

Packet 13

Abatement Forms and Procedures

For Wyoming

2014

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

LIST OF FORMS – PACKET 13
ABATEMENT FORMS

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*All underlined forms are required for claiming an abatement of child support where the parties agree.

**Other forms may be required by your Court.

ABATEMENT - INSTRUCTIONS

PLEASE CAREFULLY READ THE INSTRUCTIONS AND THE FORMS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY. You must fill out all forms as completely as possible. If you have sections where you have left blanks, the judge may reject your form as not complete.

Step 1. Qualifying for an Abatement. Wyoming law (W.S. § 20-2-305) allows for a temporary reduction in child support when a non-custodial parent has custody of the child(ren) for more than fifteen (15) consecutive days. Overnight and weekend visitation with the custodial parent during the period for which an abatement is claimed does not count to disrupt the 15 consecutive day requirement. Unless otherwise ordered by the court, child support shall abate by one-half (1/2) of the daily support obligation for each day the non-custodial parent has physical custody of the child(ren) for at least 15 consecutive days.

Step 2. Claim for Child Support Abatement. To claim an abatement for child support, the non-custodial parent must fill out and file the *Claim for Child Support Abatement* with the Clerk of District Court **within thirty (30) days after the child(ren) is/are returned to the custodial parent**, and must also pay the **\$10.00 filing fee (cash, certified check, or money order)**. The Clerk will mail a copy of the *Claim* to the custodial parent. The non-custodial parent should also submit to the Clerk an *Order on Abatement* form on which the caption has been filled in. The Judge will complete the *Order* after the time for filing objections and responses has expired.

*****Failure to file the *Claim for Child Support Abatement* with the filing fee within the 30 day time period will result in a rejection of the claim.**

Step 3. The Custodial Parent May Approve or Object to the Claim Within 30 Days. Once a claim is filed with the Clerk of District Court, the Clerk will mail a copy of the *Claim* to the custodial parent at the address on file. The custodial parent may either approve or object to the abatement claim.

- A. If the claim is correct, the custodial parent should file a *Notice of Immediate Approval* with the Clerk of District Court. There is no filing fee for the *Notice*. The Clerk will mail a copy of the *Notice* to the non-custodial parent. Move on to **Step 5** below.

- B. If the custodial parent objects to the claim (for example, if the dates and/or amount of claim are incorrect), the custodial parent must file an *Objection to Claim for Child Support Abatement* with the Clerk of Court **within thirty (30) days of the date the Clerk mailed a copy of the Claim and Notice for Child Support Abatement to the custodial parent.** The *Objection* must be accompanied by a **\$10.00 fee (cash, certified check, or money order).** The Clerk will mail a copy of the *Objection* to the non-custodial parent. Move on to **Step 4** below.

*****Failure to file an *Objection to Claim for Child Support Abatement* with the filing fee within the 30 day time period may result in the Court approving the *Claim for Child Support Abatement*.**

Step 4. Response to the Objection. If an *Objection* is timely filed, the non-custodial parent MAY respond to the issues raised in the *Objection* by filing a *Response to Objection to Claim for Child Support Abatement* **within fifteen (15) days of the date the Clerk mailed a copy of the *Objection to Claim for Child Support Abatement* to the non-custodial parent.** There is no fee associated with a *Response*. The Clerk will mail a copy of the *Response* to the custodial parent. Move on to **Step 5** below.

*****CLAIMS, OBJECTIONS AND RESPONSES THAT ARE NOT TIMELY FILED, INCOMPLETE OR NOT ACCOMPANIED BY THE FILING FEE ARE BARRED WITHOUT FURTHER ORDER OF THE COURT.**

*****Remember, complete all portions of the forms and include the address of both parties, dates of visitation and calculations for the claimed abatement. Forms lacking the required information may be returned to the party who submitted them. If the 30 day time period has not expired, you may submit a corrected form to the Clerk of District Court.**

Step 5. Judge will Approve or Reject the Claim. The Clerk of District Court will notify the Judge of all *Claims*, *Objections* and *Responses* and the Judge will resolve the differences with or without a hearing. The Judge will complete the *Order on Abatement* form that the non-custodial parent provided when he/she filed the claim. Once complete, the *Order on Abatement* will be mailed to the parties. If an abatement is allowed, it will be applied first to current child support due and then to any arrearage balance owed for past-due child support. **The non-custodial parent should note the following:**

- A. **Child Support Withheld from Paycheck:** If child support is withheld from your paycheck and you are current on your child support obligation, you will

receive a refund check from the Clerk of the District Court or the State Disbursement Unit for the abatement credit amount. If you are in arrears, your abatement credit will be applied to your arrearage balance by the Clerk of District Court or the State Disbursement Unit.

