



**PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

## Instructions for Miscellaneous Forms for Guardianship Actions

This packet contains forms that are not usually needed when neither party has a lawyer. These forms supplement the packet(s) you have already purchased or downloaded from the Court. Most likely you will only need to use these additional forms for one of the following areas:

1. **Additional ways to serve a Defendant/Respondent** – use if you are unable to serve the Defendant/Respondent by the Sheriff or if the Defendant/Respondent will not sign an Acknowledgement and Acceptance of Service;
2. **Waiver of Fees** – use if you are unable to pay the Court’s filing fees and/or the Sheriff’s service fees;
3. **Motion Forms** – use if you need to make a request of the Court (or respond to a request) before the final order is entered;
4. **Dismissal Forms** – use if you would like to dismiss the action before a final order is entered.

**Please read through the instructions carefully to decide what form(s) you need for your case.**

**1. Additional Ways to Serve Defendant/Respondent.** If the Sheriff could not serve the Defendant/Respondent and the Defendant/Respondent would not sign an Acknowledgement and Acceptance of Service, then you may request to serve the Defendant/Respondent by publication or by registered or certified mail. Service by publication is helpful when 1) you cannot find the Defendant/Respondent’s address, or 2) the Defendant/Respondent is uncooperative and lives outside of Wyoming.

**A. Service by publication requires the following forms:**

- i. Motion and Affidavit to Allow Service by Publication
- ii. Order for Service by Publication
- iii. Notice of Publication
- iv. Affidavit Following Service by Publication

To use service by publication, you must show that you have made every effort to find the Defendant/Respondent’s address. Completely fill out a *Motion and Affidavit to Allow Service by Publication* and a *Notice of Publication*. (DO NOT sign where the Clerk needs to sign.)

The *Motion and Affidavit to Allow Service by Publication* says that service of *Summons* cannot be made in Wyoming. If the Defendant/Respondent lives in another state and you know their address, check the first box and enter the address.

If you do not know the Defendant/Respondent’s address, check the second box. Also, be sure to check off each method you used to try to find the Defendant/Respondent’s address. Note that you will need to attach any returned letters you wrote to the Defendant/Respondent.

Complete the *Order for Service by Publication* and the *Notice of Publication* by filling out the caption of each form. The Judge will decide whether or not to grant your motion. If the Judge orders service by publication, the Clerk will complete and sign the *Notice of Publication*.

Be aware that there are additional fees for service by publication. Service of process by publication is allowed pursuant to Wyoming Statutes § 3-2-102(d), and Rule 4(k) of the Wyoming Rules of Civil Procedure. If you are unsure whether or not you are allowed to serve the Defendant/Respondent by publication, you need to talk to a lawyer.

***If you DO NOT KNOW the Defendant/Respondent's address*** and cannot find it after making every effort, the affidavit must detail the efforts you made to obtain an address.

***If you DO KNOW the Defendant/Respondent's address***, the publication must include the address. Immediately after the first publication appears in the newspaper, bring a copy to the Clerk. The Clerk will mail a copy to the Defendant/Respondent by registered or certified mail. [NOTE: **You must give the Clerk an envelope for each Defendant/Respondent along with proper postage. Before going to the Clerk, complete the registered or certified mail forms and mark them as “Restricted Delivery” with return receipt requested.**]

**Contact the newspaper.** After the Judge signs the *Order for Service by Publication*, and the Clerk signs and files the *Notice of Publication*, it is time for you to publish the *Notice* in a newspaper. The newspaper must:

1. Have printed issues at least once each week for at least fifty-two (52) weeks in a row;
2. Have at least five hundred (500) paying subscribers; and
3. Have pages that are all at least ten (10) inches by twelve and one-half (12.5) inches.

When you contact the newspaper, be ready to pay the newspaper's fees. Remember that if you know the Defendant/Respondent's address, you must include it in the notice. The newspaper must publish the *Notice* once a week for **four (4) weeks** in a row.

