

CUSTODY AND CHILD SUPPORT MODIFICATION INFORMATION AND INSTRUCTIONS

CONFIDENTIALITY: If you have concerns about keeping information confidential, such as your address and/or social security number, please consult an attorney. You should also know that Domestic Violence Protection Orders or Stalking Orders are available free of charge at the circuit court clerks' offices. You may request assistance in obtaining Domestic Violence Protection or Stalking Orders from your local domestic violence or sexual assault program or you may call the Wyoming Coalition Against Domestic Violence & Sexual Assault (844) 264-8080 (toll free) or (307) 755-0992. There are also private attorneys who may be willing to assist clients in these matters. If you have ever obtained a Protection Order against the other party, this information should be indicated in the **Petition for Modification of Custody and Child Support**.

NOTE: The person who files the Petition for Modification of Custody and Child Support is called the Petitioner regardless of whether you were the Petitioner or the Respondent when the previous order was first entered. The other party will be referred to as the "Respondent."

This packet is to modify custody and child support. If you are modifying child support only, a separate packet is available.

Before filling out the forms, make sure you meet the qualifications to file for Modification of Custody and Child Support in Wyoming. To modify/adjust your current custody arrangement, you must show the Court that there has been a material change in circumstances.

1. **Material change in circumstances.** Under Wyoming law, a court may modify an existing custody, care, or visitation order only if two conditions are met:
 1. There has been a material change in circumstances since the entry of the original order, and
 2. The proposed modification is in the best interests of the child. (See Wyo. Stat. § 20-2-201(a)).

NOTE: A condition that already existed at the time the original custody order was entered does not count as a material change in circumstances.

2. **Burden of proof.** If you're the person requesting the modification, you are responsible for showing that a material change in circumstances has occurred since the last order was entered. This is your burden to prove to the court.
3. **Judges have broad decision-making authority.** Under Wyoming law, judges have broad discretion when making decisions related to custody, visitation, child support, and alimony. In every case, the court's primary concern is the welfare and needs of the children. It is up to the judge to determine what is in the best interests of the child, and once that decision is made, it is very difficult to overturn on appeal.

4. **Modifying child support.** In many cases, changes to custody may also require changes to child support. If that applies to your situation, this packet includes information and forms to request a modification of child support as well.

If you believe there has been a material change in circumstances that justifies a change to custody or support, you may proceed with completing and filing the forms in this packet.

Make sure to complete all the forms carefully. If any parts are left blank, the Judge may not accept them. Not all of the forms need to be completed at the same time. Read through the instructions for each step. There are some steps you must complete before moving on to the next step.

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:

1. Familiarize yourself with the **List of Forms – Petitioner Modification of Custody and Child Support**: Look at the list of all the forms included in this packet.
2. Go through the **Checklist for Petitioner Modification of Custody and Child Support**: This checklist will help you understand which forms you need to complete and file.
3. Review the **Petitioner Custody and Child Support Modification Information and Instructions**: This form provides detailed information and instructions for modifying child support.

By reviewing these documents first, you will have a better idea of the process for modifying custody and child support.

Step 2: File your petition

Documents to Complete:

1. **Complete the Petition for Custody and Child Support Modification**: The first step in starting a custody and child support modification case is to file a **Petition for Custody and Child Support Modification**. This is a written request to the Court for a modification of custody and child support. The person who starts the files the Petition is called the Petitioner and will be the Petitioner throughout the case.

NOTE: You will need to obtain a certified copy of your prior order granting custody. This can be obtained from the Clerk of District Court where the prior custody order was filed. This will be filed with your Petition for Custody and Child Support Modification.

NOTE: Do not sign the **Petition for Custody and Child Support Modification** until you are in front of the Clerk of Court or a Notary. The Clerk or the Notary must witness you

signing the form. Since each Clerk's office has its own rules, check with them first to see if they can notarize your signature before looking for a notary public elsewhere.

2. **Complete the Confidential Statement of the Parties for Child Support Order:** This form provides the Court with required personal information, like social security numbers and birth dates. The information will be kept confidential, so the public cannot see it.
3. **Complete the Summons:** Complete the top section of page 1 of the **Summons**. This includes: the county, the judicial district, the names of the Petitioner and Respondent, and the Respondent's contact information. The Clerk of Court will complete the rest of the document and issue the Summons.

