

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. \_\_\_\_\_

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### ORDER MODIFYING CUSTODY AND SUPPORT

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**THIS MATTER** having come before the Court upon the *Petition to Modify Custody and Support*; and the Court, having reviewed the file herein, having heard the arguments of the parties, if applicable, and otherwise being fully advised in the premises, FINDS:

1. This Court has jurisdiction over the parties and the subject matter of these proceedings.

2. The Respondent was served with the *Petition to Modify Custody and Support*:  
[check one]

- Personally (by the sheriff) on the following date \_\_\_\_\_ in the following state: \_\_\_\_\_; OR
- Respondent accepted service (*Acknowledgement and Acceptance of Service* must be filed. Respondent's signature must be notarized.); OR
- By publication. (*Copy of Affidavit of Publication* must be filed.); OR
- By *Registered or Certified Mail*. (Return receipt must be filed and Clerk must have entered certificate of service.)

3. Respondent filed [check one]

- a *Response*; OR
- a *Response and Counterclaim*; OR
- no response (default must be entered, unless there is a waiver of right to answer); OR
- no response but both parties have signed and agreed to the entry of this Order.

4. An Order establishing custody and support was entered by the \_\_\_\_\_ Court, \_\_\_\_\_ District, State of \_\_\_\_\_, case/docket number \_\_\_\_\_ on \_\_\_\_\_ [date].

5. In the Order,  Mother  Father was granted custody of the parties' minor child[ren] and  Mother  Father was ordered to pay \$\_\_\_\_\_ per month in child support and  Mother OR  Father OR  Both Parents was/were ordered to provide medical insurance coverage.

6. A substantial and material change in circumstances exists and it is in the best interest of the child(ren) to modify custody.

7. Children to whom this order relates:

Name (Initials Only)	Address	Year of Birth	Place of Birth

Additional sheets of paper are attached if needed

**IT IS HEREBY ORDERED THAT:**

8. **CUSTODY, VISITATION AND/OR PARENTING TIME:** [Check the boxes that apply]

A. **Primary residential/physical custody**

Mother **OR**  Father shall have the primary care, custody and control of the parties' minor child(ren); **OR**

The parties shall have joint physical custody. The parties shall share physical custody of the minor children as described on the attached sheet of paper.

**Attach** a schedule describing the sharing of physical custody.

**Skip** to Section 3 – Child Support.

**B. Visitation:** The child(ren) shall spend time with the non-custodial parent as the parties may agree, but if they cannot agree, then time shall be spent with the child(ren) as follows:

B.1. **WEEKENDS:** The child(ren) shall spend time with  Mother **OR**  Father  every  every other  other (specific weekends such as 1<sup>st</sup> and 3<sup>rd</sup>): \_\_\_\_\_ from \_\_\_\_\_ a.m./p.m. to \_\_\_\_\_ a.m./p.m.

B.2. **OTHER PARENTING TIME/VISITATION:** In addition to the Weekend visitation above, the child(ren) shall also spend time with  Mother **OR**  Father as follows (specify specific dates and times such as each Wednesday from 4:00 p.m. to 8:00 p.m., etc.): \_\_\_\_\_

Additional sheets of paper are attached (if necessary).

B.3. **SUMMER SCHEDULE: (Choose one)**

**Option 1:**  Mother  Father shall have parenting time/visitation with the parties' child(ren) beginning \_\_\_\_\_ and continuing until \_\_\_\_\_ (i.e. ten days after school lets out from 5:00 p.m. and continuing until ten days prior to school starting up again at 5:00 p.m.).

The other parent shall have the same Weekend and Other Parenting Time/Visitation as described in paragraphs B.1 and B.2 above during the summer; OR

**Option 2:**  The summer schedule will remain the same as during the school year; OR

**Option 3:**  The summer schedule will be as follows: \_\_\_\_\_

Additional sheets of paper are attached (if necessary).