- B. Child Support Paid Directly by Non-Custodial Parent:** If you pay child support on your own (i.e., it is not automatically withheld from your paycheck), and you are current in your support obligation, you **MUST** subtract the abated amount from your next scheduled payment if you want to receive the abatement credit. **If you do not subtract the abatement credit and instead pay the full amount on your next scheduled payment, this may be considered a gift to the custodial parent and you may lose the right to the abatement credit.** If you are in arrears, your abatement credit will be applied to your arrearage balance by the Clerk of District Court or the State Disbursement Unit.

Summary of Instructions:

Non-custodial Parent: If you have had custody of the child(ren) for 15 or more consecutive days, file the following with the Clerk of District Court **within 30 days** after the children are returned to the custodial parent:

- A. *Claim for Child Support Abatement*; AND
- B. Pay the \$10.00 Filing Fee (cash, certified check, or money order); AND
- C. Submit the proposed *Order on Abatement*.

The custodial parent will have 30 days to file an *Objection*, if desired. If the custodial parent files an *Objection*, you may file a *Response* within **15 days**.

Custodial Parent: After you have been notified of the *Claim for Child Support Abatement*, you may file either:

- A. A *Notice of Immediate Approval*. Use this form if you agree with the information contained in the *Claim*. No filing fee is required; OR
- B. An *Objection to Claim for Child Support Abatement* if you disagree with dates the non-custodial parent had the child(ren) or if you disagree with the amount of the abatement claimed. This form must be filed within 30 days and you must pay a \$10.00 filing fee (cash, certified check, or money order).

Both Parties: After the time period for objections and responses has expired, the Judge will make a decision on the *Claim*, with or without a hearing. If a hearing is needed, you will be notified of the date and time to appear before the Court. If an abatement is allowed, it will be applied first to past due child support owed, if any, and then to the next child support payment due.

Non-Custodial Parent please note: **If you pay child support on your own (it is not withheld from your paycheck) and you are current on your child support obligation, you MUST subtract the abatement credit amount from your next child support payment in order to receive the credit. Otherwise, if you pay the full amount of your next child support payment, it may be considered a gift to the custodial parent and you may lose the right to the abatement credit.** If you are in arrears or if your child support payments are withheld from your paycheck, the Clerk of District Court or the State Disbursement Unit will either credit the abatement amount towards any arrearage you may have or issue a refund check to you if you are current in your child support obligation, whichever the case may be.

STATE OF WYOMING)
) ss.
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Plaintiff/Petitioner,)
)
vs.)
)
_____,)
Defendant/Respondent.)

Civil Action Case No. _____

CLAIM FOR CHILD SUPPORT ABATEMENT
(Pursuant to Wyoming Statute § 20-2-305)

CLAIMS MUST BE FILED WITHIN 30 DAYS AFTER THE PERIOD FOR WHICH ABATEMENT IS CLAIMED. CLAIMS THAT ARE NOT TIMELY FILED OR INCOMPLETE ARE BARRED WITHOUT FURTHER ORDER OF THE COURT.

I, _____, the non-custodial parent, hereby claim an abatement for child support in accordance with Wyoming Statute § 20-2-305, and submit the following in support of the claim:

1. Initials and year of birth of the child(ren) for whom you are claiming an abatement:

Child's initials: _____
Child's year of birth: _____
Child's initials: _____
Child's year of birth: _____
Child's initials: _____
Child's year of birth: _____
Child's initials: _____
Child's year of birth: _____

2. Date visitation began: _____

3. Date visitation ended: _____

4. My total child support obligation is \$_____ per month.

5. The child support obligation *per child* is \$_____ per month. (Total monthly child support obligation divided by number of children for whom support is due)

A. My daily support obligation is: \$_____. (Monthly child support obligation times 12, divided by 365)

B. One-half of my daily support obligation is \$_____. (Line "A" divided by 2)

C. Number of days of consecutive visitation: \$_____. (Must be 15 or more consecutive days)

D. My total abatement claim amount is \$_____. (Multiply Line "B" times Line "C");

OR

E. Amount of Abatement Credit ordered by the Court in the *Decree* or other *Order* establishing or modifying child support: \$_____.

6. Is child support withheld from your paycheck? Yes No

7. Do you owe back child support (arrears)? Yes No

If yes, the amount owed is \$_____. (Ask the Clerk of District Court if you do not know).

8. Abatement of child support will be applied to any current child support due and then to any arrearage balance owed to the custodial parent for past-due child support. If there is no arrearage and the custodial parent fails to file an objection or files a notice of immediate approval, the abatement amount shall be reduced from the next scheduled payment of child support.

