

Packet 8

Custody and Child Support Modification

Forms and Procedures

For Wyoming

RESPONDENT

2011

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LIST OF FORMS – PACKET 8  
RESPONDENT – CUSTODY AND CHILD SUPPORT MODIFICATION

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\*All underlined forms are required in an action to modify child support where the parties agree on all of the issues. Additional required documents to be filed with the Clerk to complete the modification action are contained in the Petitioner's Packet. It is recommended that you work with the Petitioner to ensure all necessary forms are filled out correctly and completely. **You will also need to sign the *Order Modifying Custody and Support* that is contained in the Petitioner's Packet before your case can be completed, provided you agree on all of the issues.**

\*\*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.

### **Information:**

1. **Qualifying for a modification of custody:** In order to modify/adjust a current custody arrangement, the petitioner 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 moves 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 a party wishes to modify the current custody and child support order and they believe a material change in circumstances exists, then that party will file a *Petition to Modify Custody and Support* ("Petition"). The person filing the Petition is the "Petitioner" regardless of whether he/she was the Plaintiff or the Defendant when the child support order was first entered. The other party is referred to as the "Respondent".

Once a *Petition* has been filed, a copy must be formally given to (a/k/a **served** on) the respondent, who is then expected to respond to the *Petition*. **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 respondent actually received the papers. Other forms of service exist, but these are the easiest methods that meet the formal service requirement for a *Petition*.

## **Instructions:**

**STEP 1. *Response or Response and Counterclaim.*** Two options exist – you may either file a *Response* to the *Petition* or file a *Response and Counterclaim*. Both options are explained below:

**OPTION A. Response to Petition.** If you have been served or have signed an *Acknowledgement and Acceptance of Service* form, you should file a *Response to Petition to Modify Custody and Support* with the Clerk of District Court where the *Petition* was filed. A *Response to Petition to Modify Custody and Support* is a written document explaining to the court exactly which provisions you agree with and which provisions you deny. If you fail to answer, a default judgment may be entered against you and your spouse may be entitled the relief he or she asked for in the *Petition*.

You must fill in the caption. DO NOT forget to include the case number. This is located in the caption of the *Summons* and/or *Petition*.

i. **Admit or Deny.** To respond to the *Petition*, you should go through each and every paragraph of the *Petition* and either “admit” or “deny” each paragraph. If you do not have sufficient information to either admit or deny a particular allegation, you must state that in your *Response to Petition to Modify Custody and Support*. If you disagree with something and you fail to “deny” it in your *Response*, the Judge can find that you admitted it.

ii. **Time limit to respond. You have only a limited amount of time to file a response to the Petition.** Generally, if you were served within the State of Wyoming, you will have 20 days to file the *Response to Petition to Modify Custody and Support*. If you were served outside the State of Wyoming, you generally will have 30 days to file a response. If you do not file a response by your deadline, then your spouse may obtain an *Order Modifying Custody and Support* giving him/her everything he/she requested in the *Petition*.

iii. **Computation of Time Limits.** In computing most time limits, unless otherwise stated, the day the pleading is served shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the clerk of the court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature or appointment as a holiday by the governor.

**NOTE: If you have any question or concerns as to when the deadline to file a response is, you should consult an attorney.**

iv. **REQUIRED INFORMATION FOR CHILD(REN):** Certain information is required to be given **under oath** 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 is not provided, the court, upon motion of a party or its own motion, may stop the case from going forward until the information

is provided. The information necessary is included in the *Response* and the *Response and Counterclaim*.

v. **Certificate of Service:** Copies of all documents sent to or filed with the court must be sent to the petitioner before the judge will consider them. This is certificate is included at the end of each document that requires it.

vii. **Copies.** Make two (2) copies of the document. The original will be filed by the Clerk of District Court, one copy is for the petitioner and the other copy is for you (the respondent). You will need to repeat this step for all documents you file with the Clerk's office.

**OR**

**OPTION B. Response and Counterclaim.** If you want the Judge to grant relief to you, you should file a *Response and Counterclaim*. This document responds to the *Petition* and gives you an opportunity to tell the court what you want to happen with the case. First, you will go through each and every paragraph of the *Petition* and either "admit" or "deny" each paragraph. Second, the *Counterclaim* portion of the document asks the Judge to give you what you want. You must fill out all of the information in the document completely.

ii. Follow **Step 1(ii)** through **Step 1(vii)** above. You will also need to obtain a certified copy of the prior custody order and attach it to your *Response and Counterclaim*. Certified copies can be obtained from the Clerk of Court who entered the order. You will need to pay a copying charge for any copies obtained.