B.4. **HOLIDAY SCHEDULE:** The following holiday schedule will take priority over the regular weekday, weekend, and summer schedules described above. Fill in the blanks below with Mother or Father to indicate who the child(ren) will be with for the holidays. Provide beginning and ending times. If a holiday is not specified as even, odd, or every year with one parent, then the child(ren) will remain with the parent they are normally scheduled to be with.

(Be very specific about the dates, days, times, location, and by whom exchanges will take place)

Holiday/Event	Parent Spending Time with Child(ren) (Mother or Father)	Odd numbered years	Even numbered years	Every Year	Time & Place of exchange
<input type="checkbox"/> Mother's Day					
<input type="checkbox"/> Memorial Day					
<input type="checkbox"/> Father's Day					
<input type="checkbox"/> July 4 <sup>th</sup>					
<input type="checkbox"/> Labor Day					
<input type="checkbox"/> Thanksgiving Break		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Christmas		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Spring Break		<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	<input type="checkbox"/> First Half <input type="checkbox"/> Second Half <input type="checkbox"/> Entire Vacation <input type="checkbox"/> None	
<input type="checkbox"/> Child(ren)'s Birthdays					
<input type="checkbox"/> Religious Events					
<input type="checkbox"/> Other Holiday Event					

Additional sheets of paper are attached (if necessary).

**B.5.**  **OTHER (including no visitation or supervised visitation):** If you require a schedule that is difficult to explain in the format above or if your situation is unique such that visitation is not appropriate or requires supervision, please provide a detailed visitation schedule that fits your needs or an explanation of why visitation is not appropriate on a separate sheet of paper and attach it.

**C. TEMPORARY CHANGES TO THE SCHEDULE:** Any schedule for sharing time with the child(ren) may be changed as long as both parents agree to the changes ahead of time: in writing. If a child is ill and unable to spend time with a parent, a makeup parenting time will be scheduled. If a parent fails to have the child(ren) during their scheduled parenting time for any other reason, there will be no makeup of parenting time unless the parents agree otherwise.

**D. PERMANENT CHANGES TO THE SCHEDULE:** Once the judge signs the final *Decree of Divorce* in your case and approves this Parenting Plan, any changes that the parents do not agree on can be made only by applying to the court for a modification. One parent cannot change a court-ordered Parenting Plan on their own.

**E. PARENT-CHILD COMMUNICATION:** Both parents and child(ren) shall have the right to communicate by telephone, in writing or by e-mailing during reasonable hours without interference or monitoring by the other parent.

**F. MUTUAL RESPECT:** Parents will not say things or knowingly allow others to say things in the presence of their child(ren) that would take away the child(ren)'s love and respect for the other parent.

**G. ACCESS TO RECORDS:** The law provides that both parties have access to the records of the child(ren) including school records, activities, teachers and teachers' conferences as well as medical and dental treatment providers and mental health records, unless access is limited by the Court. If you believe that there are valid reasons to limit the other party's access to records, you must ask the Court to limit access and obtain an order that does so. (Wyo. Stat. §20-2-201(e)).

**H. OTHER TERMS:** Add any other items regarding the child(ren) you would like to include in your Parenting Plan. \_\_\_\_\_  
\_\_\_\_\_

Additional sheets of paper are attached (if necessary).

**I. EXCHANGE OF CHILD(REN)/TRANSPORTATION:** Both parents shall have the child(ren) ready on time with sufficient clothing packed and ready at the agreed-upon time of exchange. All clothing that accompanied the child(ren) shall be returned to the other parent.

While both parents continue to reside in the same locale, both parents shall share equally in the responsibility of exchanging their child(ren) from one parent to the other;

**OR**

Mother  Father shall pick up the child(ren) from \_\_\_\_\_ at  
(location)

the beginning of the visitation and  Mother  Father shall pick up the child(ren) at the end of the visitation from \_\_\_\_\_; **OR**  
(location)

Other: (provide details for the exchange of the child(ren)): \_\_\_\_\_  
\_\_\_\_\_

Additional sheets of paper are attached (if necessary).

