Packet 8

Custody and Child Support Modification

Forms and Procedures

For Wyoming

RESPONDENT

2014

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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 (1-307-755-0992). There are also private attorneys that are willing to assist clients in these matters. If you have ever obtained a Protection Order against the other party, this information should be indicated in the ***Petition to Modify Custody and Support*** or the ***Counterclaim***.

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. You must fill out all forms as completely as possible. If your forms are not complete, the Judge may reject your packet.

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 <u>and</u> 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 material change of circumstances.

   b. **Burden of proof:** It is up to the person trying to modify or change the custody arrangement of the earlier order/decree to establish that a material change in circumstances has occurred, following the entry of the previous order.

   c. **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 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 the Petitioner 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.

vi. **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.

i. Follow **Step 1(ii)** through **Step 1(vi)** 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.

ii. **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 within 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.

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.

A. **Fill out a *Confidential Financial Affidavit* and attach all required documents.**

- 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.*

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STEP 4. Once you have filed your *Response* or *Response and Counterclaim* to the *Petition*, exchanged your *Initial Disclosures*, 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 Notarial Officer. 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. **In addition to signing the *Order*, you should also initial each page of the *Order* to verify that each page contains the terms you agreed upon.**

Important 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 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:

- **<u>Child Support Payments</u>**. You will need to determine the amount of child support due based upon the *Confidential Financial Affidavits* you and the Petitioner completed (or by the *Affidavit of Imputed Income* if the Petitioner 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:

  http://www.laramiecounty.com/_departments/_district_court/calculator.aspx

  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 joint 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 forty-six dollars ($846.00), the non-custodial parent has to pay twenty-two percent (22%) of his/her net income for one (1) child and twenty-five percent (25%) of his/her net income for two (2) or more children, 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 TITLE 19, KID CARE, 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 Petitioner even if you and the Petitioner 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 at a reasonable cost and the benefits under the insurance policy are accessible to the children. 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 Plaintiff and 50% to Defendant).

- **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. This process may take time if the Judge requires changes to the proposed *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. 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 the Court 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:

C. **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 as soon as possible, but no later than **three (3) working days** before the matter is set for hearing. You can provide notice to the court reporter by phone or by submitting a written request. Please note that if providing notice

through the mail, the request must be received by the court reporter no later than three working days prior to the 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.

- **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.**

D. **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. This process may take time if the Judge requires changes to the proposed *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 a *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, b*e 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 Notarial Officer**.

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. No later than 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 Petitioner 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 Notarial Officer.

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*

☐ If employed, attach tax returns for prior 2 years; and

☐ Attach statement of earnings for the current year; OR

☐ If self-employed, attach verified income and expense statements for prior two years; and

☐ Attach tax returns for prior 2 years.

☐ 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 Ackn*owledgment and Acceptance of Service* form. DO NOT FILE the *Initial Disclosures* with the Court.

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 Notarial Officer.

- ☐ 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
- ☐ No later than 3 working days before the trial, request a court reporter, if desired (and if the Petitioner has not already done so). You can provide notice to the court reporter by phone or by a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.
- ☐ <u>Attend the Trial</u>: 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 _____ (list paragraphs that are accurate statements) of the *Petition*.

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. Respondent is the
   ☐ custodial parent; OR

☐ non-custodial parent

and is a resident of _____ County, State of_____.

2. A child support order was

☐ entered by this Court on _____; OR
(date)

☐ entered by the _____ Court, _____County, State of_____.

3. 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 child(ren). 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. The Petitioner and I are the natural or adoptive parents of the following minor child(ren):

Child's initials:_____

Child's year of birth:_____

Present address:_____

Child's residence for the past 5 years:

Dates (From/To)	Address (city and state) where child lived	Name and current address of person(s) child lived with
_____/present*		
____/____		
____/____		
____/____		
____/____		
____/____		

☐ Attach a separate sheet if necessary

Child's initials:_____

Child's year of birth:_____

Present address:_____

Child's residence for the past 5 years:

Dates (From/To)	Address (city and state) where child lived	Name and current address of person(s) child lived with
_____/present*		
____/____		
____/____		
____/____		
____/____		
____/____		

☐ Attach a separate sheet if necessary

Child's initials:_____

Child's year of birth:_____

Present address:_____

Child's residence for the past 5 years:

Dates (From/To)	Address (city and state) where child lived	Name and current address of person(s) child lived with
_____/present*		
____/____		
____/____		
____/____		
____/____		
____/____		

