

Packet 12

Establishment of Custody, Visitation, and Child Support

Forms and Procedures

For Wyoming

RESPONDENT

2014

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

LIST OF FORMS – PACKET 12
RESPONDENT – ESTABLISHMENT OF CUSTODY, VISITATION, AND
CHILD SUPPORT

1. List of Forms
2. Overview
3. Establishment of Custody, Visitation, and Child Support Information and Instructions
4. Checklist
5. Response to Petition to Establish Custody, Visitation, and Child Support
6. Response and Counterclaim
7. Initial Disclosures
8. Confidential Financial Affidavit
9. Request for Setting
10. Order Setting Trial and Requiring Pretrial Statements
11. Pretrial Disclosures

*All underlined forms are required in an action to establish custody, visitation and child support where the parties agree on all of the issues. Additional required documents to be filed with the Clerk to complete this 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 Establishing Custody, Visitation, and Child 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.

OVERVIEW

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

DOMESTIC/FAMILY VIOLENCE:

If you or your children have been a victim of family (domestic) violence, there are concerns above and beyond the normal concerns. It is recommended that you obtain a lawyer to help you. There may be assistance available even if you cannot afford an attorney. Contact the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-307-755-0992), Wyoming Legal Services (1-877-432-9955) or the Wyoming State Bar (1-307-632-9061) www.wyomingbar.org. If you have concerns about confidential information such as addresses and/or social security numbers, please consult an attorney and do not attempt to do this on your own. You should also know that Protection Orders and Stalking Orders are available free of charge at the circuit court clerk’s office. Please call the Wyoming Coalition Against Domestic Violence & Sexual Assault for assistance in obtaining domestic violence protection or stalking orders (1-307-755-0992). If you have ever obtained a protection order involving the Respondent in this action, this information should be included in the *Petition to Establish Custody, Visitation, and Child Support* or the *Counterclaim* under other actions.

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

- NO ONE in the Judge's office or the Clerk of District Court's office can help complete them. Questions or problems may require the help of an attorney.

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

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

You should read Title 20 of the Wyoming Statutes (the domestic relations laws), and you should also read the Wyoming Rules of Civil Procedure. Most of the District Courts in the State of Wyoming have a courthouse library or county library where these laws and rules can be read. You may also look up these laws and rules on the internet at: www.courts.state.wy.us and clicking on "law library". Some courts have special forms they want you to use in addition to the forms contained in this packet. Check with the clerk before you file your documents.

Clerks of Court Cannot Help You Fill Out the Forms. Employees in the Clerk of District Court's office and in the Judge's office cannot help you or advise you; if you represent yourself, you are on your own.

The Judge Cannot Talk to You, Answer Your Questions or Assist You. Ex parte communication is communication with the Judge with only one party present. Judges are not allowed to engage in ex parte communication except in very limited circumstances, so, absent specific authorization to the contrary, you should not try to speak with or write to the Judge in your case unless the other party is present or has been properly notified. If you have something you need to tell the Judge, you must ask for a hearing and give notice to the other party or file a written statement in the Court file and send a copy of the written statement to the other party.

Situations that Need an Attorney. You should consult an attorney if:

- You are a victim of domestic/family violence.
- The other party hires an attorney
- You do not understand the Court process or are having difficulty in completing the forms.

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

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

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

ESTABLISHMENT OF CUSTODY, VISITATION, AND CHILD SUPPORT INFORMATION AND INSTRUCTIONS

CONFIDENTIALITY: If you have concerns about keeping information confidential such as your address and/or social security number, please consult an attorney. 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 (844) 264-8080 (toll free) or (307) 755-0992. There are also private attorneys who may be 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 Establish Custody, Visitation and Child Support* or the *Counterclaim*.

This packet is to establish custody, visitation, and child support if you and the other parent were never married and both parents are listed on the birth certificate for each child. If paternity has not been acknowledged or established, please see your local child support agency for assistance. You must fill out all forms as completely as possible. If your forms are not complete, the Judge may reject your packet.

