

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 of other party)

ORDER MODIFYING CUSTODY AND SUPPORT

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, ☐ Petitioner ☐ Respondent was granted custody of the parties' minor child[ren] and ☐ Petitioner ☐ Respondent was ordered to pay \$_____ per month in child support and ☐ Petitioner OR ☐ Respondent OR ☐ Both Parents was/were ordered to provide medical insurance coverage.

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

7. The parties are the natural or adoptive parents of the following minor child(ren):

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

☐ Additional sheets of paper are attached if needed

8. Custody of the child(ren) should be as follows:

Unless defined another way in this Order, "Joint Legal Custody" means 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. Both parties have these rights unless the Court limits that access.

☐ The parties have joint legal custody and ☐ Petitioner or ☐ Respondent has physical custody; **OR**

☐ The parties have joint legal and joint physical custody; **OR**

☐ Petitioner or ☐ Respondent has sole legal and physical custody; **OR**

☐ Other (Please describe desired legal and physical custody arrangement in detail) _____

9. The parties have an obligation to contribute to the support and maintenance of the parties' minor child(ren).

IT IS HEREBY ORDERED THAT:

10. CHILD CUSTODY, VISITATION AND SUPPORT:

A. CUSTODY:

☐ The parties shall have joint legal custody and ☐ Petitioner or ☐ Respondent shall have physical custody; **OR**

☐ The parties shall have joint legal and 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 C – Child Support; **OR**

☐ Petitioner **OR** ☐ Respondent shall have sole legal and physical custody. List the reasons why joint legal custody is not appropriate: _____

OR

☐ Other (Please describe desired legal and physical custody arrangement in detail): _____

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 ☐ Petitioner **OR** ☐ Respondent ☐ every weekend ☐ every weekend when Friday is an even date ☐ every weekend when Friday is an odd date ☐ other (specific weekends such as 1st and 3rd): _____
from _____ a.m./p.m. to _____ a.m./p.m.

B.2. **OTHER VISITATION:** In addition to the Weekend visitation above, the child(ren) shall also spend time with ☐ Petitioner **OR** ☐ Respondent as follows (specify specific days 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: ☐ Petitioner OR ☐ Respondent shall have visitation with the parties' child(ren) beginning _____ and continuing until _____ (e.g. 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 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 Petitioner or Respondent 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.

Location of exchange and transportation arrangements for the following holidays or events shall follow the instructions set forth in paragraph **10.B.11.** unless stated otherwise.

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

Holiday/Event	Odd numbered years	Even numbered years	Every year	Day, Time and Place of Exchange Describe from start to end (for example, Friday when school lets out until Monday at 6 p.m.)
	(Petitioner or Respondent)			
☐ Mother’s Day Weekend				
☐ Memorial Day Weekend				
☐ Father’s Day Weekend				
☐ July 4 th				

☐ Labor Day Weekend				
☐ Thanksgiving Break First part				
☐ Thanksgiving Break Second part				
☐ Winter Break First part				
☐ Winter Break Second part				
☐ Spring Break First part				
☐ Spring Break Second part				
☐ Child(ren)'s Birthdays				
Religious/Other Events				
☐ (Specify):				
☐ (Specify):				
☐ (Specify):				

☐ 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.

B.6. 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.

B.7. PERMANENT CHANGES TO THE SCHEDULE: Once the judge signs the final *Order Modifying Custody & Support* in your case and approves this Visitation 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 Visitation Plan on their own.

B.8. PARENT-CHILD COMMUNICATION: Both parents and child(ren) shall have the right to communicate by telephone, in writing or by electronic means during reasonable hours without interference or monitoring by the other parent, unless otherwise ordered by the Court.

B.9. 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.

B.10. OTHER TERMS:

A. The party who has custody of the children or the party who is exercising visitation with the children shall:

- i. Care for, control, protect, and reasonably discipline the child(ren);
- ii. Provide the child(ren) with adequate food, clothing, and shelter, and medical and dental care;
- iii. Promote and encourage the training and education of the child(ren);
- iv. Respect the other party's rights and responsibilities regarding the other party's time with and care of the child(ren).

B. Visitation MAY NOT be reduced or denied because support is not paid.

C. Add any other items regarding the child(ren) you would like to include concerning visitation. _____

☐ Additional sheets of paper are attached (if necessary).

