

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

This checklist is for your convenience and is not a substitute for the detailed instructions. Please be sure to read the detailed instructions.

STEP 1: Getting Started

Not all the forms in this packet may be needed for your specific situation. It's important to go through them and read the instructions to know which ones you need.

Start by reviewing these three forms below:

- **List of Forms- Petitioner**
- **Custody and Child Support Modification Information and Instructions - Petitioner**

STEP 2: Filing Your Petition

File your Petition for Modification of Custody and Child Support in the District Court where the original custody and child support order was entered. Bring an original and two copies of all forms with you when you file your case. The Clerk will keep the original, you keep one copy, and the other copy is for serving the Respondent as described in **Step 3**.

- ☐ **Petition for Modification of Custody and Child Support**
- ☐ **Confidential Statement of the Parties for Child Support Order**
- ☐ **Summons**
- ☐ Certified copy of your prior custody and child support order. (If you do not have a certified copy, ask the Clerk for one and pay any copying charges.)
- ☐ Pay filing fee (check with Clerk for amount and payment options).

STEP 3: Serving the Respondent

Choose one option:

- If the Respondent signed the **Acknowledgement and Acceptance of Service** form:
File the original **Acknowledgment and Acceptance of Service** form and the original Summons with the Court.
 - ☐ File original **Acknowledgment and Acceptance of Service** form; and
 - ☐ File original **Summons** with the Court.
- If the Respondent was personally served by the Sheriff:
File the original **Summons** and the **Return or Affidavit of Service** (completed by the Sheriff) with the Court.

- ☐ File original **Summons** and the **Return or Affidavit of Service** (completed by Sheriff) with the Court.

STOP: Wait for Respondent's Response

Wait for the Respondent to file a **Response** to the **Petition for Modification of Custody and Child Support**.

If the Respondent was personally served in Wyoming or signed an **Acknowledgement and Acceptance of Service**: wait 20 days.

- ☐ **20 days have elapsed.**

OR

If the Respondent was personally served outside Wyoming: wait 30 days.

- ☐ **30 days have elapsed.**

STEP 4: Initial Disclosures

- ☐ Send the **Initial Disclosures** to the Respondent within 30 days after they were served. **DO NOT** file these disclosures with the Court.

.....
STEP 5: Moving Your Case Forward

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 **Response and Counterclaim** and you both agree on all issues, complete **Option A**.

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

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

OPTION A: If the Respondent filed a **Response** or **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 and Counterclaim**. You do NOT need to complete this form if the Respondent only filed a **Response**.

- ☐ **Confidential Financial Affidavit**
 - ☐ If employed, attach tax returns for past two years; and
 - ☐ Attach statement of earnings for the current year; OR
 - ☐ If self-employed, attach verified income and expense statements for past two years;
 - ☐ Attach tax returns for past two years; and
 - ☐ Attach documentation about health insurance if applicable.

Additional Forms 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**.
- ☐ **Order Modifying Custody and Child Support.**
- ☐ **Order for Income Withholding.**

Copies and Envelopes:

- ☐ Take an original and two 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 Modifying Custody and Child Support** to you.
- ☐ One envelope addressed to the Respondent with postage for the Clerk to mail a copy of the **Order Modifying Custody and Child Support** to the Respondent.
- ☐ Mail a copy of the other forms 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 Child Support**. 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:

Be on time, dress respectfully, and do the following:

- ☐ Tell the Judge that that you meet the requirements for a modification of a custody and child support order.
- ☐ Tell the Judge you have calculated child support based on the net income of the parties
- ☐ Tell the Judge if the children are receiving public benefits.
- ☐ Give the **Order Modifying Custody and Child Support** to the Judge. The Judge will make any necessary changes to the **Order Modifying Custody and Child Support** and sign it.

Your custody and child support order will be modified when the Judge signs the Order Modifying Custody Child Support and it is filed with the Clerk of District Court.

OPTION B. If the Respondent does NOT file a **Response**, fill out and file the following documents to finish your Case:

- ☐ **Application for Entry of Default.**
- ☐ **Affidavit in Support of Default.**
- ☐ Take a blank **Entry of Default** for the Clerk to sign.
- ☐ **Confidential Financial Affidavit.**
- ☐ Attach tax returns for prior two years; and
 - ☐ If employed, attach tax returns for prior two years;
 - ☐ Attach statement of earnings for the current year; OR
 - ☐ If self-employed, attach verified income and expense statements for prior two years;
 - ☐ Attach tax returns for prior two years; and
 - ☐ Attach documentation about health insurance if applicable.
- ☐ **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.

- ☐ **Order Modifying Custody and Child Support.**
- ☐ **Order for Income Withholding.**

Copies and Envelopes:

- ☐ Take an original and two 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 Modifying Custody and Child Support** to you.
- ☐ Take an envelope addressed to the Respondent with postage for the Clerk to mail a copy of the **Order Modifying Custody and Child Support** to the Respondent.
- ☐ Mail a copy of the other forms 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 Child Support**.

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:

Be on time, dress respectfully, and do the following:

- ☐ Tell the Judge that that you meet the requirements for a modification of a custody and child support order.
- ☐ Tell the Judge you have calculated child support based on the net income of the parties
- ☐ Tell the Judge if the children are receiving public benefits.

- ☐ Give the **Order Modifying Custody and Child Support** to the Judge. The Judge will make any necessary changes to the **Order Modifying Custody and Child Support** and sign it.

Your custody and child support order will be modified when the Judge signs the Order Modifying Custody and Child Support and it is filed with the Clerk of District Court.

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, 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.

- ☐ **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 and Counterclaim**. You do not need to complete this form if the Respondent only filed a *Response*.
 - ☐ 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** (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** to you.
- ☐ Take an envelope addressed to the Respondent with postage for the Clerk to mail a copy of the **Order Setting Modification Trial** to the Respondent.
- ☐ Mail a copy of the **Request for Setting** to the Respondent and keep a copy for your records.

Pretrial Disclosures

- ☐ File at least **30 days** before the trial date, unless otherwise ordered by the court.
- ☐ Take original and two copies to the Clerk for filing.
- ☐ Mail copy to the Respondent and keep a copy for your records.

Request a Court Reporter

If you want the trial to be recorded by an official court reporter, provide notice to the court reporter as soon as possible, but no later than three working days before the trial. You can notify the court reporter by phone, email, or by submitting a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.

- ☐ Request a court reporter.

Attend the Trial:

Present your evidence and witnesses. When attending court, dress in a respectful and neat manner. Wear clean, conservative clothing such as a collared shirt, slacks, or a modest dress. Avoid casual or revealing attire like jeans, shorts, t-shirts, or flip-flops. Dressing appropriately shows respect for the Court.

Decision by Judge:

The Court will tell you at the end of the trial if it will prepare the **Order Modifying Custody and Child Support** or if it wants you or the other party to prepare the **Order Modifying Custody and Child Support** and the terms to include in it. Have a blank **Order Modifying Custody and Child Support** ready to fill out in case the Judge asks you to prepare the **Order Modifying Custody and Child Support**. This way, you can fill it out as he/she gives their ruling.

- ☐ **Order Modifying Custody and Child Support** (Unless the Court is preparing this for you.)
- ☐ **Order for Income Withholding.**

Copies and Envelopes:

- ☐ Take an original and two 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 Modifying Custody and Child Support** to you.
- ☐ Take an envelope addressed to the Respondent with postage for the Clerk to mail a copy of the **Order Modifying Custody and Child Support** to the Respondent.
- ☐ Mail a copy of the other forms 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 Modifying Custody and Child Support and it is filed with the Clerk of District Court.