

PLAINTIFF 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 **Complaint for Divorce**.

NOTE: The person who starts the divorce is called the Plaintiff and will be the Plaintiff throughout the case.

Before filling out the forms, make sure you meet the qualifications to file for divorce in Wyoming. To file a complaint, one of the following conditions must apply:

- 1. You or your spouse must have lived in Wyoming for at least 60 days immediately before filing.**
- 2. You were married in Wyoming, and either you or your spouse has lived in Wyoming ever since.**

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.

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:

- 1. Review the Overview form:** This form gives you a basic understanding of the divorce process.
- 2. Familiarize yourself with the List of Forms – Plaintiff Divorce:** Look at the list of all the forms included in this packet.
- 3. Go through the Checklist for Plaintiff Divorce:** This checklist will help you understand which forms you need to complete and file.

By reviewing these documents first, you will have a better idea of the process for getting a divorce.

Step 2: File your divorce case

Documents to Complete:

1. **Complete the Complaint for Divorce:** The first step in starting a divorce case is to file a Complaint for Divorce. This is a written request to the Court for a divorce. The person who starts the divorce is called the Plaintiff and will be the Plaintiff throughout the case.

NOTE: Do not sign the Complaint for Divorce 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.

2. **Complete the Vital Statistics Form:** Complete all parts of the form. **DO NOT LEAVE ANY SECTIONS BLANK.** If a section does not apply to you, write "N/A" (not applicable).
3. **Complete the Summons:** Complete the top section of page 1 of the Summons. This includes: the county, the judicial district, the names of the plaintiff and defendant, and the defendant's contact information. The Clerk of Court will complete the rest of the document and issue the Summons.

Number of Copies:

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, and the other copy will need to be served on the Defendant.

Where to File:

You will file your case only with the Clerk of District Court's Office in the county where either you or your spouse lives. You'll usually find their office in the county courthouse or a branch of the courthouse. You can find a list of court locations by visiting the Wyoming Judicial Branch website. <https://www.wyocourts.gov/find-a-court/>

File Your Documents:

1. Bring the original and two copies of the follow documents to the Clerk of District Court:
 1. **Complaint for Divorce**
 2. **Vital Statistic Form**
 3. **Summons**
2. Pay the Filing Fee. A filing fee is required to open a divorce case. Ask the Clerk about the amount and acceptable forms of payment. If you cannot afford the filing fee, you may want to review Family Law Packet 10, which includes information about requesting a waiver of filing fees.

NOTE: When you file your divorce papers with the Clerk of the District Court, they will assign a case number to your lawsuit. You must include this case number on all future documents related to your case. The case number should be placed in the "caption" at the top of each document. The caption also includes your name (as the Plaintiff), your spouse's name (as the Defendant), the name of the court, and the case number. This ensures that all documents are correctly identified and filed under your case.

Step 3: Serve the Defendant

Your spouse, the person you are filing for divorce against, is called the **Defendant**, and they will stay the Defendant throughout the case. The Defendant may or may not respond to the Complaint for Divorce by filing an **Answer**.

After you file your case with the Clerk of District Court, a file-stamped copy of the paperwork must be formally given to the Defendant. This is called serving the papers. You do this by serving a file-stamped copy of the **Summons** and the **Complaint for Divorce** to the Defendant, or by having the Defendant sign an **Acknowledgment and Acceptance of Service** form. This proves to the Court that the Defendant received the papers. You must have the Defendant served within 90 days from the date you filed the Complaint for Divorce. If you don't serve the Defendant within 90 days, the court may dismiss your case.

NOTE: When you file your Complaint for Divorce with the clerk's office, you might receive a "Notice of Assignment of Judge." This form will tell you which judge has been assigned to your case. If you receive this form, make sure to include it with the forms that you serve on the Defendant.

How to Serve the Defendant: Choose **ONE** of these options:

Option 1: Service by Sheriff

It's usually best to have a Sheriff in the county where the Defendant lives serve the papers. In Wyoming this service typically costs around \$50. You can contact the Sheriff's department in the county where the Defendant will be served to find out what fees will be charged for service. Provide the Sheriff with the file-stamped **Summons** and the **Complaint for Divorce**. The Sheriff will complete a form called the "Return" or an "Affidavit of Service" and file the original with the Clerk. Either the Sheriff's office or the Clerk will give you a copy.

NOTE: If you receive the original return, call the Clerk's office to check if it has been filed. If it hasn't, you **MUST** file it with the Clerk yourself.

Option 2: Acknowledgement and Acceptance of Service:

If the Defendant agrees, they can sign a form saying they received the papers. Complete an **Acknowledgment and Acceptance of Service** and give it to the Defendant along with a file-stamped copy of the Complaint for Divorce and the Summons. The Defendant will need to sign the Acknowledgment and Acceptance of Service in front of a notary.

