CHECKLIST FOR
DEFENDANT DIVORCE WITH MINOR CHILDREN

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

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:

- **Overview**
- **List of Forms- Defendant Divorce with Minor Children**
- **Defendant's Family Law Information and Instructions**

STEP 2: Responding to the Complaint

If you received a **Summons** and **Complaint for Divorce** or if you signed an **Acknowledgement and Acceptance of Service**, you need to file one of the following:

☐ **Answer**;

OR

☐ **Answer and Counterclaim**

☐ Take the original and two copies of all forms to the Clerk of District Court for filing. Mail a copy to the Plaintiff and keep one for yourself.

☐ Mail a copy to the Plaintiff and keep a copy for your records.

STEP 3: Financial Disclosure

File a **Confidential Financial Affidavit** along with the required attachments. This can be done simultaneously with Step 2.

☐ **Confidential Financial Affidavit**

- ☐ **If employed**, attach tax returns for past two years; and
- ☐ Attach statement of earnings for the current year; and
- ☐ Attach documentation about health insurance if applicable.

OR

- ☐ **If self-employed**, attach verified income and expense statements for past two years; and
- ☐ Attached tax returns for past two years.
- ☐ Attach documentation about health insurance if applicable.

STEP 4: Initial Disclosure
Send the Initial Disclosures to the Plaintiff within 30 days after being personally served or signing the Acknowledgment and Acceptance of Service. **DO NOT** file these with the Court.

- ☐ Send **Initial Disclosures** to the Plaintiff within **30 days** after you were personally served.

STEP 5: Agreement on Decree Terms
If you and the Plaintiff agree on all terms in the Decree of Divorce, sign it in front of a Notarial Officer or the Clerk. Each page should be initialed by both you and the Plaintiff. The Judge will sign the Decree, and a copy will be mailed to you.

- ☐ Sign the **Decree of Divorce**
- ☐ A copy will be mailed to you if the Judge signs the Decree of Divorce.

Your divorce will be complete when the Judge signs the Decree of Divorce, and it is filed with the Clerk of District Court.

STEP 6: Trial Preparation (If you can't reach an agreement.)
If you and the Plaintiff don't agree on all issues the following steps are needed.

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.

Request a Trial Date
If the Plaintiff has **NOT** requested a trial date, you must request one.

- ☐ **Request for Setting.**
- ☐ **Order Setting Divorce 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 Divorce Trial to you.
- ☐ Take an envelope addressed to the Plaintiff with postage for the Clerk to mail a copy of the Order Setting Divorce Trial to the Plaintiff.
- ☐ Mail a copy of the **Request for Setting** to the Plaintiff 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 Plaintiff 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:

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

- ☐ Tell the Judge that either 1) you or your spouse have lived in Wyoming for at least 60 days immediately before you filed the Complaint for Divorce, or 2) you and your spouse were married in Wyoming and at least one of you has lived in Wyoming ever since.
- ☐ Tell the Judge that there are irreconcilable differences in the marriage (why you want a divorce.)
- ☐ Tell the Judge why the division of property and debts (who gets what) that you are asking for is fair.
- ☐ Tell the Judge why the plans for the children that you are asking for are in the children's best interest.
- ☐ Present any evidence and witnesses to support what you are requesting.

Decision by Judge:

The Court will tell you at the end of the trial if it will prepare the Decree of Divorce or if it wants you or the other party to prepare the Decree of Divorce and the terms to include in it. Have a blank Decree of Divorce ready to fill out in case the Judge asks you to prepare the Decree of Divorce. This way, you can fill it out as the Judge gives their ruling.

- ☐ **Decree of Divorce with Children** (Unless the Court is preparing this for you.)
- ☐ **Order for Income Withholding.**

The Court may also require these additional forms (or others) depending on the county where your case is filed. **DO NOT** COMPLETE THESE FORMS UNLESS REQUIRED.

☐ **Certificate of Completion of a Parenting Class** (If you are required to complete a parenting class, the instructor for the class will give you this form for you to file with the Clerk.)

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 Decree of Divorce to you.
- ☐ Take an envelope addressed to the other party with postage for the Clerk to mail a copy of the Decree of Divorce to the other party.
- ☐ Mail a copy of the other forms to the Plaintiff and keep a copy for your records.

Your divorce will be complete when the Judge signs the Decree of Divorce, and it is filed with the Clerk of District Court.