**Waiting period.** The other party will have thirty (30) days **from the date of the last publication** to file a written response. After the thirty (30) day waiting period, fill out, sign and notarize the *Affidavit Following Service by Publication*. You must attach the *Affidavit of Publisher*. The newspaper will send you the *Affidavit of Publisher* after it completes publishing the *Notice*. File the *Affidavit Following Service by Publication* with the Court. If the other party fails to respond by that time limit, you may follow the procedures for default as discussed in your other packet.

**Recap for Serving by Publication:**

1. Fill out a *Motion and Affidavit to Allow Service by Publication* and the captions of the *Order for Service by Publication* and the *Notice of Publication*.
2. After the Judge signs the *Order*, the Clerk will complete and sign the *Notice of Publication*.
3. If you know the other party's address, you must supply the Clerk with the envelope and proper postage to mail the documents to the Defendant/Respondent by registered or certified mail marked "restricted delivery".
4. Contact the newspaper and pay the fee to have the *Notice of Publication* published once per week for 4 weeks.
5. Wait 30 days.
6. Fill out the *Affidavit Following Service by Publication* and file it with the Court. Be sure to attach the *Affidavit of Publisher*, which is a form the newspaper will prepare and send to you.
7. Service has now been completed and you may proceed with the next step in your prior packet.

Look at Rule 4(l) of the Wyoming Rules of Civil Procedure for more details.

**B. The following form is needed for service by registered or certified mail:**

- Affidavit to Allow Service by Registered or Certified Mail

If the Defendant/Respondent lives outside of Wyoming and you know their address, you may serve the Defendant/Respondent by registered or certified mail. To serve a person by registered or certified mail, you need to pay a fee and ask the Clerk to mail the *Notice* to the Defendant/Respondent. You need to have everything ready before going to the Clerk.

- First, complete the *Affidavit to Allow Service by Registered or Certified Mail* and make two copies.
- Second, fill out the *Summons*. The address in the *Summons* must match the address in the *Affidavit to Allow Service by Registered or Certified Mail*. Remember that you do not sign the *Summons*, the Clerk does.
- Third, prepare an envelope for the Clerk to send to each Defendant/Respondent. Make sure you have the correct addresses and proper postage on the envelope. Then complete the registered or certified mail forms and mark them as "Restricted Delivery" with return receipt requested.
- Fourth, gather the document that you want to serve and make two copies. This should be the *Petition* or *Motion*, depending on what you are trying to do.
- Fifth, make sure you have an extra copy of everything for your records.

Bring all of the above materials to the Clerk, including *Summons* and the *Petition/Motion*. Pay the fee and the Clerk will mail the documents to the Defendant/Respondent. When the Clerk gets the signed mail receipt from the Defendant/Respondent, the Clerk will file the receipt and record that service is complete. See Wyoming Rules of Civil Procedure Rule 4(l) and 4(r).

**Recap for Serving by Registered or Certified Mail:**

1. Fill out an *Affidavit to Allow Service by Registered or Certified Mail* and file an original and two copies with the Clerk.
2. Take an envelope with proper postage, and the registered or certified mail postal forms marked “restricted delivery,” to the Clerk so that the Clerk can mail the documents to the Defendant/Respondent.
3. Once service has been completed, you may proceed with the next step in your prior packet.

Look at Rule 4(l) and (r) of the Wyoming Rules of Civil Procedure for more details.

**2. Waiver of Fees.** If you are unable to pay the fees, you may ask the Judge to waive the costs of the filing and service fees with an *Affidavit of Indigency and Request for Waiver of Filing Fees and All Fees Associated Therewith*, together with the *Order on Request for Waiver of Filing Fees and All Fees Associated Therewith*. (You cannot waive the cost of the newspaper publication fee.) The Judge will then decide whether or not to grant your request. Procedures and policies vary from court to court so there is no guarantee that you will not have to pay fees.

**Recap for Requesting a Waiver of Fees:**

1. Fill out an *Affidavit of Indigency and Request for Waiver of Filing Fees and All Fees Associated Therewith*;
2. Fill out an *Order on Request for Waiver of Filing Fees and All Fees Associated Therewith*;
3. File both the *Affidavit* and the *Order* with the Court;
4. The Judge will determine whether or not you will need to pay the filing fees and service fees in your action and will mail a copy of the *Order* to you.