Instructions:

STEP 1. *Response or Response and Counterclaim.*

Two options exist – you may either file a *Response* to the *Petition to Establish Custody, Visitation, and Child Support* or file a *Response and Counterclaim*. Both options are explained below:

OPTION A. *Response to the Petition to Establish Custody, Visitation, and Support.*

If you have been served or have signed an *Acknowledgement and Acceptance of Service* form, you should file a *Response* to the *Petition to Establish Custody, Visitation, and Child Support* ("Petition") with the Clerk of District Court where the *Petition* was filed. A **Response to the Petition** is a written document explaining to the court exactly which provisions you agree with and which provisions you deny. If you fail to respond, a default judgment may be entered against you and the Respondent 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 answer the papers, 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*. 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 the Petition*. If you do not file a *Response to the Petition* by your deadline, then the other party may obtain an *Order Establishing Custody, Visitation, and Child 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 the *Response to the Petition* is, you should consult an attorney.

iv. **REQUIRED INFORMATION FOR CHILDREN:** 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. **Notarizing Signatures.** You will need to sign the *Response to the Petition* and have it notarized. Notarial Officers may administer the oath and witness your signature, or in many cases, clerks of court will be willing to administer the necessary oath. Each clerk’s office has their own policy so check with them first before seeking notarization of your signature on the forms.

vi. **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.

vii. **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 (for example, give you custody and order the other party to pay child support, etc.) you should file a **Response and Counterclaim.** A *Response and Counterclaim* 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 *Response and Counterclaim* completely.

- i. Follow **Step 1(ii)** through **Step 1(vii)** above.

NOTE: If you have any questions 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 to the other party within thirty (30) days after the Respondent's *Response* is required to be served on the Petitioner (use the table in 2.A. below to determine date), which information includes a summary of the facts believed to support the claim of superior entitlement to custody where child custody is at issue.

Please note that “A party must make its disclosures based on the information then reasonably available to it and is not excused from making its disclosures because it has not fully completed its investigation of the case or because it challenges the sufficiency of another party's disclosures or because another party has not made its disclosures.”

A. **WHEN TO PROVIDE:** Initial Disclosures must be provided to the Petitioner (or his/her attorney) **WITHIN 30 DAYS AFTER YOUR *RESPONSE* IS REQUIRED TO BE SERVED ON THE PETITIONER** (use table below). **Be sure to keep a copy of your Initial Disclosures form for your records.** Use the following to determine the date when you and the Petitioner are required to provide initial disclosures to one another.

1. Begin with the date you were served with the Petition: _____

2. Next, determine when you are required to file a *Response*:
 - a. If you were served in Wyoming, add 20 days to the date in #1:

 - OR
 - b. If you signed an Acknowledgement and Acceptance of Service, add 20 days to the date in #1: _____
 - OR
 - c. If you were served out-of-state, add 30 days to the date in #1:

3. Add 30 days to the date in #2(a), (b), or (c): _____

The date set forth in #3 is the date by which you and the Petitioner must provide your completed Initial Disclosures forms to one another.

B. DO NOT FILE THE INITIAL DISCLOSURES WITH THE COURT. This form is only given to the Petitioner (or his/her attorney).

STEP 3. Fill out a *Confidential Financial Affidavit*.

- 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*.

STEP 4. If you and the Petitioner agree on all of the terms for custody, visitation and child support, then 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.**

Here are some important laws and helpful hints in completing the *Order*:

- **Custody and Visitation.** You and the Petitioner need to determine which custody and visitation plan will apply in your circumstances. It is unusual for the Court not to award any visitation or supervised visitation for the non-custodial parent.
 - *If there is a concern that your child(ren) may be harmed by the other parent physically and/or emotionally, you should seek advice from someone familiar with parenting and child development issues. There may be an organization in your community that can help facilitate visitation between the children and you or the other parent. You can also contact the facilitators of any parenting classes in your community for ideas or additional resources.*
- **Factors to be considered for awarding custody and visitation.** The *Order* contains several options for custody and visitation arrangements. Ideally, both parents will work together to select the proper custody and visitation plan depending upon the family circumstances. In awarding custody and setting forth a visitation plan, Wyoming law requires that the Court consider the following factors:
 1. The geographic location of each parent;
 2. Each parent's willingness and ability to perform the child care duties associated with the child(ren), relative to the child(ren)'s stage of development such as feeding, changing, bathing, preparing the child(ren) for school, taking responsibility for the child(ren)'s homework, etc.;
 3. Each parent's ability to care for the child(ren)'s needs (consider not only historical involvement but a parent's willingness and ability to learn the necessary skills, as well);
 4. The lack of hostility between the parents;
 5. The ability of both parents' work schedules and the child(ren)'s schedule to accommodate extended access;
 6. The child(ren)'s age(s) and strength of attachment to each parent;
 7. The child(ren)'s relationship with his/her friends.
- **Child(ren)'s interests should control.** The use of a calendar for scheduling purposes is highly recommended. The parents' work schedules and the child(ren)'s school and extracurricular activities need to be considered when developing a visitation plan. This is especially true for those parents who do not enjoy a traditional work week. While visitation should be an enjoyable and enriching experience, it is an obligation and responsibility for each parent as well as a right and a privilege. Both parents must also have a good faith commitment to developing and carrying out a visitation plan. You need to focus on what type of schedule would be in the child(ren)'s best interest.