B.11. EXCHANGE OF CHILD(REN)/COST OF TRANSPORTATION:

Both parents shall have the child(ren) ready on time and at the agreed-upon time of exchange. All clothing that accompanied the child(ren) shall be returned to the other parent at the end of that particular visitation. All transportation in connection with the visiting parent's exercise of his/her visitation shall be the responsibility of and/or paid for as follows:

Option 1: ☐ While both parents continue to reside within ____ miles of each other, both parents shall be responsible for transportation costs for one-way of the children's transportation. ☐ Petitioner ☐ Respondent shall pick up the child(ren) from _____ at the beginning of the
(location)
visitation and ☐ Petitioner ☐ Respondent shall pick up the child(ren) at the end of the visitation from _____. If
(location)
either party moves _____ miles or more away, then the costs for transportation shall be as follows: _____;
_____ **OR**

Option 2: ☐ The visiting parent shall be responsible for all of the child(ren)'s transportation costs. ☐ Petitioner ☐ Respondent shall pick up the child(ren) from _____ at the beginning of the visitation
(location)
and shall return the children to _____ at the end
(location)
of the visitation; **OR**

Option 3: ☐ Other: (provide details exchange and transportation costs): _____

ONCE FILED, THE PARTIES MAY MAKE SUBSTANTIAL, PERMANENT MODIFICATIONS TO THIS VISITATION 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.

C. CHILD SUPPORT:

The child support amount may depend on the custodial arrangement that is ordered by the court. If each parent keeps the children 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, a "shared responsibility child support" obligation shall be determined by use of the tables. Also, when each parent has physical custody of at least one (1) of the children, a "shared responsibility child support" obligation for all of the children shall be determined by use of the tables. See Wyo. Stat. §20-2-304(c) and (d). **For assistance in calculating child support, go to the following website:**
http://laramiecounty.com/_officials/DistrictCourtClerk/calculator.aspx

In accordance with Wyo. Stat. § 20-2-304, presumptive child support is calculated as follows:

1. Number of children: _____
2. Respondent's net monthly income is: \$_____
3. Petitioner's net monthly income is: \$_____
4. Total child support obligation of both parents is: \$_____
5. Respondent's presumptive child support obligation is: \$_____
6. Petitioner's presumptive child support obligation is: \$_____

C.1. Restriction on reducing amount of child support: No agreement which is *less than* the presumed child support amount in the law shall be approved if public support/benefits such as aid under the personal opportunities with employment responsibilities (POWER) program, Title 19, Kid Care, food stamps, supplemental security income (SSI) or other similar benefits are being paid on behalf of any of the children. **CHECK ONE:**

- ☐ The child(ren) receive(s) public assistance; OR
☐ The child(ren) DO NOT receive(s) any public assistance.

C.2. Amount of Child Support: ☐ Petitioner OR ☐ Respondent shall pay \$_____ per month for child support. The amount of child support is based upon:

- ☐ The presumptive amount of child support determined by Wyoming's Child Support Guidelines; **OR**
☐ There is a deviation (an adjustment) ☐ upwards or ☐ downwards from the presumptive amount. (In order to deviate, there must be a specific finding that the application of the presumptive child support would be unjust or inappropriate). The reasons that the presumptive amount is unjust is because (list the specific reasons): _____

C.3. Time of Payments: Child support payments shall begin:

- ☐ on THE FIRST DAY OF THE MONTH beginning the month of _____, 20____ and shall continue to be paid on the first day of the month thereafter, until further order of the court; **OR**
☐ beginning on the ____ day of _____, 20____ and continuing as follows: _____.

C.4. CONTINUATION OF 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.

C.5. PLACE:

All payments required under this Order, shall be made to one of the two following addresses:

Clerk of the District Court, whose address is
(see *District Court Clerks Addresses* in this
packet):

OR State Disbursement Unit
2300 Capitol Ave.
Hathaway Bldg.,
5th Floor, Suite A
Cheyenne, WY 82002

DO NOT PAY BY PERSONAL CHECK. CASH ACCEPTED IN PERSON ONLY. CASHIER'S CHECKS AND MONEY ORDERS ACCEPTED.

The Clerk or SDU shall promptly forward the support payments to the receiving parent at the address provided by that parent. **Each party shall pay, when due, all fees charged to that party by the Clerk of District Court, State Disbursement Unit, and any other agency statutorily authorized to charge a fee.**

C.6. MODIFICATION: Either party may seek a modification of the child support ordered herein pursuant to Wyo. Stat. §20-2-311.

MODIFICATION OF CHILD SUPPORT NOT EFFECTIVE UNLESS IT IS APPROVED BY A WRITTEN ORDER SIGNED BY THE JUDGE.

C.7. ENFORCEMENT: Either party has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-201 through §20-2-204 and §20-2-311(d). Wyoming law 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. This judgment is subject to a 10% late payment penalty if it is not paid within thirty-two (32) days.

11. **MEDICAL INSURANCE:**

The ☐ Petitioner OR ☐ Respondent OR ☐ Both shall provide health care insurance coverage for the minor child(ren) if insurance can be obtained at a reasonable cost and the benefits under the insurance policy are accessible to the child(ren).