☐ Attach a separate sheet if necessary

5. ☐ I have not participated as a party or a witness or in any other capacity in any other court case concerning the custody of the minor child(ren) and no other court proceedings concerning the minor child(ren) (including proceedings for enforcement, domestic violence protective orders, termination of parental rights or adoptions) are currently pending in the State of Wyoming or in any other state; OR

☐ I have participated as a party or witness or in another capacity in another court proceeding concerning the custody, allocation of decision-making, or visitation/parenting time of the child(ren) listed in the *Petition to Modify Custody and Support* as follows: (Please be specific and include the case number, court, state and nature of case, date of child-custody determination, if any, and the initials of the child(ren) involved_____

_____

_____

_____

6. ☐ I know of no person not a party to these proceedings who has physical custody of the minor child(ren) or who claims to have custody or visitation rights with respect to the minor child(ren); OR

☐ 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): _____
(List Names and Addresses)

_____

_____

7. The Order or Decree establishing custody and support

☐ has not been modified or changed in this state or any other state with respect to the child support and medical insurance obligations; OR

☐ was last modified with respect to the child support and/or medical insurance obligations by order of this Court on _____; OR
(date)

☐ was last modified with respect to the child support and/or medical insurance obligations by Order of the _____ Court, _____ County, State of ____ _____, on _____.
(date)

8. ☐ 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: _____

_____

_____

_____

9. According to the terms of the most recent court order:

☐ Child support was not ordered; OR
☐ Child support was ordered as follows:

☐ The non-custodial parent is required to pay $_____ per month.

☐ The non-custodial parent is:

☐ In arrears (owes back child support).
☐ The amount of back child support owed is $_____ through the date of the filing of the Petition.
☐ Attach a copy of the payment record obtained from the Clerk of District Court or the Child Support Enforcement Office.
☐ 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 and does not owe back child support; AND

The ☐ custodial ☐ non-custodial parent is required to provide medical insurance for the child(ren). Such insurance ☐ has ☐ has not been provided as ordered; OR

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 the 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; OR

☐ Neither party has been ordered to provide medical insurance. Respondent is requesting this Court order ☐ Petitioner OR ☐ Respondent 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.

10. 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] _____
_____
_____
_____
_____

11. That because of the material change in circumstances, it is in the best interests of the child(ren) to have the following custody/visitation arrangements: _____
_____
_____
_____
_____

WHEREFORE, Respondent respectfully requests:

1. That the Court award:
☐ The parties joint legal custody and ☐Mother or ☐ Father to have physical custody; **OR**
☐ The parties joint legal and joint physical custody; **OR**
☐ Mother or ☐Father to have sole legal and physical custody; **OR**
☐ Other (Please describe desired legal and physical custody arrangement in detail)
_____
_____
_____

2. That the Court order the Petitioner to pay child support in an amount determined by the Wyoming Child Support Guidelines;

3. If applicable, the Court review and modify the medical insurance obligation and the allocation of costs not covered by medical insurance.

4. If applicable, the Court enter a judgment for child support arrears and for unpaid medical expenses not covered by medical insurance.

5. Other: _____
_____
_____

6. 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: (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:_____.)
(Spouse) (Print name)

Civil Action Case No. _____

INITIAL DISCLOSURES

The following initial disclosures are submitted by the Respondent pursuant to Wyoming Rule of Civil Procedure 26(a)(1.1). This information is required in all post-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) within thirty (30) days after the Respondent has been served with the *Petition to Modify*. **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) 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

A NOTE ABOUT MARITAL vs. NON-MARITAL ASSETS AND DEBTS

In the following tables you will be asked to distinguish marital property/debt from non-marital (separate) property/debt. Marital property/debt will be divided between you and your spouse as part of the divorce; non-marital property/debt usually will not be divided (depending on the situation).

The general rule is that marital property and debt is any property or debt acquired during the marriage for the benefit of the marriage, regardless of who paid for it or whose name is on it. However, just because a party acquired property before marriage does not necessarily mean that it won't be considered marital property. A spouse's premarital separate property can become marital when a married couple demonstrates an intent, through their words or actions during marriage, to treat one spouse's separate property as marital property. Gifts and inheritances are generally separate property, although gifts for the benefit of the marriage, such as a dishwasher, may be considered marital property.

"During the marriage" generally means from the time of marriage until the time of separation.

People often dispute what property/debt is marital or how long the marriage lasted. When this happens, you are urged to consult with an attorney to learn about the various legal arguments that may be available to you.