**ONCE FILED, THE PARTIES MAY MAKE SUBSTANTIAL, PERMANENT MODIFICATIONS TO THIS PARENTING PLAN ONLY BY WRITTEN AGREEMENT SIGNED BY BOTH PARTIES, APPROVED BY THE JUDGE AND FILED WITH THE COURT. MINOR, NON-PERMANENT CHANGES MAY BE MADE ANY TIME IF BOTH PARTIES AGREE TO THE CHANGES.**

9. Presumptive Child Support Calculation (“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. See factors considered by court in the instruction section of pro se packet.)

A. Based upon the custody arrangement of the parties’ minor child(ren), and as required by Wyo. Stat. § 20-2-304, the presumptive support obligation is

\$ \_\_\_\_\_ per month. Monthly Presumptive Child Support for \_\_\_\_\_ **[insert number]** of child(ren) is as follows:

- 1. Father’s net monthly income is: \$ \_\_\_\_\_
- 2. Mother’s net monthly income is: \$ \_\_\_\_\_
- 3. Total child support obligation of both parents is: \$ \_\_\_\_\_
- 4. Father’s presumptive child support obligation is: \$ \_\_\_\_\_
- 5. Mother’s presumptive child support obligation is: \$ \_\_\_\_\_

10. **CHECK ONE:**

- The child(ren) receive(s) means tested income (such as POWER, health care benefits under Title XIX (19) of the Social Security Act, food stamps, supplemental security income (SSI) or other similar benefits); OR
- The child(ren) DO NOT receive(s) any means tested income.

11. Consideration of factors to deviate from presumptive support: No agreement which is less than the presumed child support amount shall be approved if means tested sources of income such as aid under the personal opportunities with employment responsibilities (POWER) program, health care benefits under Title XIX of the Social Security Act, food stamps, supplemental security income (SSI) or other similar benefits are being paid on behalf of any of the children.

**[Check the appropriate box]**

- Deviations are not appropriate in this case; OR
- The parties agree that allowance and consideration should be, or have

been, made based on the following statutory factors set forth in Wyo. Stat. § 20-2-307(b) (See instructions for deviation factors): \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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\_\_\_\_\_. **[List the reason why child support should be increased or decreased.]** Therefore, presumptive child support would be unjust or inappropriate for the immediate future. Based on the deviation reason(s) above, child support shall be set at \$\_\_\_\_\_ per month.

12. **Previous Support Order:** According to the terms of the most recent court order, \_\_\_\_\_ **[Name]** was ordered to pay \$\_\_\_\_\_ per month for the support of the child(ren) named in paragraph 3.

13. **Judgment of Arrears: [Check all the boxes that apply]**

Petitioner or  Respondent is in arrears in the support obligation in the amount of \$\_\_\_\_\_ from \_\_\_\_\_ **[Date of previous support order]** through \_\_\_\_\_ **[Last day of the month before this Order is filed]** for which judgment shall be entered; AND/OR

Petitioner or  Respondent owes unpaid medical expenses in the amount of \$\_\_\_\_\_ from \_\_\_\_\_ **[Date of the order establishing medical support]** through \_\_\_\_\_ **[Last day of the month before this Order is filed]**, for which judgment shall be entered.

**IT IS HEREBY ORDERED THAT:**

14. Judgment for past due support, including medical support if applicable, is hereby entered against  Petitioner or  Respondent in the amount of \$\_\_\_\_\_ through \_\_\_\_\_ **[Date]**.

15. **Payment of Judgment:** Beginning \_\_\_\_\_ **[Date]**,  Petitioner or  Respondent shall pay \$\_\_\_\_\_ per month in addition to current support towards the judgment of \$\_\_\_\_\_ **[total amount of judgment listed in paragraph 12]** until the judgment is paid and satisfied in full.