- **Parenting classes.** At any time, the Court may require parents to attend appropriate parenting classes, including, but not limited to, parenting classes to lessen the effects of custody battles on children. Both parents are generally required to attend classes when they are ordered. If the class is ordered, you **MUST** file a **Certificate of Completion** with the Clerk's office. This certificate is provided by the class instructor.
- **Child Support Payments.** You will need to determine the amount of child support due based upon the *Confidential Financial Affidavits* you and the Petitioner completed. 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:

<https://childdsupport.wyoming.gov/calculator/index.html>

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 twenty-five percent (25%) of the year and both parents contribute substantially to the expenses of the children in addition to the payment of child support.
- If the difference between the noncustodial parent's net income and the self-support reserve is less than the support obligation as calculated from the tables in 20-2-304(a), the support obligation shall be set using the difference between the noncustodial parent's net income and the self-support reserve. "Self-support reserve" means the current poverty line for one (1) person as specified by the poverty guidelines updated periodically in the Federal Register by the United States department of health and human services under the authority of 42 U.S.C. 9902(2). See W.S. § 20-2-304(f).
- 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 Establishing Custody, Visitation, and Child Support*.
- **NO AGREEMENTS FOR LESS THAN THE PRESUMED SUPPORT CAN BE APPROVED IF GOVERNMENT OR STATE BENEFITS (SUCH AS MEDICAID (TITLE 19), 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 Petitioner and 50% to Respondent).
- **When will your order become final?** Your order will not be final until the Judge signs the *Order Establishing Custody, Visitation, and Child Support* 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 *Order* is final. The time limit to appeal an *Order* begins to run from the day the *Order* is filed with the Clerk's office.

STEP 5. If you and the Petitioner do NOT agree on all issues of your case, 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. 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 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 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 the 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 Establishing Custody, Visitation, and Child 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 shall provide notice 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 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 Establishing Custody, Visitation, and Support*).** 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 Establishing Custody, Visitation, and Child Support* incorporating the Judge's decision.

- **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.**

- **When will your order become final?** Your order will not be final until the Judge signs the *Order Establishing Custody, Visitation, and Child Support* 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 Establishing Custody, Visitation, and Child Support* has been file-stamped before you can be sure your order is final. The time limit to appeal the *Order* begins to run from the day the *Order Establishing Custody, Visitation, and Child Support* 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)
 - 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 Establishing Custody, Visitation, and Child Support* if you both agree on all the terms.

Sign the *Order Establishing Custody, Visitation, and Child Support* in front of a notarial officer.
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 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 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 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 case is final when the *Order Establishing Custody, Visitation, and Child Support* has been signed by the Judge and filed by the Clerk.

CHECKLIST FOR PACKET 12
RESPONDENT – ESTABLISHMENT OF CUSTODY, VISITATION, AND CHILD SUPPORT

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 Establishing Custody, Visitation, and Child 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 Establish Custody, Visitation, and Child Support* (“Petition”) or if you signed an *Acknowledgement and Acceptance of Service*, file one of the following:

- ☐ *Response to Petition to Establish Custody, Visitation, and Child Support*;
OR
- ☐ *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 *Acknowledgement 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 Establishing Custody, Visitation, and Child 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, visitation, and child support order is established 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 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 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 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 Statements

☐

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

☐

At least 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 written request. If providing notice through the mail, the request must be received by the court reporter at least three working days prior to the hearing.