11.A. Proof. The insuring parent shall provide to the Court and the other parent written proof that the insurance has been obtained within sixty (60) days after it became available. 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.
- vi) Two (2) copies of claim forms.

11.B. Changes. The insuring parent shall provide written notice to the Clerk of this Court and the other parent if insurance coverage for the child is denied, revoked, or altered in any way that would affect the child's coverage, including any change relating to the information required above.

11.C. Failure To Provide Insurance. The Court may hold an obligated parent in contempt for refusing to provide the ordered insurance or for failing or refusing to provide the information required above. In addition, if either parent fails to provide insurance or proof of insurance as required by this agreement, the other parent may provide such insurance and the obligated parent shall be liable to the other parent for the cost of such insurance plus the costs incurred in collection, including reasonable attorney's fees.

11.D. Costs Not Paid For By Insurance. The parents are jointly liable to providers for all health care expenses (including, but not limited to, medical, dental, orthodontic, optical, prescription drugs, counseling, and all other health care expenses) of the child(ren). All deductibles, co-payments and other expenses for health care that is not paid for by health insurance shall be paid by the parents as follows:

- ☐ 50% each by Petitioner and Respondent; **OR**
☐ _____% by Petitioner and _____% by Respondent.

- i) If the insuring parent fails to pay the insurance premium, all health care expenses of the children not covered by insurance shall be the responsibility of that party.
- ii) If the insuring parent fails to maintain insurance as required, that party may be found in contempt of Court and may be required to pay or reimburse the expenses and costs set forth in Wyo. Stat. §20-2-401(e).

12. CHANGES IN ADDRESS AND EMPLOYMENT:

Each parent shall inform the other parent and the clerk of court in writing of any change of address, phone number, and employment:

12.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.

12.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.

12.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.

13. INCOME WITHHOLDING ORDER:

An income withholding order shall be entered and shall become effective as follows:

- ☐ Effective immediately (**Recommended**); **OR**
- ☐ Effective upon the date the Obligor requests withholding commence; or the date the Obligor becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order. List the reasons why good cause exists to delay the effective date for withholding income: _____; **OR**
- ☐ OTHER (e.g. Military allotment)_____.

14. **PREVIOUS SUPPORT ORDER:**

According to the terms of the most recent court order, ☐ Petitioner OR ☐ Respondent was ordered to pay \$_____ per month for the support of the minor child(ren).

15. **JUDGMENT OF ARREARS:**

15.A. ☐ 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; OR

15.B. ☐ Petitioner OR ☐ Respondent is current in his/her support obligation.

IT IS HEREBY ORDERED THAT:

16. Judgment for past due support, including medical support if applicable, is hereby entered against ☐ Petitioner OR ☐ Respondent in the amount of \$_____ through _____ **[Date]**. 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 15.A.]** until the judgment is paid and satisfied in full; OR

☐ Petitioner OR ☐ Respondent is current in his/her support obligation and a judgment for past due support or medical support is not needed.

17. **TAX EXEMPTION:**

The parties shall claim as income tax dependency exemptions on federal and state tax returns as follows:

Initials of Child(ren)	Parent Entitled to Claim	Year Allowed to Claim
_____	☐ Petitioner ☐ Respondent	☐ every ☐ odd ☐ even
		☐ Other: _____

_____ ☐ Petitioner ☐ Respondent ☐ every ☐ odd ☐ even
_____ ☐ Petitioner ☐ Respondent ☐ every ☐ odd ☐ even
_____ ☐ Petitioner ☐ Respondent ☐ every ☐ odd ☐ even
☐ Other: _____
☐ Other: _____
☐ Other: _____

provided that the party required to pay child support is only entitled to claim the exemption(s) if he/she is current on his/her child support obligation as of December 31st of the year in which the exemption(s) is claimed. The parties shall sign all necessary tax forms to allow the other party to claim the exemption(s) as stated above.

18. Any provision in the previous order not otherwise modified herein shall remain in full force and effect.

19. **ENFORCEMENT OF ORDER:**

Either party or, when appropriate, the department of family services has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-201 through 20-2-204, 20-2-310 and 20-2-311(d).

Contempt - Pursuant to Wyo. Stat. §20-2-204 and 20-2-310, a court having jurisdiction to enforce or revise the decree or order may, upon appropriate motion of either parent, require a parent to appear before the court and show just cause why the parent should not be held in contempt, upon a showing that the parent has willfully violated the decree or order as to the care, custody, visitation and maintenance of the children. The court may, in addition to any assessment it may impose upon a finding that the parent is in contempt of court, award attorney's fees, costs, and such other and further relief as the court may deem necessary under the circumstances, to the parent aggrieved by the violation of the decree or order, in order to enforce and require future compliance with the decree or order.

20. **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 Custody and 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

Respondent/Respondent's Attorney's Name and Address