16. **Future Child Support:** Child support shall continue during the minor child's minority, and beyond if the child has a mental, emotional or physical impairment preventing emancipation, or while the child is attending high school or an equivalent program as a full-time student between the ages of 18 and 20. Child support shall terminate if, during the child's minority, the child marries, is emancipated, becomes self-supporting or dies.

A. **Amount:**  Petitioner or  Respondent shall pay \$\_\_\_\_\_ per month for the support of the minor child(ren) listed in paragraph 5 beginning \_\_\_\_\_ **[Date]**. The support obligation shall be paid on the same day of each month thereafter until termination of the support order.

B. Place of Payment: All child support payments shall be paid to the Clerk of District Court, whose address is: \_\_\_\_\_

\_\_\_\_\_. The clerk shall forward the support payments to the receiving parent at the address provided by that parent to the clerk. Payments must be made with cashier's checks and money orders unless the clerk otherwise informs you.

17. Abatement (Temporary Relief from Paying Child Support): Child support may abate or decrease by one-half (1/2) of the daily support obligation for each day the non-custodial parent has physical custody of the child for whom support is due, **ONLY IF** the non-custodial parent has custody of the child for more than fifteen (15) consecutive days and if approved by the Court.

**REQUIREMENTS:**

- A. The non-custodial parent **MUST FILE** any claim for child support abatement with the clerk of the court within thirty (30) days after the period for which abatement is claimed and must pay ten dollars (\$10.00) to the clerk when filed.
- B. The clerk will then mail a copy of the claim to the custodial parent.
- C. The custodial parent can object or dispute any abatement claim by filing an objection with the clerk of court within thirty (30) days of the date the clerk mailed the notice to the custodial parent and paying ten dollars (\$10.00) to the clerk.
- D. The clerk will mail a copy of the objection to the non-custodial parent.
- E. Claims or objections not filed in a timely manner *or* not accompanied by the ten dollar fee will be rejected.

18. **MEDICAL INSURANCE PAYMENTS AND EXPENSES**: Either or both of the parents shall provide medical support, which may include dental, optical or other health care needs for their dependent children if insurance can be obtained through an employer or other group carrier, or if it is otherwise reasonably available as follows:

A.  Mother, OR  Father OR  Both Parents are/is ordered to provide medical insurance for the minor child(ren). (It is important to understand that both parents have an obligation to ensure that their child or children have medical insurance coverage even if the state is currently providing such coverage, either or both parents may be required to pay the state back for the expenses incurred in providing medical insurance coverage for the child or children.)

B. The party or parties ordered to provide insurance shall submit to the court and to the other parent or the other parent's representative written proof that



the insurance has been obtained or that application for insurability has been made within sixty (60) days of entry of this Order.

C. Proof of insurance coverage shall contain, at a minimum:

- (i) The name of the insurer;
- (ii) The policy number;
- (iii) The address to which all claims should be mailed;
- (iv) A description of any restrictions on usage, such as pre-approval for hospital admission, and the manner in which to obtain pre-approval;
- (v) A description of all deductibles; and
- (vi) Two (2) copies of claim forms.

D. **INSURANCE INFORMATION:** The obligated parent(s) shall provide written notice to the clerk of this court and to the other parent if insurance coverage for any child is denied, revoked, or altered in any way that would affect the other parent (i.e. change to child's coverage, including any change relating to the information required above).

E. **UNCOVERED MEDICAL EXPENSES:** The parties shall pay any non-covered expenses, which may include dental, optical or other health care expenses incurred by any person or agency on behalf of a child if the expenses are not covered by insurance; the Mother paying \_\_\_\_\_% of uncovered expenses and Father paying \_\_\_\_\_% of uncovered expenses including co-payments and deductibles.

F. **CHANGES TO INSURANCE:** The obligated parent(s) shall provide written notice to the clerk of this court and to the other parent if insurance coverage for any child is denied, revoked or altered in any way that would affect the other parent including any change relating to the information required in Paragraph 17.C. in compliance with **Wyo. Stat. §20-2-401(c)**.