After the Defendant has signed the Acknowledgment and Acceptance of Service, you will need to make two copies.

Take the original and the two copies of the Acknowledgment and Acceptance of Service and the Summons to the Clerk's office. The Clerk will file stamp all of the documents and keep the original to file in the case. Keep one copy for yourself and give one copy to the Defendant.

Proof of Service: The Court needs to receive proof that the Defendant was properly served. This can be done in two ways: 1) either the Sheriff sends the original return directly to the Court, or you file it yourself, or 2) if the Defendant agrees, you or the Defendant can file a signed Acknowledgment and Acceptance of Service signed by the Defendant and the original Summons. This ensures the Judge knows the Defendant received the papers.

NOTE: There are other ways to serve the papers, but these two are the easiest. If you can't serve the Defendant using these methods, or if you can't find the Defendant to have them served. There are also additional forms and instructions for other types of service in Family Law Packet 10 on the Wyoming Judicial Branch website or at the Clerk of District Court's office.

STOP - WAIT FOR DEFENDANT'S RESPONSE

Information on Defendant's time to Answer:

After serving the Defendant, they have a certain amount of time to respond to the Complaint for Divorce. If they were served in Wyoming, they have 20 days to respond. If they were served out-of-state, they have 30 days to respond. You must wait for this time to pass before moving forward with the divorce, even if the Defendant says they won't respond.

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: While you wait, you can move on to **Step 4** and start working on your Initial Disclosures.

Step 4: Initial Disclosures

DO NOT FILE INITIAL DISCLOSURES WITH THE CLERK OF DISTRICT COURT

Send Initial Disclosures Directly to the Other Party:

The law requires you to share certain information with the other party within 30 days after the Defendant's 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 wait to provide 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 Defendant (or their lawyer) within 30 days after the Defendant is supposed to respond to your complaint. Here's how to figure out the date:

1. Start with the date the Defendant was served with the **Complaint**: _____
2. Next, figure out when the Defendant has to file an **Answer**: (Choose One)
 - a) If they were served in Wyoming, add 20 days to the date in #1: _____
 - OR**
 - b) If they signed an **Acknowledgment and Acceptance of Service**, add 20 days to the date in #1: _____
 - OR**
 - c) If they 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 Defendant must send each other your completed Initial Disclosures.

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

Step 5: Moving Your Case Forward

Once the time for the Defendant to respond has passed and you've sent your Initial Disclosures, there are several options to move your case forward to get a **Decree of Divorce**.

Choose the Best Option for Your Situation:

Option A: If the Defendant filed an Answer or Answer and Counterclaim, and you both agree on everything, follow Option A.

Option B: If the Defendant DID NOT file an Answer or Answer and Counterclaim, follow Option B.

Option C: If the Defendant filed an Answer or Answer and Counterclaim, but you don't agree on everything, follow Option C.

Option A. The following instructions apply if the Defendant filed an Answer or Answer and Counterclaim, and you both agree on all of the issues of your divorce.

Documents to Complete:

1. **Affidavit for Divorce Without Appearance of Parties.** This form gives the Court the evidence it needs to issue a **Decree of Divorce** without you having to go to a hearing. (The Judge may still require a hearing in some situations.)
2. **Decree of Divorce.** This form will need to be filled out completely, signed by both you and the Defendant 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.**

Copies and Envelopes

Bring the original and two copies of each document to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you, and one addressed to the Defendant), with enough postage to mail the Decree of Divorce to both of you.

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

If a Hearing is Required:

If a hearing is **NOT** required by your Court, the Clerk will mail a copy of your **Decree of Divorce** (to both parties) if accepted by the Court.

NOTE: It is important to keep the Court updated with any changes in contact information, especially mailing addresses

In some cases, a hearing is required before the Judge will sign the **Decree of Divorce**. If a hearing is required, follow these steps:

1. Complete the **Request for Setting**.
This form is a request to the Court for a hearing. If you and the Defendant have reached an agreement, check the box that indicates this. Specify how much time you will need for the hearing (usually 15 minutes if there is an agreement).
2. Complete the **Order Setting Hearing**.
Complete the top section of page one of the Order Setting Hearing. 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. File the **Request for Setting and Order Setting Hearing** and provide the Clerk with two addressed, stamped envelopes (one for you and one for the Defendant).

NOTE: The Court will fill in the hearing date and time and mail a copy to you and the Defendant.