Number of Copies:

Take the original and two copies of each document to the Clerk's office. The Clerk will stamp all the copies with the date they were filed. This is called a "file stamp." The original document will be filed with the Clerk. You should keep one copy for your records, and the other copy will need to be served on the Respondent.

Where to File:

You will file your case only with the Clerk of District Court's Office where the original order for Custody and Child Support was entered. You'll usually find their office in the county courthouse or a branch of the courthouse. You can find a list of court locations on the Wyoming Judicial Branch website at <https://www.wyocourts.gov/find-a-court/#directory>.

File Your Documents:

1. Bring the original and two copies of the follow documents to the Clerk of District Court:
 1. **Petition for Custody and Child Support Modification**
 2. **Confidential Statement of the Parties for Child Support Order**
 3. **Summons**
2. Pay the Filing Fee. A filing fee is required to open a modification case. Ask the Clerk about the amount and acceptable forms of payment. If you cannot afford the filing fee, you may want to review Family Law Packet 10, which includes information about requesting a waiver of filing fees.

NOTE: You will need to use the same case number assigned to the original child support order. You must include that case number on all further paperwork in the "**caption**." The caption is the top section of a pleading, motion, or petition stating the name of the Petitioner, Respondent, Court and the case number.

Step 3: Serve the Respondent

The other party, the person you are filing for a custody and child support modification against, is called the Respondent, and they will stay the Respondent throughout the case. The Respondent may or may not respond to the **Petition for Custody and Child Support Modification** by filing a **Response**.

After you file your case with the Clerk of District Court, a file-stamped copy of the paperwork must be formally given to the Respondent. This is called serving the papers. You do this by serving a file-stamped copy of the **Summons**, the **Petition for Custody and Child Support Modification**, and the **Confidential Statement of the Parties for Child Support Order** to the Respondent, or by having the Respondent sign an **Acknowledgment and Acceptance of Service** form. This proves to the Court that the Respondent received the papers. You must have the Respondent served within 90 days from the date you filed the **Petition for Custody and Child Support Modification**. If you don't serve the Respondent within 90 days, the court may dismiss your case.

How to Serve the Respondent: Choose **ONE** of these options:

Option 1: Service by Sheriff

It's usually best to have a Sheriff in the county where the Respondent lives serve the papers. In Wyoming this service typically costs around \$50. You can contact the Sheriff's department in the county where the Respondent will be served to find out what fees will be charged for service. Provide the Sheriff with the file-stamped **Summons, Petition for Custody and Child Support Modification, and Confidential Statement of the Parties for Child Support Order**. The Sheriff will complete a form called the "Return" or an "Affidavit of Service" and file the original with the Clerk. Either the Sheriff's office or the Clerk will give you a copy.

NOTE: If you receive the original return, call the Clerk's office to check if it has been filed. If it hasn't, you **MUST** file it with the Clerk yourself.

Option 2: Acknowledgement and Acceptance of Service:

If the Respondent agrees, they can sign a form saying they received the papers. Complete an **Acknowledgment and Acceptance of Service** and give it to the Respondent along with a file-stamped copy of the Petition for Custody and Child Support Modification, Summons, and Confidential Statement of the Parties for Child Support Order. The Respondent will need to sign the Acknowledgment and Acceptance of Service in front of a notary.

After the Respondent has signed the **Acknowledgment and Acceptance of Service**, you will need to make two copies.

Take the original and the two copies of the **Acknowledgment and Acceptance of Service** and the **Summons** to the Clerk's office. The Clerk will file stamp all of the documents and keep the original to file in the case. Keep one copy for yourself and give one copy to the Respondent.

Proof of Service: The Court needs to receive proof that the Respondent was properly served. This can be done in two ways: 1) either the Sheriff sends the original return directly to the Court, or you file it yourself, or 2) if the Respondent agrees, you or the Respondent can file a signed **Acknowledgment and Acceptance of Service** signed by the Respondent and the original **Summons**. This ensures the Judge knows the Respondent received the papers.

NOTE: There are other ways to serve the papers, but these two are the easiest. If you can't serve the Respondent using these methods, or if you can't find the Respondent to have them served. There are also additional forms and instructions for other types of service in Family Law Packet 10 on the Wyoming Judicial Branch website or at the Clerk of District Court's office.

