CHECKLIST FOR
PLAINTIFF DIVORCE WITH NO 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- Plaintiff**
- **Plaintiff's Family Law Information and Instructions**

STEP 2: Filing Your Divorce

File your divorce in the District Court where either you or your spouse resides within Wyoming. Bring an original and two copies of all forms with you when you file your case. The Clerk will keep the original, you keep one copy, and the other copy is for serving the Defendant as described in **Step 3**.

☐ **Complaint for Divorce**
☐ **Vital Statistics Form**
☐ **Summons**
☐ Pay filing fee (check with Clerk for amount and payment options)

STEP 3: Serving the Defendant

Choose one option:

- If the Defendant signed the **Acknowledgement and Acceptance of Service** form:

  ☐ File original **Acknowledgment and Acceptance of Service** form; and
  ☐ File original **Summons** with the Court.

- If the Defendant was personally served by the Sheriff:

  ☐ File original **Summons** and the **Return or Affidavit of Service** (completed by Sheriff) with the Court.

STOP: Wait for Defendant's Answer

Wait for the Defendant to file an **Answer** to the **Complaint**.

If the Defendant was personally served in Wyoming or signed an **Acknowledgement and Acceptance of Service**: wait 20 days.

☐ **20 days have elapsed.**

OR

If the Defendant was personally served outside Wyoming: wait 30 days.

☐ **30 days have elapsed**.

STEP 4: Initial Disclosures

☐ Send the **Initial Disclosures** to the Defendant within 30 days after the Defendant's Answer is due. **DO NOT** file the initial disclosures with the Court.

STEP 5: Moving Your Case Forward
There are three options to choose from on this step depending on your situation. Review each option carefully and pick the option that best describes your situation.

Option A: If the Defendant filed an **Answer** or **Answer and Counterclaim** and you both agree on all issues, complete **Option A.**

Option B: If the Defendant did not file an **Answer** or **Answer and Counterclaim**, complete **Option B**.

Option C: If the Defendant filed an **Answer** or **Answer and Counterclaim** and you do NOT agree on all issues, complete **Option C**.

OPTION A: If the Defendant filed an **Answer** or **Answer and Counterclaim** and you both agree on all issues, fill out and file the following documents to finish your Divorce:

☐ **Reply to Counterclaim**. If the Defendant filed an **Answer and Counterclaim**, you **must** file a **Reply to Counterclaim** within **20 days** from the date the Defendant filed the **Answer and Counterclaim**. You do NOT need to complete this form if the Defendant only filed an **Answer**.

<u>Additional Forms That May Be Needed</u>:

☐ **Affidavit for Divorce Without Appearance of Parties.** Use this form only if both parties have reached an agreement and have signed

the **Decree of Divorce**, or if one party has defaulted and all required default paperwork has been filed with the court, including an **Entry of Default**.

- ☐ **Decree of Divorce.** Sign the **Decree of Divorce** in front of a Notarial Officer or the Clerk. Each page will need to be initialed by both you and the defendant.

The Court may also require these additional forms (or others) depending on the county where your case is filed.

Copies and Envelopes:

- ☐ Take an original and two copies of each form to the Clerk for filing.
- ☐ One envelope addressed to you with postage for the Clerk to mail a **copy of the Decree of Divorce to you.**
- ☐ One envelope addressed to the Defendant with postage for the Clerk to mail a copy of the **Decree of Divorce** to the Defendant.
- ☐ Mail a copy of the other forms to the Defendant and keep a copy for your records.

Hearing:

Some Courts require a hearing before the Judge will sign the **Decree of Divorce**. If so, you will need to request that the Court set a date to hold the hearing.

- ☐ **Request for Setting.**
- ☐ **Order Setting Hearing** (Judge will fill out date and time.)
- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the **Order Setting Hearing** to you.
- ☐ Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the **Order Setting Hearing** to the **Defendant.**
- ☐ Mail a copy of the **Request for Setting** to the Defendant and keep a copy for your records.

Attend the Hearing:

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 settlement you reached (who gets what) is fair.
- ☐ Give the **Decree of Divorce** to the Judge. The Judge will make any necessary changes to the **Decree of Divorce** and sign it.

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

OPTION B. If the Defendant does NOT file an **Answer**, fill out and file the following documents to finish your Divorce:

- ☐ **Application for Entry of Default.**
- ☐ **Affidavit in Support of Default.**
- ☐ Take a blank **Entry of Default** for the Clerk to sign.
- ☐ **Affidavit for Divorce Without Appearance of Parties.**
- ☐ **Decree of Divorce.**

The Court may also require these additional forms (or others) depending on the county where your case is filed.

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 Defendant with postage for the Clerk to mail a copy of the **Decree of Divorce** to the Defendant.
- ☐ Mail a copy of the other forms to the Defendant and keep a copy for your records.

Hearing:

Some Courts require a hearing before the Judge will sign the **Decree of Divorce**. If so, you will need to request that the Court set a date to hold the hearing.

- ☐ **Request for Setting.**
- ☐ **Order Setting Hearing** (Judge will fill out date and time.)
- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the **Order Setting Hearing** to you.

☐ Take an envelope addressed to the Defendant with postage for the Clerk to mail a copy of the **Order Setting Hearing** to the Defendant.

☐ Mail a copy of the **Request for Setting** to the Defendant and keep a copy for your records.

Attend the Hearing:

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) is fair.

☐ Give the **Decree of Divorce** to the Judge. The Judge will make any necessary changes to the Decree of Divorce and sign it.

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

OPTION C. If the Defendant files an **Answer** or **Answer and Counterclaim**, and you both do NOT agree on all of the issues of your divorce, fill out and file the following forms and attend the trial to finish your Divorce:

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.

☐ **Reply to Counterclaim**. If the Defendant filed an **Answer and Counterclaim**, you **must** file a **Reply to Counterclaim** within **20 days** from the date the Defendant filed the **Answer and Counterclaim**. You do not need to complete this form if the Defendant only filed an Answer.

☐ Take original and two copies to the Clerk for filing.

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

Request a Trial Date

☐ **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 Defendant with postage for the Clerk to mail a copy of the **Order Setting Divorce Trial** to the Defendant.
- ☐ Mail a copy of the **Request for Setting** to the Defendant 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 Defendant 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.
- ☐ 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** (Unless the Court is preparing this for you.)

The Court may also require these additional forms (or others) depending on the county where your case is filed

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 Defendant with postage for the Clerk to mail a copy of the Decree of Divorce to the Defendant.
- ☐ Mail a copy of the other forms to the Defendant 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.