**3. Motion Forms.** It is recommended that you ask an attorney for help. However, if you need to make a request of the Court (or respond to a request) before the Court enters its final order, this packet contains the following forms to help you:

- Motion
- Response to Motion
- Order on Motion

For each motion you wish to file, you must complete the *Motion* form as well as the *Request for Setting* and *Order Setting Hearing* forms that are in your original packet. You must file all three (3) forms with the Clerk’s office. The *Request for Setting* allows the court to hear about your motion and to decide whether to grant your request. It also tells the court what the hearing is for and the amount of time needed. The Judge will fill in the hearing date and time and return the *Order Setting Hearing* to you. For each form you file, you must give the Clerk an addressed, stamped envelope for both you and the other party.

Fill out the *Order on Motion* form by completing the caption and the addresses for you and the other party. Then submit the *Order on Motion* with your *Motion*. The Judge will either fill out the rest, or tell you their decision at the hearing so that you can write it down on the *Order* for the Judge to sign.

**Responding to a Motion:** If the other party files a motion, you should fill out a *Response to Motion* form and state your objections, if any, to the other party's request. If you fail to respond in writing, you may not be allowed to respond at the hearing and the other party may be given what they asked for in the motion. Generally, you must file your *Response* and deliver it to the other party by the earlier of two dates: 1) within twenty (20) days from the date it was mailed to you; or 2) if there is a hearing, at least three (3) days before the hearing date. If there are any documents or other evidence you wish the judge to consider, attach it to your *Response*.

**Attend Hearing:** Attend the hearing scheduled by the Court. It is important that you show up on time and that you dress appropriately.

**Recap for Motion Forms:**

1. Fill out the *Motion* and the caption and addresses of the parties on the *Order on Motion*.
  - **If you only need to respond to a motion, fill out the *Response to Motion* and file it with the Court. Be sure to send a copy to the other party. Attend any hearing you receive notice of.**
2. Fill out a *Request for Setting* and *Order Setting Hearing* – these forms are contained in your prior packet.
3. File the *Motion*, *Order on Motion*, *Request for Setting*, and *Order Setting Hearing* with the Clerk.
  - Make two copies of each document (one is for your records).
  - Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the Defendant/Respondent.
  - Take two (2) addressed and stamped envelopes (one addressed to you and one to the other party) with enough postage to cover the cost of mailing the *Motion* and the *Order Setting Hearing*.
4. Attend the hearing set by the Court.

**4. Dismissal Forms.** If you would like to dismiss the pending action for any reason (such as you were unable to serve the other party, or for any other reason you decide you no longer wish to proceed with the *Petition* or *Motion*), you will need the following forms:

- i. Motion to Dismiss Action
- ii. Order of Dismissal

Complete the *Motion to Dismiss Action*. If the Defendant/Respondent has not filed an *Answer* or *Response* to your *Petition* or *Motion*, only the Petitioner/Movant needs to sign the *Motion to Dismiss Action*. If the Defendant/Respondent filed an *Answer* or *Response*, however, both parties will need to sign the *Motion to Dismiss Action*. Be sure to mark the correct box to request that the Court dismisses the action that applies to your case.

Complete the *Order of Dismissal* by filling out the caption and by providing the addresses for you and the other party at the bottom. The Judge will decide whether or not to grant the *Motion*.

Take the *Motion to Dismiss Action* and *Order* to the Clerk for filing. The Clerk will be sure to give the *Order* to the Judge for consideration. You must also give the Clerk two stamped envelopes: one addressed to you and one addressed to the other party. After the Judge signs the *Order*, the Clerk will send you each a copy.

**Recap for Dismissal Forms:**

1. Fill out the *Motion to Dismiss Action* and have the Defendant/Respondent sign it if they filed an *Answer* or *Response*.
2. Fill out the *Order of Dismissal* by completing the caption and addresses of the parties. The Judge will fill out the rest.
3. Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the other party. Be sure to bring two (2) addressed and stamped envelopes (one addressed to you and one to the other party).