

OVERVIEW

People who appear for themselves without an attorney are considered to be “self-represented” and are also known as “pro se” litigants. This packet is often referred to as the “**pro se divorce packet.**” Although there has been a recent surge of pro se litigation in our courts, there are additional barriers that people without an attorney will inevitably face, especially in the area of family law/domestic relations. The difficulties increase when there are children, disagreements about property, financial interests, violence, harassment or coercion. Many areas of family law are very diverse and complicated, and some courts in the State of Wyoming require certain things that others courts do not. That is why it is impractical to include all legal remedies available to people in a divorce action in a single packet. **Therefore, this packet will be most beneficial for people involved in an uncontested divorce (i.e., you both agree on the issues).** There are other remedies available, including temporary orders on child custody, support, alimony and restraining orders that are not included in this packet and may be best pursued with the assistance of an attorney. The Citizen’s Access to Courts Committee is aware of the barriers that exist for low income people in our legal system and have created the forms in a manner that they believe will benefit the majority of people who represent themselves while also understanding that people with complex or emergency circumstances may continue to find themselves better served by getting an attorney. We hope you find this packet and the resources that it contains helpful.

DOMESTIC/FAMILY VIOLENCE:

If you or your children have been a victim of family (domestic) violence, there are concerns above and beyond the normal concerns. It is recommended that you obtain a lawyer to help you. There may be assistance available even if you cannot afford an attorney. Contact the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-800-990-3877), Wyoming Legal Services (1-800-442-6170) or the Wyoming State Bar (1-307-632-9061) www.wyomingbar.org. 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 Protection Orders and Stalking Orders are available free of charge at the circuit court clerk’s office. Please call the Wyoming Coalition Against Domestic Violence & Sexual Assault for assistance in obtaining domestic violence protection or stalking orders (1-800-990-3877). If you have ever obtained a protection order involving your spouse, you should include this information in the *Complaint* or *Counterclaim* under the “Other Proceedings” section.

- This information packet is intended to provide general information to help you complete the forms and to take the steps the law requires for you to obtain a divorce. There is no guarantee these forms are still accurate and/or current. The information in this packet is not intended to replace an attorney.
- If you represent yourself, **YOU PROCEED AT YOUR OWN RISK.** You must decide which forms apply to your situation.
- **DO NOT USE** each and every form, as some forms say opposite things.
- For each form you decide to use, make sure you fill it out completely and correctly.

- NO ONE in the judge's office or the clerk of court's office can help complete these forms. Questions or problems may require the help of an attorney.

Where you are requested to provide additional information, use the blank spaces by either typing or printing with black ink. **You must print clearly. If the judge cannot read what you write, the judge will return the documents. DO NOT SIGN YOUR NAME WHERE THE JUDGE OR CLERK SHOULD SIGN.**

LAWS: IF YOU DO THIS YOURSELF, you must follow the law as if you were a lawyer. It is your responsibility to properly prepare and file the necessary documents. **The judge will not sign orders or decrees that are incorrect or incomplete, nor will the judge give you legal advice or make corrections for you.**

You should read Title 20 of the Wyoming Revised Statutes (the divorce laws), and you should also read the Wyoming Rules of Civil Procedure (W.R.C.P.). Most of the District Courts in the State of Wyoming have a courthouse library or county library where these law books can be read. You may also look up these law books on the internet at: www.courts.state.wy.us and clicking on "law library". Some courts have special forms they want you to use in addition to the forms contained in this packet.

Clerks Cannot Help You Fill Out the Forms. Employees in the clerk of district court's office and in the office of the district judge cannot help you or advise you; if you represent yourself, you are on your own.

The Judge Cannot Talk to You, Answer Your Questions or Assist You. The judge cannot give you legal advice or make corrections for you. **DO NOT** contact the judge by personal letter or otherwise. All communications with the court must be during hearings or other proceedings at which all parties are present or through the legal documents you file.

Situations that Warrant an Attorney. Federal law may impact your division of retirement benefits, your provisions regarding employer-provided health insurance, or your provisions regarding other benefits which arise out of the employment of either party and your settlement terms may not be honored by the employer or the plan administrator of the employee benefits plan if your divorce decree is not properly completed. In addition, in the division or retirement benefits, there may be tax consequences which you may not anticipate. If your divorce involves issues like these, see an attorney to discuss tax consequences or the terms of a "qualified domestic relations order" (QDRO), or, if dealing with insurance issues, a "qualified medical child support order". In addition to the above situations, you should consult an attorney if:

- You are a victim of domestic/family violence. (See Family Violence Box)
- The other party hires an attorney
- You or the other party are contemplating filing bankruptcy
- You or the other party expect to receive money because of a personal injury
- You or the other party own a business

- You or the other party have significant assets or debts

Truthfulness. It is absolutely essential that you be completely honest and accurate in completing all forms. There are penalties for attempting to mislead the court. You should read Wyoming Rule of Civil Procedure, Rule 11 (representations to the court) and Wyoming Statute § 6-5-301 (perjury).

Unauthorized Practice of Law Notice. The purpose of this packet is to assist those persons who are doing their own divorce. It may be an unauthorized practice of law for a person who is not a licensed attorney to assist others in obtaining a divorce. Such practice could subject a guilty party to punishment for contempt of court.

You are reminded that, if you choose to continue without an attorney, you are expected to know what to do and how to do it. The Wyoming Supreme Court has said: “A *pro se* litigant (one without an attorney) will be granted no greater right than any other litigant and he must expect and receive...the same treatment as if represented by an attorney...” **In other words, if you do not have an attorney you will be held to the same standards as a person with an attorney.**