

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 CHILD SUPPORT  
AND JUDGMENT FOR ARREARS**

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**THIS MATTER** having come before the Court upon the *Petition for Modification of Child Support and Judgment for Arrears*; 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 for Modification of Child Support and Judgment for Arrears* (“**Petition**”) [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

an *Answer*; OR

an *Answer 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. **[Check the appropriate box]**

An Order for child support was entered on \_\_\_\_\_ [date] by this Court; OR

An Order for child support was entered on \_\_\_\_\_ [date] by the \_\_\_\_\_ Court, \_\_\_\_\_ County, State of \_\_\_\_\_

5. The Order provided for support of the following minor child(ren):

CHILD(REN)'S INITIALS	YEAR OF BIRTH

Additional sheets of paper are attached if needed

6. 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: \$\_\_\_\_\_

7. **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.

8. 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): \_\_\_\_\_

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

\_\_\_\_\_. **[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.

9. 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.

10. **[Check the appropriate box]**

A.  Modification and Retroactive Application: The child support order has not been entered or modified within the six (6) months prior to the filing of the Petition for Modification. Applying the child support guidelines established in Wyo. Stat. § 20-2-304, the child support amount will change by twenty percent (20%) or more per month from the amount of child support required by the existing order. This modification shall be retroactive to \_\_\_\_\_ **[Date respondent received service of the Petition to Modify]** or \_\_\_\_\_ **[Date]**; OR

B.  Since the date of the last order, there has been a substantial and substantial change of circumstances which warrants modifying the child support and/or medical insurance obligations. The change in circumstances is: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ ; OR

C.  It has been at least three (3) years since a court reviewed the child support and, an adjustment is just and proper in accordance with the child support guidelines.

11. 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:**

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

13. 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.

14. 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.

16. 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.

17. **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)**.

18. 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.

19. Change of Employment or Address: Each parent shall inform the other parent and the clerk of court in writing of any change of address or 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 workers 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.

20. 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.

21. 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.

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

23. **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 Child Support* and that I agree to the terms and agree to entry of the Order.

STATE OF \_\_\_\_\_ )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

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

Subscribed and sworn to before me by \_\_\_\_\_,  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Witness my hand and official seal

\_\_\_\_\_  
Notarial Officer

My Commission Expires:

STATE OF \_\_\_\_\_ )  
  ) ss  
COUNTY OF \_\_\_\_\_ )

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

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

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

Respondent/Respondent's Attorney's Name and Address

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