**NOTE: If you have any question or concerns as to when the deadline to file the *Response and Counterclaim* is, you should consult an attorney.**

C. **Petitioner's Reply to Your Counterclaim.** The petitioner must reply to the *Counterclaim*. If you file a *Counterclaim*, the petitioner will have 20 days to "reply" by filing a *Reply to Counterclaim*. The petitioner will either admit or deny the separate allegations in your *Counterclaim*. If the petitioner fails to reply to the *Counterclaim*, you may be entitled to file *Default* paperwork seeking the relief you request in your *Counterclaim*.

**STEP 2. 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.

**EXCEPTON:** If you and the petitioner 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 3.

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

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

**STEP 3. 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).**

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* with the court with all the necessary supporting documentation.
- **Required Attachments.** The *Confidential Financial Affidavit* 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.
- The *Confidential Financial Affidavit* may be filed with the Clerk's office at the same time you file your *Response* or *Response and Counterclaim*.

\*\*\*\*\*

**STEP 4.** Once you have filed your *Response* or *Response and Counterclaim* to the *Petition*, exchanged your *Initial Disclosures* (if applicable), and have filed your *Confidential Financial Affidavit*, then a couple of options exist regarding how your case can proceed. Pick the option that best describes your situation:

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

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

**OPTION A.** If you and the petitioner agree on all of the terms in the *Order Modifying Custody and Support*, sign the *Order* in front of a notary public. Here is some important information about the *Order*:

The *Order* will need to be filled out completely, signed by you and the petitioner and both of your signatures need to be notarized.

### **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](http://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/](http://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).

- **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 child support order has been modified.

**OPTION B.** If you and the petitioner DO NOT agree on all of the terms to be included in the *Order Modifying Custody and Support*, you will need to have a trial.

A. **Trial.** If you and the petitioner cannot agree on all issues, 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.

B. **Request a trial date.** If the petitioner has NOT done so, 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. 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 petitioner to the Clerk.

Once a trial date has been set, do the following:

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 petitioner (or his/her attorney).

- **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 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.

- **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.

- **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.

- **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 Support* incorporating the Judge's decision, but usually the Petitioner or the Judge will prepare the *Order*.

- **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.**

G. **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 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 Respondent's Documents:**

1. File an *Response* or *Response and Counterclaim* within 20 days from the date you were served (or 30 days if served out of state). If you file a *Response and Counterclaim*, be sure to attach a certified copy of the prior custody order.
  - Mail a copy to the petitioner and keep a copy for your records
2. File a *Confidential Financial Affidavit* and the required attachments
  - Mail a copy to the petitioner and keep a copy for your records
3. Assist the petitioner in filling out the *Order Modifying Custody and Support* if you both agree on all of the terms.
  - **Sign the *Order* in front of a Notary Public.**

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

4. If you and the petitioner do NOT agree on all of the terms, and a trial is needed, follow these steps:
  - a. File a *Request for Setting and Order Setting Modification Trial and Requiring Pretrial Statements* **ONLY** if the petitioner has **NOT** done so.
  - b. 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 petitioner with enough postage to cover the cost of mailing the *Order Setting Modification Trial and Requiring Pretrial Statements* to you and the petitioner).
  - c. File your *Pretrial Disclosures* **30 days** before the trial date.
    - Mail a copy to the petitioner and keep a copy for your records (do not file with the Court)
  - d. At least 3 working days before the trial, request a court reporter, if desired (and if the petitioner has not already done so).
  - e. Attend the Trial
  - f. 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 8**  
**RESPONDENT – CUSTODY AND CHILD SUPPORT MODIFICATION**

These forms are required in all cases where you and the plaintiff agree on all of the issues:

- *Response*; and
- *Confidential Financial Affidavit*

You will also need to work with the petitioner to complete the *Order Modifying Custody and Support* and sign it in front of a notary public.

**STEP 1.** If you were served with a copy of the *Summons* and *Petition to Modify Custody and Support* (“Petition”) or if you signed an *Acknowledgement and Acceptance of Service*, file one of the following:

- Response to Petition to Modify Custody and Support*; **OR**
  - Response and Counterclaim*. Be sure to attach a certified copy of the prior custody order if you file a *Response and Counterclaim*.
- Take an original and 2 copies of the *Response* or *Response and Counterclaim* to the Clerk for filing
  - Mail a copy to the petitioner and keep a copy for your records.

**STEP 2.** File a *Confidential Financial Affidavit* and include the required attachments.  
**Note:** This may be filed at the same time as the *Response* or *Response and Counterclaim*.

- Confidential Financial Affidavit*
  - Attach tax returns for prior 2 years; and
  - Attach statement of earnings for the current year.
- Take an original and 2 copies of the *Confidential Financial Affidavit* to the Clerk for filing
  - Mail a copy to the petitioner and keep a copy for your records.

**STEP 3.** Complete the *Initial Disclosures*

- Send the *Initial Disclosures* to the petitioner within **30 days** after you were 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 petitioner 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 4.**

**STEP 4.** There are two 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 you filed a *Response* or *Response and Counterclaim* and you and the petitioner both agree on all issues, complete **Option A**.

