

CHECKLIST FOR PACKET 7
PETITIONER - MODIFICATION OF CUSTODY AND CHILD SUPPORT

STEP 1. These forms are required in all cases where you and the respondent agree on all of the issues:

- Petition to Modify Custody and Support (attach certified copy of prior custody order)
- Summons
- Acknowledgment and Acceptance of Service
- Confidential Financial Affidavit (both parties must file a financial affidavit)
- Confidential Statement of the Parties for Child Support Order
- Order Modifying Custody and Support
- Order for Income Withholding Order
- Income Withholding for Support (Or, you can also open up a case with your local child support enforcement agency and they will prepare this form for you)

*Other forms may be required based on your situation or on the Court where you are filing your petition. If other forms are required based on your situation, they will be discussed below. You will need to check with the Clerk to determine if the Court requires further documents.

STEP 2. File the *Petition* in the District Court the original child support order was entered. Take an original and two copies with you. The Clerk will keep the original. Keep one copy for yourself. The other copy is for service upon the respondent as described in **Step 3**.

Note: You will need to attach a certified copy of your prior custody order to the *Petition*. If you do not have a certified copy, ask the Clerk for one and pay any copying charges.

- Petition to Modify Custody and Support (attach certified copy of prior custody order)
- Summons* (**Note:** If the respondent has already signed the *Acknowledgement and Acceptance of Service*, you may file it at the same time you file your other paperwork and can skip to **Step 4** or **Step 6** depending on your situation.)
- Pay filing fee (check with Clerk for amount and payment options)

STEP 3. Serve the respondent (Choose 1 option below).

- Respondent signed the *Acknowledgement and Acceptance of Service* form

- File original *Acknowledgment and Acceptance of Service* form with the Court; **OR**
- Respondent was personally served by the Sheriff
- File original *Return or Affidavit of Service* completed by Sheriff with the Court.

- STEP 4.** Wait the required time for respondent to file an *Answer* to the Complaint.
- 20 days have elapsed.** Respondent was personally served in the State of Wyoming or signed an *Acknowledgment and Acceptance of Service* form; **OR**
 - 30 days have elapsed.** Respondent was personally served outside the State of Wyoming; **OR**
 - Exception:** If you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*, then you can move on to **Step 6.**

- STEP 5.** Complete the *Initial Disclosures*
- Send the *Initial Disclosures* to the respondent within **30 days** after the respondent was personally served by the Sheriff or signed the *Acknowledgment and Acceptance of Service* form. **DO NOT FILE** the *Initial Disclosures* with the Court.
 - Exception:** If you and the respondent agree on all issues in your case and you both are signing the *Order Modifying Custody and Support*, then you do NOT need to complete the *Initial Disclosures* and you can move on to **Step 6.**



STEP 6. There are three 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 the respondent filed a *Response* or a *Response and Counterclaim* and you both agree on all issues, complete **Option A.**

Option B: If the respondent did not file an *Response* or a *Response and Counterclaim*, complete **Option B.**

Option C: If the respondent filed an *Response* or a *Response and Counterclaim* and you do NOT agree on all issues, complete **Option C.**

OPTION A: If the respondent filed an *Response* or a *Response and Counterclaim* and you both agree on all issues, fill out and file the following documents to finish your case:

Reply to Counterclaim. If the respondent filed a *Response and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the respondent filed the *Response* or a *Response and Counterclaim*. You do NOT need to complete this form if the respondent only filed an *Answer*.

Confidential Financial Affidavit

Attach tax returns for prior 2 years; and

Attach statement of earnings for the current year.

Additional form that may be needed:

Affidavit of Imputed Income. If the respondent does NOT file a *Confidential Financial Affidavit*, you will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the respondent makes. You do not need to complete this form if the respondent filed a *Confidential Financial Affidavit*.

Confidential Statement of the Parties for Child Support

Order Modifying Custody and Support

Order for Income Withholding

Income Withholding for Support (or, you can open up a case with your local child support enforcement agency).

