Overview: Divorce with Children for Self-Represented Litigants

If you are handling your own divorce with children without an attorney, you are considered a "self-represented litigant" or "pro se litigant." This guide, often called the "pro se divorce packet," is designed to help you through the process.

This packet is most likely to be helpful if you and your spouse already agree on all the important decisions that must be made. This includes:

- How you will divide your money and property.
- How you will share your parenting time and responsibilities.
- What will be the correct amount of child support based upon the Wyoming Child Support Calculator found at https://childsupport.wyoming.gov/calculator/index.html.
- Whether anyone will receive spousal support (also called alimony).

Important Information

- **Forms:** The forms included may no longer be up-to-date or accurate. Be sure you are using the most current packet.
- **Completeness:** Fill out all forms completely and correctly. Judges will not sign incomplete or incorrect orders and cannot provide legal advice. If a section does not apply to you, write "N/A."
- **Responsibility:** You must follow all laws and rules. Court employees, including staff in the Clerk of District Court's office, cannot give legal advice. You must decide which forms apply to your case and situation. You are responsible for taking the necessary steps to move your case through the court process.
- **Judges:** The judge cannot answer your questions or assist you directly. Ex parte communication is communication with the judge by a party without the other party being present. Ex parte communication is not allowed. If you need to communicate with the judge, you must submit a written statement, called a Motion, with the Court, and provide notice to the other party. If you need a hearing, you must also file a Request for Setting with the Court. A blank Motion form can be found in Packet 10 of the Family Law Forms on the Wyoming Judicial Branch website, and a Request For Setting form can be found in the Divorce Packet.

This Packet May Not Be a Good Solution for Everyone

It is important to understand that the forms in this packet cannot resolve some complex issues or help you and your spouse get along. Not every situation can be addressed with these forms. Some cases are very difficult to handle on your own, and if your situation involves any of the following, you may want to seek professional help from an attorney:

- Disagreements about your children, property, or finances
- A history of domestic violence
- Harassment or coercion (convincing someone to do something they don't want to do)
- Retirement benefits
- Health insurance
- Bankruptcy
- Personal injury claims
- Business ownership
- Significant assets or debts
- Real estate ownership

This packet is not legal advice and cannot replace the assistance a lawyer can provide. If your divorce is complicated, involving significant financial matters, real estate, and/or complex child custody arrangements, it is wise to consider consulting an attorney. Additionally, federal laws may affect the division of retirement or employment-related benefits. Your settlement terms may not be honored by employers or plan administrators if your divorce decree is not properly completed, or if a "qualified domestic relations order" (QDRO) is needed. There could also be tax implications that you might not be aware of, making legal guidance even more important.

Domestic Violence

If you are a victim of domestic violence or have concerns about confidentiality, consider seeking professional help. You can find assistance by contacting the Wyoming Division of Victim's Services at 888-996-8816 or the National Domestic Violence Hotline at 800-799-7233 (TTY: 800-787-3224), where multi-lingual advocates are available. Confidentiality concerns should be addressed with the guidance of an attorney to ensure your protection throughout the process.

Resources

Below is a list of additional resources that may assist you:

- **Legal Aid of Wyoming:** 1-877-432-9955
- **Wyoming State Bar Lawyer Referral Service:** 1-307-632-9061, https://www.wyomingbar.org/
    - Attorneys with the Lawyer Referral Service charge for their services.
- **Equal Justice Wyoming:** https://www.wyocourts.gov/legal-help/
- **Wyoming Court Navigator:** https://www.wyocourts.gov/court-navigator-services/
- **Wyoming Laws:** Title 20 of Wyoming Statutes (divorce laws) and the Wyoming Rules of Civil Procedure (especially Rule 26 (1.1)) can be found online at https://www.wyocourts.gov/legal-help/legal-resources/ using the links under "Wyoming State Statutes" and "Wyoming Court Rules."

Truthfulness and Accuracy

Be completely honest when filling out forms. Lying to or misleading the court can lead to penalties. For more information regarding representations to the court and perjury, review the Wyoming Rules of Civil Procedure Rule 11 and Wyoming Statute § 6-5-301.

Equal Standards

Judges are not allowed to help you or make things easier for you, even though you don't have a lawyer. You are expected to follow the same rules and procedures that lawyers follow when they represent someone. The Wyoming Supreme Court states: "A pro se litigant will be granted no greater right than any other litigant and must expect the same treatment as if represented by an attorney."

Final Notes

- **Protection Orders:** If you want to ask the Court for an Order of Protection for domestic violence, stalking, or sexual assault, you can get a free packet of forms from the circuit court clerk's office. You may also want to contact the Wyoming Coalition Against Domestic Violence & Sexual Assault for additional assistance.