

INSTRUCTIONS FOR SUMMONS, RETURN, AND AFFIDAVIT OF SERVICE IN A SMALL CLAIMS CASE IN WYOMING

Read these instructions carefully.

The Summons, Return, and Affidavit of Service are used when you file a small claims case in the Court. These forms will be used with the Small Claims Affidavit.

You can find the form and instructions for a Small Claims Affidavit on the Wyoming Judicial Branch website.

Before You Get Started

You can start a Court case to ask for money that is owed to you by filing a Small Claims Affidavit. Return to these instructions after you fill out the Small Claims Affidavit.

When you are ready to file the Small Claims Affidavit, you will also need a *Summons* and the *Return of Service* and *Affidavit of Service*. You will take the Summons and the Return and the Affidavit of Service to the courthouse when you file the Small Claims Affidavit.

The Summons

You will know you are looking at the Summons if the title of the document, between the two long bars on the page, says Small Claims Summons.

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). When you file the Small Claims Affidavit, the Clerk of Circuit Court can give you this information.

The next blanks are for the name of the Plaintiff and the name of the Defendant. Fill these in exactly the same way you did on the Small Claims Affidavit.

The next blank is for the Case Number. When you file the Small Claims Affidavit, the Clerk of Court will give you the case number. Write the Case Number on the Summons. (The Case Number might contain letters.)

DO NOT write anything else on the Summons. The Clerk, or someone else at the Court, will fill out the rest of the page.

The Return of Service and the Affidavit of Service

Do not write anything on the Return of Service or the Affidavit of Service.

The Defendant must be given a complete copy of the Small Claims Affidavit and a complete copy of the Summons. In a small claims case, the Court is responsible for making sure these documents are given to the Defendant. The Clerk might use the Return of Service or the Affidavit of Service to record where and when the documents were given to the Defendant.

To help this process, you will provide a **blank** Return of Service and a **blank** Affidavit of Service to the Court when you file your Small Claims Affidavit.

Summary

- Take the complete Small Claims Affidavit and a Summons and a blank Affidavit of Service and a blank Return of Service to the Clerk of Circuit Court.
- The Court will give copies of the documents to the Defendant.

Important Things You Need to Know

What happens after I file my Affidavit?

The Court will schedule a hearing (meeting) to give you and the Defendant a chance to tell a judge about this situation. When you go to the hearing, take with you all of the evidence that you have to help prove your claim. Also take with you any witnesses who can give testimony about your claim. The Defendant will also be expected to take their evidence and witnesses to the hearing.

Important Note: A witness giving testimony will be under oath when talking to the judge about your claim. There may be criminal consequences for any witness who does not tell the truth.

After the hearing, the judge will issue a *Judgment and Order* that explains what the judge has decided. You and the Defendant will be required to abide by the Judgment and Order. That means you will both have to do what the Judgment and Order says.

How will I know when the hearing is going to happen?

The Court will give you and the Defendant a **completed** Summons. The Summons will tell both of when and where the hearing is going to happen.

Who can help me with these forms?

It is important for you to know that Court Clerks are not allowed to help you fill out these forms. Here are some free resources that can help:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with

a lawyer. 1-877-432-9955. This service is for people who have limited income and limited assets.

- Wyoming Free Legal Answers. This website gives you a chance to privately ask questions about your situation and then receive answers from a lawyer. <https://wyoming.freelegalanswers.org/> This service is for people who have limited income and limited assets. The volunteer lawyers on the website cannot assist with business matters, which includes owning or managing rental properties.
- Volunteer Reference Attorney Program. This program lets you have a short informational meeting with a lawyer. You can learn about the locations and dates by checking the calendar on the Equal Justice Wyoming website. This service is for people who have limited income and limited assets. Volunteer Reference Attorneys cannot assist with business matters, which includes owning or managing rental properties.

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-632-9061 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

Where can I read the Wyoming laws about small claims cases?

These laws are found in Wyoming Statutes Title 1, Chapter 21, Article 2.

You can read them online by visiting the Wyoming Legislative Service Office website (<https://wyoleg.gov/>) or you can look at statute books at your local library.