

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.**” These packets work best when parties are able to agree, and become more difficult when there are children, disagreements about property, financial interests, violence, harassment or coercion. Many areas of family law are very complicated, and some courts in the State of Wyoming require certain things that others courts do not. Therefore, it is not possible to include all legal solutions available to people in a divorce action in a single packet. **Again, this packet will be most useful for people involved in an uncontested divorce (i.e., you both agree on all matters).** There are other types of actions available, including temporary orders on child custody, support, alimony and restraining orders that are not included in this packet and might be easier to obtain with an attorney. These forms have been created to 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, it is recommended that you find an attorney to help you. There may be assistance available even if you cannot afford an attorney. Contact the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-307-755-0992), Legal Aid of Wyoming (1-877-432-9955) 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 (1-307-755-0992). If you have ever obtained a protection order involving your spouse, you should include this information in the *Complaint for Divorce* or *Counterclaim* under the “Other Proceedings” section.

- This information packet is intended to provide general information 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** all forms, as some forms may not apply.
- Fill out the necessary forms completely and correctly.

Print or type all of the documents. **DO NOT SIGN YOUR NAME WHERE THE JUDGE OR CLERK SHOULD SIGN.**

LAWS: All laws and rules that apply to attorneys apply to you. It is your responsibility to properly prepare and file the necessary documents. **The Judge will not**

Overview: Divorce (with Children)

July 2014

Page 1 of 3

sign orders 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 Statutes (the divorce laws), and you should also read the Wyoming Rules of Civil Procedure. Most of the District Courts in the State of Wyoming have a courthouse library or county library where these laws and rules can be read. You may also look up these laws and rules 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. Check with the clerk before you file your documents.

Clerks May Not Help You Fill Out the Forms. Unless your county has a court facilitator, employees in the Clerk of District Court’s office and in the Judge’s office cannot help you or give you legal advice.

The Judge Cannot Talk to You, Answer Your Questions or Assist You. Ex parte communication is communication with the Judge with only one party present. If you have something you need to tell the Judge, you must ask for a hearing and give notice to the other party or file a written statement in the Court file and send a copy of the written statement to the other party.

Situations that Need an Attorney. Federal law may impact the division of retirement benefits, employer-provided health insurance, or 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 or if a “qualified domestic relations order” (QDRO) is required. In addition, in the division of 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 QDRO, or, if dealing with insurance issues or 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
- 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
- You or the other party own real estate

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 Rules 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.**