If you want to read more about divorce and property division, you can review that information here, http://www.legalhelpwy.org/.

SCHEDULE-A

☐ Not Applicable

Financial Assets

Type of Account Checking, Savings, Stocks, Bonds, Cash, Cash Equivalents, other Financial Assets	**Name and Address of Depository** List bank, credit union, brokerage or other location where the financial asset is held.	**Date Account Opened**	**Present Market Value**	**Last 4 digits of Account Number**	**Record Ownership** (Husband, Wife, Joint H/W, Other-describe)	**Source of Funds** (Marital assets, Gift, Inheritance, Separate assets, Before this marriage, Other-describe)	**Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.
a.							
b.							
c.							
d.							
e.							
f.							
g.							

☐ Attach additional sheets of paper if needed

SCHEDULE-B

☐ Not Applicable

Non-Financial Assets

Description of Asset	**Purchase Price**	**Date Acquired/ Purchased**	**Present Market Value**	**Amount of debt related to asset**	**Record Ownership** (Husband, Wife, Joint H/W, Other-describe)	**State of Record Ownership** (Where asset is recorded, registered or located)	**How acquired:** (Marital assets, Gift, Inheritance, Separate assets, or Before this marriage)	**Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.
List Personal Property (i.e., household furnishings, jewelry, antiques, guns, collectables, etc.) a.								
b.								
c.								
d.								
e.								
f.								
g.								
h.								
i.								
j.								
k.								
l.								
m.								

☐ Attach additional sheets of paper if needed

☐ Not Applicable

Non-Financial Assets Cont.

Description of Asset	**Purchase Price**	**Date Acquired/ Purchased**	**Present Market Value**	**Amount of debt related to asset**	**Record Ownership** (Husband, Wife, Joint H/W, Other-describe)	**Where asset is recorded, registered or located** (Which State?)	**How acquired: (**Marital assets, Gift, Inheritance, Separate assets, or Before this marriage)	**Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.
List All Vehicles by Year, Model & VIN a.								
b.								
c.								
d.								
Real Property (house, land, etc.) (Describe) a.								
b.								
c.								
d.								

☐ Attach additional sheets of paper if needed

☐ Not Applicable

Non-Financial Assets Cont.

Description of Asset	**Purchase Price**	**Date Acquired/ Purchased**	**Present Market Value**	**Amount of debt related to asset**	**Record Ownership** (Husband, Wife, Joint H/W, Other-describe)	**Where asset is recorded, registered or located** (Which State?)	**How acquired: (**Marital assets, Gift, Inheritance, Separate assets, or Before this marriage)	**Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.
Interest in any business (Describe) a.								
b.								
c.								
Any other non-financial assets: (Describe) a.								
b.								
c.								
d.								
e.								

☐ Attach additional sheets of paper if needed

SCHEDULE-C

☐ Not Applicable

Debts (Incurred Individually or Jointly)

Name of Creditor and Last 4 Digits of Account #	Date Debt Was Incurred	Who Incurred the debt? (Husband, Wife, Joint H/W, Other - describe)	Current Balance of Debt	Monthly Payment	What You Received For Debt or Use to Which Money was Put	Asset serving as security for Debt	Asserted as Marital or Non-Marital Debt? **If not a marital debt, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.
a. Acct. #:							
b. Acct. #:							
c. Acct. #:							
d. Acct. #:							
e. Acct. #:							
f. Acct. #:							
g. Acct. #:							
h. Acct. #:							
i. Acct. #:							
j. Acct. #:							

☐ Attach additional sheets of paper if needed

SCHEDULE-D

☐ Not Applicable

Safe Deposit Boxes

Name and Address of Institution where box is located	**Box Number**	**All Name(s) to whom the box is registered**	**Names and Addresses of All Individuals Who Have Access to the Box**	**Inventory of Contents**	**Value of Contents**
a.					
b.					
c.					