- ☐ Attend the Trial: 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, visitation, and child support is established 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: _____,) Civil Action Case No. _____
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

**RESPONSE TO PETITION TO ESTABLISH CUSTODY, VISITATION, AND
CHILD SUPPORT**

The Respondent sets forth the following as the answers and responses to the *Petition to Establish Custody, Visitation, and Child 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 Establish Custody, Visitation, and Child 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 Establish Custody, Visitation, and Child 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 Establish Custody, Visitation, and Child 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 Establish Custody, Visitation, and Child Support*:

____/____		
____/____		
____/____		
____/____		

☐ 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

3. That the child(ren) named in the *Petition* ☐ have ☐ have not been in the State of Wyoming for a period of six (6) months or more immediately before filing the *Petition*. (If not, seek the advice of a lawyer before filing).

4. ☐ 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 Establish Custody, Visitation, and Child 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.)

5. ☐ 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)

6. ☐ Petitioner OR ☐ Respondent is a fit and proper person to have the primary care, custody and control over the minor child(ren) subject to the other parent's right of reasonable visitation; OR

☐ Both parties are fit and proper persons to share custody and control over the minor child(ren).

7. ☐ Petitioner OR ☐ Respondent is capable of paying child support.

WHEREFORE, the Respondent respectfully requests that the Court:

1. 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. Order that the ☐ Petitioner OR ☐ Respondent pay child support in an amount determined by the Court using the Wyoming Child Support Guidelines;

3. Order that the ☐ Petitioner OR ☐ Respondent, OR ☐ Both parents provide medical support for the minor child(ren); and

4. Order such other and further relief as the Court deems just and equitable.

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))

Civil Action Case No. _____

vs.)

Respondent: _____)
(Print name)

INITIAL DISCLOSURES

The following initial disclosures are submitted by the Respondent pursuant to Wyoming Rule of Civil Procedure 26(a)(1.2)(A). In custody and support actions where the parties are not married, the following initial disclosures are required in original proceedings and in modification 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's *Response* to the *Petition to Establish Custody, Visitation and Child Support* is required to be served. **For any of the following disclosures that do not pertain to you, write "not applicable" on the appropriate schedule.**

1. If seeking custody, or a change in custody, set forth the facts believed to support your claim of superior entitlement to custody. (See attached **Schedule-A Custody**.)

2. **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

SCHEDULE-A

Custody

☐ Not Applicable

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

Initial Disclosures

Revised September 2019

Page 3 of 3

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))

Civil Action Case No. _____

vs.)

CONFIDENTIAL

Respondent: _____.)
(Print name of other party)

**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?
	<input type="checkbox"/> M <input type="checkbox"/> F			<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> M <input type="checkbox"/> F			<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> M <input type="checkbox"/> F			<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> M <input type="checkbox"/> F			<input type="checkbox"/> Yes <input type="checkbox"/> No
	<input type="checkbox"/> M <input type="checkbox"/> F			<input type="checkbox"/> Yes <input type="checkbox"/> 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)

<u>INCOME & EXPENSE INFORMATION</u>
--

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:

Regular _____

Overtime _____

Total _____

Job No. 2:

Regular _____

Overtime _____

Total _____

Job No. 3

Regular _____

Overtime _____

Total _____

How often do you receive overtime compensation? _____

How often are you paid:

Job No. 1:

☐ weekly

☐ every two weeks

☐ twice per month

☐ monthly

☐ annually

Job No. 2:

☐ weekly

☐ every two weeks

☐ twice per month

☐ monthly

☐ annually

Job No. 3

☐ weekly

☐ every two weeks

☐ twice per month

☐ monthly

☐ 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 verified income and expense statements from your business, 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 Establishing Custody, Visitation, and Child 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 Establishing Custody, Visitation, and Child 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 this action 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 to establish custody, visitation, and child support (NOTE: submit the ***Order Setting 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) 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. 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) IN THE DISTRICT COURT
) ss
 COUNTY OF _____) _____ JUDICIAL DISTRICT

Petitioner: _____,) Civil Action Case No. _____
 (Print name of person filing))
)
 vs.)
)
 Respondent: _____,)
 (Print name of other party))

**ORDER SETTING 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 provide notice to the 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. 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 a decision if you do not have a transcript of everything that is said at the trial. 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 domestic relations 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 establishment of custody, visitation and child support.
3. List of witnesses and specific summary of expected testimony.
4. Exhibits.

STATE OF WYOMING)
) ss
COUNTY OF _____) _____ JUDICIAL DISTRICT

Petitioner: _____,) Civil Action Case No. _____
(Print name of person filing))
)
vs.)
)
Respondent: _____)
(Print name of other party)

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	<i>May</i> 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	<i>May</i> offer if the need arises

☐ Additional sheets of paper are attached if needed