

DEFENDANT FAMILY LAW 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 **Answer** or the **Counterclaim**.

Make sure to complete all the forms carefully. If any parts are left blank, the Judge may not accept them. Not all of the forms need to be completed at the same time. Read through the instructions for each step. There are some steps you must complete before moving on to the next step.

Information:

A divorce starts when a party files a Complaint for Divorce. This is a document asking the court for a divorce. The person who originally files for the divorce is called the **Plaintiff** and stays the Plaintiff throughout the case. The Plaintiff submits the Complaint for Divorce to the Clerk of the District Court, usually located in the county courthouse or a branch of it. This action opens an official court file, and a case number, or civil action number, is assigned. This process of submitting the Complaint for Divorce to the Clerk's office is known as filing a case.

The person the divorce is filed against is called the **Defendant** and stays the Defendant throughout the case. After a case has been filed, a copy must be formally given to (served on) the Defendant. Personal service of the Complaint for Divorce and Summons on the Defendant is required, unless the Defendant completes an Acknowledgment and Acceptance of Service. Formal service is required for the Complaint for Divorce so that the Court has proof that the Defendant received the papers. Other forms of service exist, but these are the easiest methods that meet the formal service requirement. The Defendant is expected to answer the Complaint for Divorce.

It is important for the Defendant to ensure that any changes in contact information, especially their mailing address, are promptly updated with the Clerk of District Court. This ensures that the Defendant receives all necessary court documents and notifications, preventing missed deadlines or court actions taken without their knowledge.

Instructions:

STEP 1: Answer or Answer and Counterclaim

If you have been served or have signed an **Acknowledgment and Acceptance of Service**, you should file an Answer to Complaint for Divorce with the Clerk of District Court where the Complaint for Divorce was filed.

An **Answer to Complaint for Divorce** is a written response where you tell the Court what parts of the divorce complaint you agree with and what parts you disagree with. **If you don't file an answer, the court might grant your spouse everything they asked for in the Complaint for Divorce without your input.**

You have two options for responding:

1. **Answer:** This is where you respond to each part of the **Complaint**, saying what you agree or disagree with.
2. **Answer and Counterclaim:** This includes your response to the **Complaint** and also lets you tell the court what you want. For example, you can ask for specific things like property.

Tips: Here are some helpful hints in completing either the Answer or Answer and Counterclaim:

You must fill in the top section of either the Answer or Answer and Counterclaim with the names and case number. Don't forget to include the case number, which is found on the Summons or Complaint for Divorce.

Time Limits:

You have **20 days** to file if you were served in Wyoming, or **30 days** if you were served outside Wyoming. If you miss the deadline to file an answer, a default judgment may be entered against you, granting your spouse what they requested in the Complaint.

How Time is Calculated:

- When counting the days, don't include the day the papers were served.
- Include the last day of the time period, unless it falls on a Saturday, Sunday, or legal holiday. In that case, the deadline moves to the next business day.

NOTE: If you have any question or concerns about when the deadline is to file the Answer, you should consult an attorney.

Admit or Deny:

In the **Answer**, admit or deny each paragraph of the **Complaint**. For each paragraph in the Complaint that is correct or that you agree with, list that paragraph number in the first line of the Answer to admit it. For each paragraph in the Complaint that is not correct or that you do not agree with, list that paragraph number in the second line of the Answer to deny it. If you do not have enough information to admit or deny a paragraph, list that paragraph number in the third line

of the Answer. If you don't agree with something in the Complaint, but you don't "deny" it in your Answer, the court may find that you admitted it.

Notarizing Signatures:

After you fill out either the Answer or Answer and Counterclaim, you need to sign and have it notarized. Do not sign the Answer or Answer and Counterclaim until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you signing the form. Since each Clerk's office has its own rules, check with them first to see if they can notarize your signature before looking for a notary public elsewhere.

Certificate of Service:

Copies of all documents that you file in the case must be sent to the Plaintiff before the Judge will consider them. This certificate is included at the end of each document that requires it.

Make Copies and File Your Answer:

Take the original and two copies of each document to the Clerk's office. The Clerk will stamp all the copies with the date they were filed. This is called a "file stamp." The original document will be filed with the Clerk. You should keep one copy for your records. You must send the other copy to the Plaintiff on the date that you listed on the Certificate of Service.

Documents to Complete:

1. Fill out the **Answer to Complaint for Divorce.**

OR

2. Fill out the **Answer and Counterclaim for Divorce.**

NOTE: If you want to go back to a previous name that you used before the marriage, you should include that in the **Counterclaim**. This decision is up to you only; the Plaintiff cannot require you to change your name.

File Your Documents:

Bring the original and two copies of the following documents to the Clerk of District Court:

1. **Answer to Complaint for Divorce.**

OR

2. **Answer and Counterclaim for Divorce.**

Plaintiff's Reply to Your Counterclaim:

If you file a Counterclaim, the Plaintiff must reply to it. The Plaintiff has 20 days to respond by filing a Reply to Counterclaim. In this reply, the Plaintiff will admit or deny the points you made in your Counterclaim.