9. Notice of this *Claim for Child Support Abatement* shall be given to the custodial parent, whose name and address is: _____

10. I have attached the **\$10.00 filing fee (cash, certified check or money order)**.

DATED this _____ day of _____, 20_____.

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

NOTICE

Notice is hereby given to the custodial parent, that if you AGREE with the information contained in this *Claim*, you may complete and file a *Notice of Immediate Approval of Claim for Child Support Abatement* with the Clerk of District Court, whose address is _____, within 30 days of the date the Clerk mailed a copy of this *Claim* to you, and the abatement will be granted; OR if you OBJECT to the foregoing *Claim*, you must complete and file an *Objection to Claim for Child Support Abatement* with the Clerk of District Court, along with a \$10.00 filing fee, within 30 days of the date the Clerk mailed a copy of this *Claim* to you. If no *Objection* is filed with the Clerk, the abatement claim will be granted. If an *Objection* is filed and not barred, the Court shall resolve the differences, with or without a hearing, and enter an appropriate order.

**** INSTRUCTIONS AND FORMS FOR THIS ACTION (PACKET 13) CAN BE OBTAINED AT THE DISTRICT COURT CLERK’S OFFICE OR ARE AVAILABLE ONLINE AT: <http://www.courts.state.wy.us/DandCS.aspx>.**

NOTICE OF MAILING CLAIM FOR CHILD SUPPORT ABATEMENT

The foregoing *Claim for Child Support Abatement* and *Notice* were mailed to the custodial parent, whose address is: _____

_____ this _____
day of _____, 20_____.

Clerk of District Court

By: _____
Deputy

STATE OF WYOMING)
) ss.
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Plaintiff/Petitioner,)
)
vs.)
)
_____,)
Defendant/Respondent.)

Civil Action Case No. _____

**NOTICE OF IMMEDIATE APPROVAL OF CLAIM FOR CHILD SUPPORT
ABATEMENT**
(Pursuant to Wyoming Statute §20-2-305)

I, _____, the undersigned custodial parent hereby approve the *Claim for Child Support Abatement* filed by the non-custodial parent for an abatement of \$_____ in his/her child support obligation for the period _____ through _____ in which he/she exercised visitation for fifteen (15) consecutive days or more.

This notice is filed prior to the expiration of the thirty (30) day time period for objections, and by its submission I waive the right to object to the referenced claim for child support abatement.

DATED this _____ day of _____, 20_____.

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

NOTICE OF MAILING

The foregoing *Notice of Immediate Approval of Claim for Child Support Abatement* was mailed to the non-custodial parent, whose address is _____

_____ on this ____ day of _____, 20____.

Clerk of District Court

By: _____
Deputy

STATE OF WYOMING)
) ss.
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Plaintiff/Petitioner,)
)
vs.)
)
_____,)
Defendant/Respondent.)

Civil Action Case No. _____

OBJECTION TO CLAIM FOR CHILD SUPPORT ABATEMENT

(Pursuant to Wyoming Statute §20-2-305)

OBJECTIONS MUST BE FILED WITHIN 30 DAYS OF THE DATE THE CLERK MAILED THE CLAIM AND NOTICE FOR CHILD SUPPORT ABATEMENT TO THE CUSTODIAL PARENT. OBJECTIONS THAT ARE NOT TIMELY FILED ARE BARRED WITHOUT FURTHER ORDER OF THE COURT.

I, _____, the undersigned custodial parent, hereby object to the accuracy of the *Claim For Child Support Abatement* filed with the Court, and in support of this *Objection* state as follows:

1. Date the *Claim* was filed: _____
2. Date the *Claim* was mailed by the Clerk of District Court to the custodial parent: _____
3. Reason(s) for Objection:

Court has ordered that the child support will **NOT** abate.

Non-custodial parent did not have child(ren) for fifteen (15) consecutive days excluding weekend or overnight visitation with custodial parent during the period for which abatement is claimed (set out dates of visitation): _____

Computation is incorrect. The amount of the abatement should be as follows:

A. My daily support obligation is: \$_____.
(Monthly child support obligation times 12, divided by 365)

B. One-half of the daily support obligation is: \$_____.
(Line "A" divided by 2)

C. Number of days of consecutive visitation: \$_____.
(Must be 15 or more consecutive days)

D. The amount of abatement should be: \$_____.
(Multiply Line "B" times Line "C")

OR

E. Amount of Abatement Credit ordered by the Court
in the *Decree* or other *Order* establishing or modifying
child support: \$_____.