☐ Attach additional sheets of paper if needed

SCHEDULE-E

☐ Not Applicable

Employment/ Self-Employment

Employer's Name and Address	**Gross Monthly Wage and Payroll Deductions** (Identify Type and Amount)	**Other Benefits and Amount Received** (including transportation, employer contributions to health care, and employer contributions to retirement account)	**Outstanding Bonuses** (owed to you but not yet received List **Amount** and **Due Date**
a.	Gross: Fed Tax: FICA (Social Security): Medicare: Children's Health Ins. Premiums: Total Deductions: Net:		Amount: Due Date:
b.	Gross: Fed Tax: FICA (Social Security): Medicare: Children's Health Ins. Premiums: Total Deductions: Net:		Amount: Due Date:
c.	Gross: Fed Tax: FICA (Social Security): Medicare: Children's Health Ins. Premiums: Total Deductions: Net:		Amount: Due Date:

☐ Attach additional sheets of paper if needed

SCHEDULE-F

☐ Not Applicable

Other Income (Not Previously Indicated Herein)

Name and Address of Source of Other Income:	Amount Received	Date Received
1. Disability (Indicate type, i.e., Temporary total, permanent partial, permanent total, etc)		
2. Unemployment		
3. Worker's Compensation		
4. Retirement		
5. Any Other Payments Made By Any Payor (describe)		

☐ Attach additional sheets of paper if needed

SCHEDULE-G

Retirement Accounts or Benefits

☐ Not Applicable (Pensions, Profit Sharing, IRA's, 401K's, Retirement Plans, etc.)

Name and Address of Institution, Carrier, or Plan Administrator holding the account or benefit	**Who owns the plan?** (Husband Or Wife?)	**Last 4 Digits of Account or ID Number**	**Type of Plan**	**Date Plan Acquired**	**Value of Account on Date of Marriage**	**Present Value**	**Loans Against Plan**	**Expected Date of Retirement and Expected Payment Amount**	**Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.**
1.								Date: Payment:	
2.								Date: Payment:	
3.								Date: Payment:	
4.								Date: Payment:	
5.								Date: Payment:	

☐ Attach additional sheets of paper if needed

SCHEDULE-H

☐ Not Applicable

Custody

1. If you are seeking custody, set forth the facts supporting your claim to superior entitlement to custody:

A. I have been the primary caretaker of the child(ren) as follows:

B. I have a good quality of relationship with the child(ren) as follows:

C. I have the ability to take care of the child(ren) as follows:

D. I am the more fit and competent parent to have custody as follows:

E. I am willing to support my child(ren) maintaining a relationship with both parents as follows:

F. I have the physical ability to care for the child(ren) as follows:

G. Other

☐ Attach additional sheets of paper 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 parent)

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 the total amount of wages you have earned so far this year. **Parents who are self-employed must supply verified income and expense statements from their business for the two most recent years.**

THE UNDERSIGNED, _____, hereby swears or affirms,
(Print Your Name)
under penalty of perjury, that the following answers are correct and complete.

PERSONAL INFORMATION

1. Your Name: (First, Middle, Last) _____

   Gender: ☐ Male ☐ Female

2. Your Present Address: _____

   City, State, Zip Code: _____

   How long have you resided at this location? _____

   Your Mailing Address (if different from above) _____

   City, State, Zip Code: _____

3. Your Home Phone Number: (___) _____

   Your Cell Phone Number: (____) _____

A Message Phone Number: (___)_____

4. Your Social Security Number is: _____

5. Your Date of Birth is:_____

6. Your Education is: _____years of high school; _____years of college;

_____ years of trade school; _____ years other (list training) _____

7. List your degree(s) or certificate(s):_____

8. List all child(ren) involved in **this matter**:

Child's Name	**Sex**	**Birth Date**	**Social Security No.**	**Does this child live with you?**
	☐ **M** ☐ **F**			☐ **Yes** ☐ **No**
	☐ **M** ☐ **F**			☐ **Yes** ☐ **No**
	☐ **M** ☐ **F**			☐ **Yes** ☐ **No**
	☐ **M** ☐ **F**			☐ **Yes** ☐ **No**
	☐ **M** ☐ **F**			☐ **Yes** ☐ **No**

☐ Additional sheets of paper are attached (if needed)

9. List **YOUR** minor children (not named above) who **live with you**:

Child's Name	**Birth Date**	**Social Security No.**

☐ Additional sheets of paper are attached (if needed)

10. List **YOUR** minor children (not named above) who do **not live with you** but for whom **YOU** are court-ordered to pay child support:

Child's Name	Birth Date	Social Security No.
Court and Date of Order	Support/Month	Arrears (Amount Past Due)
Child's Name	Birth Date	Social Security No.
Court and Date of Order	Support/Month	Arrears (Amount Past Due)
Child's Name	Birth Date	Social Security No.
Court and Date of Order	Support/Month	Arrears (Amount Past Due)
Child's Name	Birth Date	Social Security No.
Court and Date of Order	Support/Month	Arrears (Amount Past Due)