If the Plaintiff does not reply within 20 days, you may be able to file Default paperwork to request the relief you asked for in your Counterclaim.

STEP 2: Initial Disclosures

DO NOT FILE INITIAL DISCLOSURES WITH THE CLERK OF DISTRICT COURT

Send Initial Disclosures to the Other Party:

The law requires you to share certain information with the other party within **30 days after your Answer is due**. You need to provide a list of financial assets, non-financial assets, all debts (individual and joint), locations of any safety deposit boxes, employment details, information about other income and retirement accounts. **Be sure to keep a copy of your Initial Disclosures for your records.**

NOTE: You must share the information you currently have available to you. You cannot delay your disclosures because you think the other party's information is incomplete or because they haven't provided their information yet.

When to Provide:

You need to give your **Initial Disclosures** to the Plaintiff (or their lawyer) within 30 days after you are supposed to respond to the complaint. Here's how to figure out the date:

1. Start with the date you were served with the **Complaint**: _____
2. Next, figure out when you have to file an **Answer**: (Choose One)
 - a) If you were served in Wyoming, add 20 days to the date in #1: _____
 - OR**
 - b) If you signed an **Acknowledgment 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 in #3 is when you and the Plaintiff must send each other your completed Initial Disclosures.

NOTE: DO NOT FILE THE INITIAL DISCLOSURES WITH THE COURT. These forms are only given to the Plaintiff (or their lawyer).

STEP 3: Moving Your Case Forward

Once the time for the Plaintiff to respond to your Answer and Counterclaim has passed and you have sent your Initial Disclosures, there are several options to move your case forward to get a **Decree of Divorce**. Choose the option that fits your situation best:

Option A: If you and the Plaintiff both agree on everything, follow Option A.

Option B: If you and the Plaintiff don't agree on everything, follow Option B.

Option A. The following instructions apply if you both agree on all of the issues of your divorce.

If you and the Plaintiff agree on all the terms in the Decree of Divorce, the Decree will need to be filled out completely, signed by both you and the Plaintiff and both of your signatures must be notarized. **In addition to signing the Decree, you should also initial each page of the Decree to verify that each page contains the terms you agreed upon.**

When will your divorce become final?

Your divorce is not final until the Judge signs the Decree of Divorce, and it is filed with the Clerk. This may take time if the Judge needs to make changes to the Decree. Check with the Clerk to make sure the Decree has been file-stamped before you can be sure your divorce is final. You should receive a copy of the Decree once it is final.

Option B. If you and the Plaintiff do NOT agree on all issues of your divorce, you will need to have a trial:

NOTE: If there is no agreement, 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. If you choose to represent yourself, you proceed at your own risk and will be expected to know the laws and court rules.

Documents to Complete:

1. If the Plaintiff has **NOT** done so, Complete the **Request for Setting**
This form is a request to the court for a hearing. 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 to three hours).
2. Complete the **Order Setting Divorce Trial**

Fill out the top section of page one of the Order Setting Divorce Trial. This includes: the county, the judicial district, the names of the Plaintiff and Defendant, and the civil action case number. The Clerk of District Court will complete the rest of the document.

3. Provide the Clerk with two addressed, stamped envelopes (one addressed to you and one addressed to the Plaintiff).

NOTE: Any documents you file (except the Decree of Divorce) must be sent to the Plaintiff on the same day you put the date on the Certificate of Service on each document.

Due 30 Days Before Trial:

1. Complete **Pretrial Disclosures**

Both parties must give their Pretrial Disclosures to each other and file them with the Court. These disclosures list the evidence that will be presented at trial. If you have questions, contact an attorney.

Note: Unless the Court says otherwise, they must be made at least 30 days before the trial.

2. Take the original and two copies to the Clerk for filing. Keep one copy for your records and send the other copy to the Plaintiff (or his/her attorney).

Trial Information:

Settlement before trial:

If your case is settled before the trial, you must give the Court a completed and signed Decree of Divorce. The Court will only remove the trial from the schedule once this is done.

The trial date will not be changed or canceled based on phone calls. If you need to reschedule the trial, you must file a motion to continue or contact an attorney for assistance.

Court Reporter:

It is very difficult to appeal the Judge's decision if you do not get a Court reporter to record everything that is said at the trial.

If you want a court reporter, you must notify the official court reporter as soon as possible, but no later than three working days before your hearing. You can do this by phone, email or by submitting a written request. If you send the request by mail, it must be received by the court reporter at least three working days before the hearing.

Contact information for each Court Reporter can be found on the Wyoming Judicial Branch website.

The Clerk can tell you which court reporter to contact. The Court will not waive the three-day notice requirement. This 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 Divorce Trial** 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 three to five 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.

NOTE: If you choose to represent yourself and continue without an attorney, you proceed at your own risk and will be expected to know the laws

Final Decision:

After the trial, the Judge will make a decision or may need more time to think about it. If the Judge gives you instructions, you must type the decision into the Decree of Divorce.

When Will Your Divorce Become Final:

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