STOP- WAIT FOR RESPONDENT'S RESPONSE

Information on Respondent's time to Response:

After serving the Respondent, they have a certain amount of time to respond to the **Petition for Custody and Child Support Modification**. If they were served in Wyoming, they have 20 days to respond. If they were served out-of-state, they have 30 days to respond. You must wait for this time to pass before moving forward with the case, even if the Respondent says they won't respond.

How Time is Calculated:

- When counting the days, don't include the day the papers were served.
- Include the last day of the time period, unless it falls on a Saturday, Sunday, or legal holiday. In that case, the deadline moves to the next business day.

NOTE: While you wait, you can move on to **Step 4** and start working on your **Initial Disclosures**.

Step 4: Initial Disclosures

DO NOT FILE INITIAL DISCLOSURES WITH THE CLERK OF DISTRICT COURT

Send Initial Disclosures Directly to the Other Party:

The law requires you to share certain information with the other party within 30 days after the Respondent's **Response** is due. You need to provide a list of financial assets, non-financial assets, all debts (individual and joint), locations of any safety deposit boxes, employment details, information about other income and retirement accounts, and a summary of facts supporting your claim for custody (if child custody is involved). Both parties must provide this information to ensure full financial information is provided for calculating child support. **Be sure to keep a copy of your Initial Disclosures for your records.**

NOTE: You must share the information you currently have available to you. You cannot wait to provide your disclosures because you think the other party's information is incomplete or because they haven't provided their information yet.

When to Provide:

You need to give your **Initial Disclosures** to the Respondent (or their lawyer) within 30 days after the Respondent is supposed to respond to your complaint. Here's how to figure out the date:

1. Start with the date the Respondent was served with the **Petition:** _____

2. Next, figure out when the Respondent has to file a **Response**: (Choose One)

a) If they were served in Wyoming, add 20 days to the date in #1: _____

OR

b) If they signed an **Acknowledgment and Acceptance of Service**, add 20 days to the date in #1: _____

OR

c) If they were served out-of-state, add 30 days to the date in #1: _____

3. Add 30 days to the date in #2(a), (b), or (c): _____

The date from #3 is when you and the Respondent must send each other your completed **Initial Disclosures**.

DO NOT FILE THE INITIAL DISCLOSURES WITH THE COURT. These forms are only given to the Respondent (or their lawyer).

Step 5: Moving Your Case Forward

Once the time for the Respondent to respond has passed and you've sent your **Initial Disclosures**, there are several options to move your case forward to get a **Modification of your Custody and Child Support Order**.

Choose the Best Option for Your Situation:

Option A: If the Respondent filed a **Response** or **Response and Counterclaim**, and you both agree on everything, follow Option A.

Option B: If the Respondent DID NOT file a **Response** or **Response and Counterclaim**, follow Option B.

Option C: If the Respondent filed a **Response** or **Response and Counterclaim**, but you don't agree on everything, follow Option C.

Here are some important laws and helpful hints regarding custody and child support for all cases:

Important Child Custody Information:

Considered Factors When Awarding Custody and Visitation:

In awarding custody and setting forth a visitation plan, Wyoming law requires that the Court consider the following factors:

1. The quality of the relationship each child has with each parent.

2. The ability of each parent to provide adequate care for each child throughout each period of responsibility, including arranging for each child's care by others as needed.
3. The relative competency and fitness of each parent.
4. Each parent's willingness to accept all responsibilities of parenting, including a willingness to accept care for each child at specified times and to relinquish care to the other parent at specified times.
5. How the parents and each child can best maintain and strengthen a relationship with each other.
6. How the parents and each child interact and communicate with each other and how such interaction and communication may be improved.
7. The ability and willingness of each parent to allow the other to provide care without intrusion, respect the other parent's rights and responsibilities, including the right to privacy.
8. Geographic distance between the parents' residences.
9. The current physical and mental ability of each parent to care for each child
10. Either parent had a conviction that would require them to register as a sex offender under W.S 7-19-301- 7-19-10.
11. Any other factors you want the court to consider necessary and relevant.