☐ Additional sheets of paper are attached (if needed)

11. Do you owe back child support (arrears) in this case? If so, how much? $_____.

12. List any income-qualified state or federal benefits that your child(ren) receive (POWER, Medicaid, Kid Care, Title 19, General Assistance, Food Stamps, Supplemental Security Income, etc.):

CHILD'S NAME	BIRTH DATE	STATE	TYPE OF BENEFIT

☐ Additional sheets of paper are attached (if needed)

INCOME & EXPENSE INFORMATION

13. Are you currently: ☐ Employed ☐ Self-Employed ☐ Unemployed

☐ If you are employed, please provide the following:

Job No. 1:

Employer's Name: _____

Employer's Address: _____

City, State, Zip Code: _____

Employer's Phone: _____

Your Occupation: _____

Your Hourly Wage or Monthly Salary: _____

Job No. 2:

Employer's Name: _____

Employer's Address: _____

City, State, Zip Code: _____

Employer's Phone: _____

Your Occupation: _____

Your Hourly Wage or Monthly Salary: _____

Job No. 3:

Employer's Name: _____

Employer's Address: _____

City, State, Zip Code: _____

Employer's Phone: _____

Your Occupation: _____

Your Hourly Wage or Monthly Salary: _____

☐ Add additional sheets of paper if necessary to list additional jobs.

How many hours do you work each week?

Job No. 1:	**Job No. 2:**	**Job No. 3**
Regular _____	Regular _____	Regular _____
Overtime _____	Overtime _____	Overtime _____
Total _____	Total _____	Total _____

How often do you receive overtime compensation? _____

How often are you paid:

Job No. 1:	**Job No. 2:**	**Job No. 3**
☐ weekly	☐ weekly	☐ weekly
☐ every two weeks	☐ every two weeks	☐ every two weeks
☐ twice per month	☐ twice per month	☐ twice per month
☐ monthly	☐ monthly	☐ monthly
☐ annually	☐ annually	☐ annually

Date of your last salary increase or decrease: _____

14. List all income you have received for the last 12 months:

Income Source	**Monthly Amount**	**Income Source**	**Monthly Amount**
Gross Wages**	Job 1 - $ _____ Job 2 - $_____ Job 3 - $_____	Annuity	$
Unemployment	$	Spousal Support	$
Workers' Compensation	$	Contract Receipts	$
Social Security Benefits (Excluding SSI)	$	Rental Income	$
Retirement	$	Fringe Benefits/Bonuses	$
Interest/Dividend Income	$	Profit (Loss) from Self-Employment	$
Reimbursements	$	Other _____	$
Veterans' Disability	$	Other _____	$

****Gross Wage -** Monthly amounts are calculated by multiplying weekly amount by 52 and dividing by 12; multiplying bi-weekly (every two weeks) amounts by 26 and dividing by 12; and multiplying semi-monthly (i.e., paid on the 1st and 15th) amounts by 24 and dividing by 12.

☐ Additional sheets of paper are attached (if needed)

15. **IF YOU ARE EMPLOYED:** Please complete list and calculate the following:

A. **Gross income**: $_____ per month
(Amount of income from all sources before deductions)
B. Federal Income Tax: $_____ per month
C. State Income Tax: $_____ per month
D. Social Security Tax: $_____ per month
E. Medicare Tax: $_____ per month
F. Mandatory Retirement/Pension: $_____ per month
G. Premium Paid for Child(ren)'s Health Insurance: $_____ per month
H. Current Child Support Paid for Other Children: $_____ per month
I. **Total Mandatory Deductions**: $_____ per month

J. **Net Income** (line A minus line I): $_____ per month

K. Income Tax Filing Status: _____

L. Number of Dependents Claimed for Tax Purposes:_____

☐ Please provide copies of pay-stubs for all payroll deductions.

☐ Attach copies of your tax returns and W-2 forms for the most recent two years and a copy of a cumulative earning statement(s) for the current year

16. **IF YOU ARE SELF-EMPLOYED**: Please list the following:

A. **Gross income** : $_____ per month
*amount of income from all sources before deductions
B. Federal Income Tax: $_____ per month
C. State Income Tax: $_____ per month
D. Social Security Tax: $_____ per month
E. Medicare Tax: $_____ per month
F. Unreimbursed Business Expenses: $_____ per month
G. Premium Paid for Child(ren)'s Health Insurance: $_____ per month
H. Current Child Support Paid for Other Children: $_____ per month
I. **Total Mandatory Deductions**: $_____ per month

J. **Net Income** (line A minus line I): $_____ per month

K. Income Tax Filing Status: _____

L. Number of Dependents Claimed for Tax Purposes:_____

☐ **Attach <u>verified income and expense statements from your business,</u> copies of your personal and business tax returns, and 1099 forms for the most recent two years**.