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

**OPTION A.** If you and the petitioner agree on all of the terms in the *Order Modifying Custody and Support*, sign it in front of a notary public.

- Sign the *Order*;
- A copy will be mailed to you if the Judge signs the *Order*.

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

**OPTION B.** If you and the petitioner do NOT agree on all of the issues of your case, fill out and file the following forms and attend the trial:

**\*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.**

- If the petitioner has **NOT** requested, a trial date, you must request one.
  - 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 petitioner with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to the petitioner.
  - Mail a copy of the *Request for Setting* to the petitioner and keep a copy for your records.

Once a trial date has been set, do the following:

- 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 petitioner and keep a copy for your records
- At least 3 working days before the trial, request a court reporter, if desired (and if the petitioner has not already done so).
- Attend the Trial: Present your evidence and witnesses.
- 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 petitioner and keep a copy for your records

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

---

**RESPONSE TO PETITION TO MODIFY CUSTODY AND SUPPORT**

---

The Respondent sets forth the following as the answers and responses to the *Petition to Modify Custody and Support* (“Petition”):

1. Respondent admits the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that are accurate statements)  
of the *Petition*.
2. Respondent denies the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that you believe are not accurate)  
of the *Petition*.
3. Respondent does not have information sufficient to either admit or deny the  
allegations in Paragraphs \_\_\_\_\_ of the *Petition*.  
(list paragraphs that are accurate statements)

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

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 Petitioner/Petitioner'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. \_\_\_\_\_

---

### RESPONSE AND COUNTERCLAIM

---

The Respondent sets forth the following as the answers and responses to the *Petition to Modify Custody and Support* (“Petition”):

1. Respondent admits the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that are accurate statements)  
of the *Petition*.
2. Respondent denies the allegations in Paragraphs \_\_\_\_\_  
(list paragraphs that you believe are not accurate)  
of the *Petition*.
3. Respondent does not have information sufficient to either admit or deny the allegations in Paragraphs \_\_\_\_\_ of the *Petition*.  
(list paragraphs that are accurate statements)

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

---

### COUNTERCLAIM

---

**RESPONDENT** sets forth the following as the counterclaim to the *Petition to Modify Custody and Support*:

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: \_\_\_\_\_

**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:

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 )  
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) )

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### INITIAL DISCLOSURES

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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*

<b><u>Type of Account:</u></b> Savings, Checking, Stocks, Bonds, Cash or Cash Equivalent	<b><u>Name of Financial Institution:</u></b> bank, credit union, or other financial institution	<b><u>Address of Financial Institution:</u></b>	<b><u>Date Account Opened</u></b> (Month/Day/Year)	<b><u>Last 4 Digits of Account No.</u></b>	<b><u>Asserted as marital or non-marital asset?</u></b> (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 Debts**  
Pursuant to Wyoming Rule 26(a)(1.1)(C)  
*Required effective July 1, 2008*

<b>Debt owed</b>	<b>Date Incurred (Mo./Day/Year)</b>	<b>Spouse whose name debt was incurred</b>	<b>Present Amount of Debt</b>	<b>Monthly Payment</b>	<b>Use for which debt was incurred</b>	<b>Asset serving as security for debt</b>	<b>Asserted as marital or non-marital asset? (If non-marital, explain legal &amp; factual basis) (Please attach a separate piece of paper if more space is needed, and label the paper.)</b>

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*

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

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*

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

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*

<b>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:</b>	<b>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:</b>

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. \_\_\_\_\_

**CONFIDENTIAL**

---

**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

<b><u>INCOME &amp; EXPENSE INFORMATION</u></b>
--

16. (a) List pay dates or otherwise describe pay schedule: \_\_\_\_\_
- weekly
  - every two weeks
  - twice per month (i.e. 1<sup>st</sup> and 15<sup>th</sup> 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	
<b>Voluntary Deductions</b>		Charity	
Bank/Credit Union (savings)		Child Care	
Bank/Credit Union (loan)		Other -	
Retirement/Deferred Compensation		Other -	
Filing Status: _____		<b>Total Monthly Deductions:</b>	\$
No. of Dependents Claimed: _____		<b>Total Monthly Net Income***</b>	\$

\*\*\* 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) )  
)  
vs. )  
)  
Respondent: \_\_\_\_\_.)  
(Print name of other party)

Civil Action Case No. \_\_\_\_\_

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### REQUEST FOR SETTING

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The  Petitioner or  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.  Custody and Child 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 child 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. \_\_\_\_\_

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

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**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\_\_\_\_.

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DISTRICT COURT JUDGE

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

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Respondent/Respondent's Attorney's Name and Address

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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. \_\_\_\_\_

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### PRETRIAL DISCLOSURES

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**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