19. Income Withholding Order: [**Check one box**]

An order for immediate income withholding was previously entered by this Court.

An immediate income withholding order shall be entered, pursuant to Wyo. Stat. § 20-6-201 et seq., as amended, for all sums awarded herein; OR

Good cause exists for delaying entry of an immediate income withholding order: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
**[List the reasons for not requiring an income withholding order]** However, an income withholding order shall be entered and will become effective upon the

earliest of the following (1) The date the obligor requests withholding commence; or (2) The date the obligor becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order.

20. **ENFORCEMENT:** Either party has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-310, including asking the court to enforce and require future compliance with an order, by finding the obligated parent to be in contempt of court, award attorney fees, costs and any other relief as the court may deem necessary under the circumstances. Wyoming law (Wyo. Stat. §1-16-102(c)) states that any payment of child support not paid when due shall automatically become a judgment against the parent who is supposed to pay on the due date. Any child support which is not paid within thirty-two (32) calendar days from the date due is subject to an automatic late payment penalty in an amount equal to ten percent (10%) of the amount of the judgment by operation of law.

21. **TAX EXEMPTION:** The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows. A party required to pay child support is only entitled to claim a child(ren) as an income tax dependency exemption if that parent has paid all of the child support due and owing for the year that party is entitled to the exemption:

Initials of Child	Parent Entitled to Claim	Year Allowed to Claim
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____
_____	<input type="checkbox"/> Mother <input type="checkbox"/> Father	<input type="checkbox"/> every <input type="checkbox"/> odd <input type="checkbox"/> even <input type="checkbox"/> Other: _____

22. **CHANGE OF EMPLOYMENT OR ADDRESS:** Each parent shall inform the other parent and the clerk of court in writing of any change of address, phone number, and employment:

A. **CHANGE OF EMPLOYMENT STATUS.** So long as there is a child support obligation, each parent shall notify the other parent and the Clerk of this Court, in writing, on forms available from the Court, within fifteen (15) days of any change in employment, including second jobs, changed employers, starting or ending unemployment compensation, and starting or ending of worker's compensation, or any other change in income.

**B. CHANGE OF ADDRESS.** So long as there is a child support obligation, if either parent plans to change his or her address, that parent must notify the other parent and the clerk of this court, in writing, on forms available from the Clerk of this Court, no later than fifteen (15) days **prior** to the day of the move, the destination of the move and the proposed move date.

**C. CHANGE OF HOME CITY OR STATE OF RESIDENCE.** Either parent who plans to change their home city or state of residence, must give written notice thirty (30) days prior to the move, both to the other parent and to the clerk of district court stating the date and destination of the move.

23. Either party or, when appropriate, the department of family services has the right to petition to enforce an order. **See Wyo. Stat. §20-2-310.**

24. Any provision of the previous support order not specifically addressed or modified herein shall remain in full force and effect.

25. **LIMITED REPRESENTATION:** Following Rule 1.2(c) of the Wyoming Rules of Professional Conduct, any attorney who has entered a limited appearance for the purpose of obtaining an *Order Modifying Child Support* is now discharged.

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

**CHECK ONLY ONE BOX, AND SIGN WHERE INDICATED IN THAT SECTION ONLY:**

***If the parties have agreed:***

I certify that I have read the foregoing *Order Modifying Custody and Support* and that I agree to the terms and agree to entry of the Order.

\_\_\_\_\_  
**Petitioner's signature**

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:

\_\_\_\_\_  
**Respondent's signature**

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:

***If default has been entered and the Respondent did not respond:***

The above is true and accurate and I want the court to approve:

\_\_\_\_\_  
Petitioner's signature

***If a court hearing was held:***

APPROVED AS TO FORM:

\_\_\_\_\_  
Petitioner's signature

\_\_\_\_\_  
Respondent's signature

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

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Respondent/Respondent's Attorney's Name and Address

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