17. List your work experience for the last three years:

COMPANY AND LOCATION	DATES FROM - TO	JOB DESCRIPTION/ TITLE	SALARY OR WAGE	REASON YOU LEFT

☐ Additional sheets of paper are attached (if needed)

18. Has anyone been ordered to provide health insurance for the child(ren) involved in this case, or is there any other medical provision in an existing court order? ☐ YES ☐ NO

If yes, please list who is ordered to provide insurance: _____

Are the children currently covered by insurance? ☐ YES ☐ NO

If yes, please list who is providing the insurance:_____

☐ **If you are currently providing insurance for your children, you must provide current written proof from your insurance carrier verifying the names of the actual person(s) covered under your policy.**

Is health insurance available for the minor child(ren) through your employment?
☐ YES ☐ NO

If yes, how much is the monthly premium to cover **ONLY** the minor child(ren) on the policy?
$_____

19. **Attach the following to this *Confidential Financial Affidavit*:**

If Employed:

☐ **Copies of my last two years income tax returns;**
☐ **Copies of my W-2 Forms for the last two years; and**
☐ **Copies of statements of earnings from each of my employers showing cumulative pay for this year.**

If Self-Employed:

☐ **Verified income and expense statements for the business for the two most recent years; and**
☐ **Copies of my last two years personal income tax returns.**
☐ **Copies of my last two years business income tax returns.**

PERJURY STATUTE

20. Wyoming Statute § 6-5-301 (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.

OATH

I have read and understand the provisions of the above perjury statute. I affirm that this Confidential Financial Affidavit (including attachments) contains a complete disclosure of my income from all sources and that the representations made herein concerning my income are accurate to the best of my knowledge. I am aware that the court may punish as perjury any materially false statements knowingly made with intent to defraud or mislead.

DATED this _____ day of _____, 20____.

_____
Your Signature
(**Sign only in front of Notarial Officer or Court Clerk)**

JURAT

STATE OF _____)
) ss.
COUNTY OF _____)

Subscribed and sworn to before me on this _____ day of _____20____, by

_____.

WITNESS my hand and official seal.

_____
Notarial Officer

My Commissions Expires: _____

CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this Confidential Financial Affidavit 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

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. _____

REQUEST FOR SETTING

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) ☐ The parties have reached an agreement (both parties have signed the *Order Modifying Custody and Support* and this Court requires a hearing before it will enter the *Order*) (NOTE: submit the ***Order Setting Hearing*** if this option is selected); OR

2) ☐ Default was entered against ☐ Petitioner OR ☐ Respondent and this Court requires a hearing before it will enter an *Order Modifying Custody and Support*. (NOTE: submit the ***Order Setting Hearing*** if this option is selected); OR

3) ☐ The parties are not able to agree on all of the terms of the modification and a hearing is needed on the following issues:

☐ Allocation of parental responsibilities
☐ Child support
☐ Motion for _____
☐ Other: _____

(NOTE: submit the ***Order Setting Hearing*** if this option is selected); OR

4) ☐ The parties are not able to agree on any issues and a trial is needed for a Child Custody and Support Modification (NOTE: submit the ***Order Setting Divorce Trial and Requiring Pretrial Statements***).

5) Any party requesting the reporting of a particular matter by the official court reporter shall make a request to the appropriate official court reporter as soon as possible, but no later than **three (3) <u>working days</u>** before the matter is set for hearing. You can provide notice to the court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the 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. 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. Rule 904 of the Uniform Rules of the District Courts of the State of Wyoming.

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. _____

ORDER SETTING MODIFICATION TRIAL
AND REQUIRING PRETRIAL STATEMENTS

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 make a request to the appropriate official court reporter as soon as possible, but no later than three (3) <u>working days</u> before the matter is set for hearing. You can provide notice to the

court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the 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. 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____.

_____

DISTRICT COURT JUDGE

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

_____

_____

Respondent/Respondent's Attorney's Name and Address

_____

_____

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. _____

PRETRIAL DISCLOSURES

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	*May* 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	*May* offer if the need arises

☐ Additional sheets of paper are attached if needed