit indicated in this section.

For Tribal orders, you may not withhold more than the amounts allowed under the law of the issuing Tribe. For Tribal employers/income withholders who receive a State IWO, you may not withhold more than the lesser of the limit set by the law of the jurisdiction in which the employer/income withholder is located or the maximum amount permitted under section 303(d) of the CCPA (15 U.S.C. 1673 (b)).

Depending upon applicable State or Tribal law, you may need to also consider the amounts paid for health care premiums in determining disposable income and applying appropriate withholding limits.

Arrears greater than 12 weeks? If the *Order Information* does not indicate that the arrears are greater than 12 weeks, then the Employer should calculate the CCPA limit using the lower percentage.

Additional Information: _____

NOTIFICATION OF EMPLOYMENT TERMINATION OR INCOME STATUS: If this employee/obligor never worked for you or you are no longer withholding income for this employee/obligor, an employer must promptly notify the CSE agency and/or the sender by returning this form to the address listed in the Contact Information below:

- This person has never worked for this employer nor received periodic income.
- This person no longer works for this employer nor receives periodic income.

Please provide the following information for the employee/obligor:

Termination date: _____ Last known phone number: _____

Last known address: _____

Final payment date to SDU/ Tribal Payee: _____ Final payment amount: _____

New employer's name: _____

New employer's address: _____

CONTACT INFORMATION:

To Employer/Income Withholder: If you have any questions, contact _____ (Issuer name)
by phone at _____, by fax at _____, by email or website at _____.

Send termination/income status notice and other correspondence to: _____
_____ (Issuer address).

To Employee/Obligor: If the employee/obligor has questions, contact _____ (Issuer name)
by phone at _____, by fax at _____, by email or website at _____.

IMPORTANT: The person completing this form is advised that the information may be shared with the employee/obligor.