Evidence at the Hearing:

At the hearing, you need to tell the Judge:

1. Either you or your spouse has lived in Wyoming for at least 60 days before you filed for divorce, **or**
2. You and your spouse were married in Wyoming, and at least one of you has lived in Wyoming since the date of the marriage.

You also need to explain:

1. Why you want a divorce (irreconcilable differences).
2. Why the agreement you reached about property and debts (who gets what) is fair.

Give or submit the **Decree of Divorce** to the Clerk. The Judge may ask you questions but will not guide you through the hearing, give you legal advice, or tell you what to say or how to present your evidence. After the hearing, the Judge will make any necessary changes to the **Decree of Divorce** and sign it.

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 the Defendant does not file an Answer or Answer and Counterclaim, obtain a default divorce by following these steps:

A default divorce occurs when one spouse files for divorce, but the other does not respond within the required time. As a result, the court may grant the divorce based on the filing spouse's terms without the other spouse's input.

Default Divorce: If the Defendant does **NOT** file an Answer or Answer and Counterclaim to the Complaint for Divorce by the deadline, you can get a default entered against them.

Documents to Complete:

1. **Application for Entry of Default**
2. **Affidavit in Support of Default**
3. **Entry of Default**

Copies and Envelopes:

Complete and sign the Application for Entry of Default and the Affidavit in Support of Default and take the original and two copies of these documents to the Clerk along with Entry of Default. Complete the top section of the Entry of Default. This includes the county, the judicial district, the names of the plaintiff and defendant. If your paperwork is correct, the Clerk will sign the Entry of Default.

Documents to Complete After the Entry of Default is Signed by the Clerk:

1. **Affidavit for Divorce Without Appearance of Parties.** This form gives the Court the evidence it needs to issue a Decree of Divorce without you having to go to a hearing. (The Judge may still require a hearing in some situations.)
2. **Decree of Divorce.** Make sure to complete this form completely, check the box for "Default," and have the document notarized.

Copies and Envelopes

Bring the original and two copies of each document to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you, and one addressed to the Defendant), with enough postage to mail the Decree of Divorce to both of you.

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

If a Hearing is Required:

If a hearing is **NOT** required by your Court, the Clerk will mail a copy of your Decree of Divorce (to both parties) if accepted by the Court.

In some cases, a hearing is required before the Judge will sign the Decree of Divorce. If a hearing is required, follow these steps:

1. Complete the **Request for Setting**.
This form is a request to the Court for a hearing. Specify how much time you will need for the hearing (usually 15 minutes if there is an agreement).
2. Complete the **Order Setting Hearing**.
Complete the top section of page one of the Order Setting Hearing. 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. File the **Request for Setting and Order Setting Hearing** and provide the Clerk with two addressed, stamped envelopes (one for you and one for the Defendant).

NOTE: The Court will fill in the hearing date and time and mail a copy to you and the Defendant.

Evidence at the Hearing:

At the hearing, you need to tell the Judge:

1. Either you or your spouse has lived in Wyoming for at least 60 days before you filed for divorce, **or**
2. You and your spouse were married in Wyoming, and at least one of you has lived in Wyoming since the date of marriage.

You also need to explain:

1. Why you want a divorce (irreconcilable differences)
2. Why the division of property and debts (who gets what) is fair.

Give the **Decree of Divorce** to the Judge. The Judge may ask you questions but will not guide you through the hearing, give you legal advice, or tell you what to say or how to present your evidence. After the hearing, the Judge will make any necessary changes to the **Decree of Divorce** and sign it.

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 C. If the Defendant filed an Answer or Answer and Counterclaim, and you and the Defendant 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 law and follow the court rules.

Documents to Complete:

1. **Reply to the Counterclaim.**

If the Defendant files an **Answer and Counterclaim** for divorce, you have a time limit (**usually 20 days**) to file a written response, called a **Reply to Counterclaim**. You must file the original signed copy with the Clerk and send a copy to the Defendant (or their attorney).

NOTE: If you do not file the original Reply to Counterclaim with the Clerk within the time allowed, the Defendant can seek a default against you and may get what they asked for in their Counterclaim.

2. 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).

3. Complete the **Order Setting Divorce Trial**.

Complete the top section of page one of the Order Setting Divorce. 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. Unless the Court says otherwise, you must follow Rule 26.1 of the Wyoming Rules of Civil Procedure.

4. Provide the Clerk with two addressed, postage paid envelopes (one for you and one for the Defendant).

NOTE: Any documents you file (except the Decree of Divorce) must be sent to the Defendant 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 Defendant (or their attorney).

Trial Information:

Settlement Before Trial:

If you settle your case before trial, you must file a completed and signed **Decree of Divorce** with the Court. The trial will only be canceled 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.

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

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:

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.