Copies and Envelopes:

Take an original and 2 copies of each form to the Clerk for filing.

One envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you.

One envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent.

Mail a copy of the other forms to the respondent and keep a copy for your records.

Additional Forms: The Court may also require these 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 respondent and keep a copy for your records.

- Hearing. Some Courts require a hearing before the Judge will sign the *Order Modifying Custody and Support*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.
- Attend the Hearing: Inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. Give the Judge the *Order Modifying Custody and Support* you completed.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.

OPTION B. If the respondent does NOT file a *Response* or *Response and Counterclaim*, fill out and file the following documents to finish your case:

- Application for Entry of Default*
- Affidavit of Petitioner in Support of Default*
- Take a blank *Entry of Default* for the Clerk to sign
- Confidential Financial Affidavit*
 - Attach tax returns for prior 2 years; and
 - Attach statement of earnings for the current year.
- Affidavit of Imputed Income*. You will need to complete the *Affidavit of Imputed Income* form to show the Court how much money the respondent makes.
- Confidential Statement of the Parties for Child Support*
- Order Modifying Custody and Support*
- Order for Income Withholding*
- Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency).
- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing

- Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you
- Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent
- Mail a copy of the other forms to the respondent and keep a copy for your records.

- 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 respondent and keep a copy for your records.

- Hearing. Some Courts require a hearing before the Judge will sign the *Order Modifying Custody and Support*. Ask the Clerk if this is required. If so, you will need to request that the Court set a date to hold the hearing.
 - Request for Setting*
 - Order Setting Hearing* (Judge will fill out date and time)
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Hearing* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order Setting Hearing* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.

- Attend the Hearing: Inform the Judge that you meet the requirements for a modification of a custody and child support order, that you have calculated child support based on the net income of the parties, and whether or not the children are receiving public benefits. Give the Judge the *Order Modifying Custody and Support* you completed.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.

OPTION C. If the respondent files a *Response* or *Response and Counterclaim*, and you both do NOT agree on all of the issues of your case, fill out and file the following forms and attend the trial to finish your case:

***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.**

- Reply to Counterclaim.* If the respondent filed an *Answer and Counterclaim*, you **must** file a *Reply to Counterclaim* within **20 days** from the date the respondent filed the *Response and Counterclaim*. You do not need to complete this form if the respondent only filed an *Answer*.
 - Take original and two copies to the Clerk for filing
 - Mail copy to the respondent and keep a copy for your records
- Request a Trial Date.
 - 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 respondent with postage for the Clerk to mail a copy of the *Order Setting Modification Trial and Requesting Pretrial Statements* to the respondent.
 - Mail a copy of the *Request for Setting* to the respondent and keep a copy for your records.
- 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 respondent and keep a copy for your records
- At least 3 working days before the trial, request a court reporter, if desired.
- Attend the Trial: Present your evidence and witnesses.
- Decision by Judge: The Court will tell you at the end of the trial if it will prepare the *Order* or if it wants you or the other party to prepare the *Order* and the terms to include in it. Have a blank *Order* ready to fill out in case the Judge asks you to prepare the *Order*. This way, you can fill it out as he gives his ruling.
- Confidential Statement of the Parties for Child Support*
- Order Modifying Custody and Support* (Unless the Court is preparing this for you)
- Order for Income Withholding*
- Income Withholding for Support* (or, you can open up a case with your local child support enforcement agency).

- Copies and Envelopes.
 - Take an original and 2 copies of each form to the Clerk for filing
 - Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order* to you
 - Take an envelope addressed to the respondent with postage for the Clerk to mail a copy of the *Order* to the respondent
 - Mail a copy of the other forms to the respondent and keep a copy for your records.

- 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 respondent and keep a copy for your records.

Your custody and child support order will be modified when the Judge signs the *Order* and it is filed with the Clerk.