

INSTRUCTIONS FOR
GIVING THE COURT
NOTICE OF INCARCERATION OR IMPRISONMENT

For help in developing a safety plan or learning about protection orders, contact your local domestic violence program. You can call the **Wyoming Coalition Against Domestic Violence and Sexual Assault at (307) 755-0992** or the **Wyoming Division of Victim's Services at (888) 996-8816** or the **National Domestic Violence Hotline at (800) 799-SAFE (7233) or (512) 453-8117** (multi-lingual advocates are available); TTY: **(800) 787-3224**.

You can also get information from the Wyoming Coalition Against Domestic Violence and Sexual Assault website: **<https://www.wyomingdvsa.org/programs>**

READ THESE INSTRUCTIONS CAREFULLY.

If all of the following information is true, you might choose to file this form.

- There is a current Domestic Violence Order of Protection that was issued by a Wyoming court or is registered with a Wyoming court.

Important Note: It does not matter if you are the Petitioner named on the Order of Protection. This Notice can be filed by the Petitioner **OR** by anyone else who has information about the Respondent.

- The person the protection order is against (the Respondent) is in jail or prison, or recently was in jail or prison.

Important Note: It does not matter why the Respondent went to jail/prison. You can use this form even if the jail/prison time did not have anything to do with you, the Petitioner, or the protection order.

Why would you choose to file this form?

According to Wyoming law (Wyoming Statute 35-21-106(b)(ii)), a Domestic Violence Order of Protection **tolls** when the Respondent is in jail or prison. **Tolling** means the protection order will last longer than was originally planned. This is done to help protect the Petitioner after the Respondent gets out of jail/prison.

Tolling happens automatically, but the Order the Court issued won't show the new expiration date. The Court needs to know the Respondent went to jail/prison. You can use this Notice of Incarceration or Imprisonment to let the Court know about that.

Important Note: **Tolling** the Order is different from getting the Order **Extended**.

If the Petitioner wants to ask the Court to extend the Order, the Petitioner can use the Motion to Extend Order of Protection. Only use this Notice of Incarceration or Imprisonment if the Respondent went to jail/prison while the Order of Protection was in effect.

The top of the page on a Notice of Incarceration or Imprisonment.

The top of the page has blanks for the name of the county that the Court is in (for example, County of Big Horn) and the number of the judicial district (for example, Fifth Judicial District). This information will be at the top of the first page of the Order of Protection.

The next blanks are for the name of the Petitioner and the name of the Respondent.

The person who received the protection order is the **Petitioner**.

The person the protection order is against is the **Respondent**.

You might not be either of those people, and that is okay. If you are not the Petitioner or the Respondent, your name does not go here at the top of the page.

There is also a blank for the Case Number. The Case Number will be at the top of the first page of the Order of Protection. The Case Number may include letters. If you do not know the Case Number, leave this blank.

Next, you'll see the title of the document: Notice of Incarceration or Imprisonment.

After the title, there is a section with just one blank. This section makes it easy for the judge to read the statute, and it lets the judge know that you believe the statute applies to this situation. Write your name in the blank after the word "I" so the judge will know you are the person giving this information to the Court.

Next, you'll see the line **I ask this Court to take notice of the following**. After this sentence, you will need to fill in as much information as you have. The information you give here will help the Court figure out if the statute does apply to this situation and, if so, what the new expiration date will be for the Order of Protection.

- You can find the issue date for the Order of Protection by looking at the file stamp at the top of the first page of the Order. If you do not know the issue date, leave this empty.
- The expiration date will be clearly stated somewhere in the Order, probably on the first or second page. If you do not know the expiration date, leave this empty.
- If you know when the Respondent went to jail/prison, write the date in the blank.
 - If you know the date is correct, place a mark by "This is an exact date."
 - If you're giving your best guess about the date, mark "This is an approximate date."
 - If you do not know when the Respondent went to jail/prison, you can leave the blank empty and mark "I do not know the date."
- Fill in as much information as you know about where the jail or prison is located.

Next, there will be a section with lots of check boxes. Check as many as you need to check to give the Court all the information you have about the Respondent's incarceration/imprisonment.

When you get to the end of the form, fill in the date, month, and year.

Review your answers carefully before you sign. By signing the form, you are telling the

Court that you believe everything you wrote on the form is true. You will sign on the line labelled Signature of Person Submitting the Notice.

On the next line, print your name neatly.

The final line is for you to give the Court information about how to contact you, in case the judge has questions. Provide information that you are comfortable sharing. **The Respondent will see this information. Do not provide information that is confidential (secret).**

Important Things You Need to Know

How do I find out the location and dates of the Respondent's time in jail/prison?

Getting information on where and when a person is incarcerated or imprisoned can be difficult. This form **does not require** you to have this information. For help getting information about the Respondent's incarceration/imprisonment, you can try contacting:

- Victim Assistance providers in your county
 - <https://dvs.wyo.gov/victim-service-providers>
- Wyoming Coalition Against Domestic Violence and Sexual Assault
 - (307) 755-0992
- Wyoming Division of Victim's Services
 - (888) 996-8816

What will happen after I file this form?

After you file this Notice, the Court will determine whether the law about tolling applies to this situation. If it does apply, the judge will use the law to figure out the new expiration date for the Order of Protection.

The Court will issue an Order that states the new expiration date. The Petitioner should always carry the Order Setting New Expiration Date **and** the original Order of Protection. This will make it easier for police or sheriff's officers to enforce the Order if they are called for help. It is also a good idea for the Petitioner to keep pictures that show every page of the Order Setting New Expiration Date **and** the original Order of Protection.