Other (set out specific reasons): _____

_____.

4. Is the non-custodial parent current in the child support payments? Yes No

5. I have attached the **\$10.00 filing fee (cash, certified check, or money order)**.

DATED this ____ day of _____, 20_____.

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

NOTICE OF MAILING OBJECTION TO CLAIM FOR CHILD SUPPORT ABATEMENT

The foregoing *Objection to Claim for Child Support Abatement* was mailed to the non-custodial parent, whose address is _____

_____ this _____ day of _____, 20_____.

Clerk of District Court

By: _____
Deputy

STATE OF WYOMING)
) ss.
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Plaintiff/Petitioner,)
)
vs.)
)
_____,)
Defendant/Respondent.)

Civil Action Case No. _____

RESPONSE TO OBJECTION TO CLAIM FOR CHILD SUPPORT ABATEMENT
(Pursuant to Wyoming Statute §20-2-305)

If an *Objection to Claim for Child Support Abatement* is timely filed, the non-custodial parent **MAY** respond to the issues raised in the *Objection* by filing a *Response* **within fifteen (15) days** of the date the Clerk of District Court mailed the *Objection* to the non-custodial parent.

I, _____, the non-custodial parent, hereby respond to the custodial parent's *Objection to Claim for Child Support Abatement* filed with the Court as follows:

1. Date the *Objection* was filed: _____
2. Date the *Objection* was mailed by the Clerk of District Court to the non-custodial parent:

3. I respond to the custodial parent's *Objection* as follows (be specific): _____

_____.

DATED this _____ day of _____, 20_____.

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

**NOTICE OF MAILING RESPONSE TO OBJECTION TO CLAIM FOR CHILD
SUPPORT ABATEMENT**

The foregoing *Response to Objection to Claim for Child Support Abatement* was mailed to the custodial parent, whose address is: _____

_____ on this ____ day of _____, 20_____.

Clerk of District Court

By: _____
Deputy

STATE OF WYOMING)
) ss.
COUNTY OF _____)

IN THE DISTRICT COURT
_____ JUDICIAL DISTRICT

_____,)
Plaintiff/Petitioner,)
)
vs.)
)
_____,)
Defendant/Respondent.)

Civil Action Case No. _____

ORDER ON ABATEMENT

THIS MATTER having come before the Court upon the *Claim for Child Support Abatement*, and the Court, having reviewed the file herein, and, if applicable, having reviewed the custodial parent's approval, reviewed the custodial parent's objection, reviewed the non-custodial parent's response thereto, and heard the arguments of the parties, and otherwise being fully advised in the premises, FINDS:

1. No *Objection* was filed by the custodial parent; **OR**
 The custodial parent's *Objection* was not timely filed and, therefore, was not considered by this Court; **OR**
 The custodial parent's *Objection* was timely filed and has been considered by this Court.
2. The non-custodial parent is entitled to an abatement of child support pursuant to Wyo. Stat. Ann. §20-2-305 in the amount of \$ _____ for the period of _____ through _____

OR

- The non-custodial parent is not entitled to an abatement pursuant to Wyo. Stat. Ann. §20-2-305 for the following reasons:
- The claim was not timely filed;
 - The non-custodial parent did not have the child(ren) for 15 consecutive days;
 - The Court has previously ordered that child support will **NOT** abate; **OR**

Other: _____

3. **IT IS THEREFORE ORDERED** that:

The Claim for Child Support Abatement is GRANTED. The non-custodial parent is entitled to an abatement of child support pursuant to Wyo. Stat. Ann. §20-2-305 in the amount of \$_____ for the period of _____ through _____, and the Clerk of the District Court of the district named above shall enter the abatement credit upon the child support records. The abatement may be accomplished by:

If child support is withheld from your paycheck, you will receive a refund check from the Clerk of the District Court or the State Disbursement Unit if you are current on your child support obligation, or if you are in arrears, your abatement credit will be applied to your arrearage balance; **OR**

If you pay child support on your own (i.e., it is not withheld from your paycheck) and you are current in your child support obligation upon entry of this *Order on Abatement*, you may subtract the abated amount from your next scheduled child support payment (THIS IS YOUR RESPONSIBILITY). **If you do not subtract the abatement credit and instead pay the full amount of your next scheduled child support payment, this may be considered a gift to the custodial parent and you may lose the right to the abatement credit.** If you are in arrears upon entry of this *Order on Abatement*, your abatement credit will be applied to your arrearage balance.

OR

The Claim for Child Support Abatement is DENIED.

SO ORDERED this _____ day of _____, 20 _____.

DISTRICT COURT JUDGE

Copies sent to:

Plaintiff/Petitioner/or his/her Attorney's Name and Address

Defendant/Respondent/or his/her Attorney's Name and Address