Children's Best Interests Should Dictate Schedule

Use a calendar to plan visitation. When creating a visitation plan, consider the parents' work schedules and the children's school and activities. This is especially important if parents don't have a traditional workweek. Visitation should be an enriching experience and is both an obligation and a responsibility, as well as a right and a privilege for both parents. Both parents must sincerely commit to creating and following a visitation plan. Focus on what schedule is in the children's best interest.

Parenting Classes

The Court may require parents to attend parenting classes. Usually, both parents must attend these classes when ordered.

NOTE: If you are required to take a class, you **MUST** file a **Certificate of Completion** with the Clerk's office. The class instructor will provide this certificate.

Important Child Support Laws:

- a) **Recipients of certain public benefits.** If either parent or the child(ren) are receiving public benefits—such as POWER or other state-funded programs—Wyoming law requires that the right to collect child support be assigned to the Department of Family Services (DFS). The recipient must also cooperate with DFS in establishing paternity and support obligations. Any proposed child support changes may affect the public benefits received, so it's important to consult with your DFS caseworker or local child support enforcement office if public assistance is involved. See W.S. § 20-6-105.

- b) **Military Personnel.** If either parent is in the military, child support is generally calculated using basic pay only. Military regulations prohibit using active duty as a means to avoid support obligations, although determining the correct amount remains a civilian court issue. Up-to-date information on military pay can be found at www.dfas.mil, and additional guidance for military families is available at <https://acf.gov/css/outreach-material/handbook-military-families>.
- c) **Overtime Income.** Overtime compensation is generally not included in calculating net income for child support unless the Court finds that such earnings have been received consistently over the previous 24 months and are likely to continue.
- d) **Income Withholding Order.** The Court will issue an Income Withholding Order (IWO) that allows child support payments to be taken directly from the paying parent's wages. This takes effect immediately unless both parents agree in writing to an alternative payment method or the Court finds good cause to delay withholding. If child support becomes delinquent by an amount equal to one month's obligation, the IWO becomes active regardless of any alternative arrangement.
- e) **Limits on Wage Withholding.** The amount withheld from a parent's paycheck for child support is subject to federal limits under the Consumer Credit Protection Act (CCPA). Generally, no more than 50% of disposable income may be withheld if the parent supports another family, or 60% if not. These limits may increase by 5% if the parent owes more than 12 weeks of past-due support.
- f) **Social Security and Veteran's Benefits.** If the children receive part of the noncustodial parent's Social Security or veteran's benefits directly, that amount is counted as part of the noncustodial parent's gross income. The amount received by the custodian is then subtracted from the calculated support obligation. If the result is zero or negative, the child support obligation may be reduced accordingly. See W.S. § 20-2-304(e).
- g) **Start Date for New Support Amounts.** Modifications to child support are not retroactive unless the parties agree otherwise in writing, or unless a petition for modification has been served and is pending. In that case, changes may apply starting from the date the Respondent was served. See W.S. § 20-2-311(d).
- h) **Termination of Support Obligation:** An ongoing child support obligation ends when any of the following occur: (1) the child dies, (2) the child becomes legally emancipated, (3) the child reaches the age of majority (18), unless they are still in high school full-time or disabled, or (4) the parents remarry each other, in which case the Court may also eliminate any arrears not owed to the state.

Child Support Payments

You need to figure out how much child support is due based on the **Confidential Financial Affidavits** you and the Respondent completed (or by using the **Affidavit of Imputed**

Income if the Respondent didn't complete their own **Confidential Financial Affidavit**). You can use the **Child Support Computation Form** to help you calculate the support due or contact your local child support agency for help. Another option is to go online to <https://childdsupport.wyoming.gov/calculator/index.html> and use the online tool to calculate child support.

Important Points to Remember:

- a) **You can't agree to no support:** You **CANNOT** agree that no child support will be paid. (The only time the Court will not order child support is when the noncustodial parent's income is less than the self-support reserve.) Wyoming law allows for a reduced amount of support if you agree on joint physical custody, each parent keeps the children overnight for more than 25% of the year, **and** both parents contribute significantly to the children's expenses in addition to paying child support.
- b) **Self-Support Reserve:** If the noncustodial parent's net income minus the self-support reserve is less than the support obligation calculated from the tables in W.S. § 20-2-304(a), the support obligation will be based on the difference between the noncustodial parent's net income and the self-support reserve. The "self-support reserve" is the current poverty line for one person and is updated annually in the Federal Register by the U.S. Department of Health and Human Services. See W.S. § 20-2-304(f). You can also find the current self-support reserve by going to <https://www.wyocourts.gov/self-help-forms/> and clicking on the Family Law tab.
- c) **No Deviations Allowed:** There are **NO DEVIATIONS** from the presumed support amount unless the Court decides that the set amount is unjust or inappropriate in your specific case. The Court must include specific reasons for any deviation in the **Order**.
- d) **Government or State Benefits:** **NO AGREEMENTS** for less than the presumed support can be approved if government or state benefits (such as Title 19, Kid Care, Food Stamps, POWER, etc.) are being provided on behalf of any child. This means the Court cannot lower the amount of child support calculated using the net income of you and the Respondent, even if both of you agree to a lower amount of support.

Medical Support

The law requires that medical support for the children be included in any child support order. The Court may order one or both parents to provide medical insurance if it is available at a reasonable cost and can be used for the children. This includes dental, vision, or other health care needs.

Additionally, the Court will decide who pays for medical expenses not covered by insurance and any deductibles. If both parents must pay for these expenses, the Court will specify how much each parent is responsible for (for example, 50% to Petitioner and 50% to Respondent).

Important Definitions

- a) **Obligor** – The parent who is legally required to pay child support.
- b) **Custodial Parent** – The parent with whom the children live primarily.
- c) **Noncustodial Parent** – The parent who does not have primary physical custody of the children, typically responsible for paying support.
- d) **Payor** – Any employer or entity that pays income to the obligor and may also provide health insurance coverage.
- e) **Arrearage** – Unpaid past-due child support, medical support, or court-ordered fees. This may include interest or penalties but does **not** include property settlements.
- f) **Gross Income** – All income from any source, including wages, commissions, retirement, disability, military pay, and bonuses, before any deductions.
- g) **Net Income** – Also called “disposable income.” This is **gross income minus mandatory deductions** such as:
 - a. Federal and state income tax,
 - b. Social Security (FICA),
 - c. Court-ordered health insurance for the children,
 - d. Other legally required deductions (e.g., mandatory retirement or disability contributions).
- h) **Imputed Income** – An estimated income amount assigned by the Court when a parent is **voluntarily unemployed or underemployed**. The Court may consider work history, education, job availability, local wages, and childcare responsibilities.
- i) **Self-Support Reserve** – The minimum amount of income a noncustodial parent is allowed to retain for their own basic needs. This amount is based on the **federal poverty level for one person** and is updated annually by the U.S. Department of Health and Human Services.
- j) **Disposable Income** – The amount remaining after subtracting mandatory deductions from gross income. This is the income used to calculate how much can be withheld for child support.
- k) **Age of Majority** – In Wyoming, this is 18 years old. However, support may continue beyond age 18 if the child:
 - a. Is attending high school full-time and under 20 years old, or
 - b. Has a mental or physical disability preventing self-support.

Option A. The following instructions apply if the Respondent filed a Response or Response and Counterclaim, and you both agree on all of the issues of your case.

Documents to Complete:

1. Confidential Financial Affidavit with all required documents attached.

Both parties must complete and file a **Confidential Financial Affidavit** with the Court, along with any required documents. You must provide documents that prove your current and past earnings. For current earnings, include pay stubs, employer statements, or receipts and expenses if self-employed. Also, attach your most recent tax return to show your earnings over a longer period. Include income tax returns for the last two years and your latest pay stub(s) to show your current earnings. If you and the other party filed a joint tax return, and the other party has already submitted the required tax returns, you don't need to file them again. If you have health insurance, include copies of your insurance cards.

NOTE: If the Respondent does not file a **Confidential Financial Affidavit**, then you must complete and file an **Affidavit of Imputed Income** to show the Court how much money the Respondent earns.

2. Order Modifying Custody and Child Support. This form will need to be filled out completely, signed by both you and the Respondent and both of your signatures must be notarized. **In addition to signing the Order, you should also initial each page of the Order to verify that each page contains the terms you agreed upon.**

3. Order for Income Withholding. The Court is required by law to enter an **Order for Income Withholding** in every case where child support has been ordered.

4. Income Withholding for Support. Use this form if you want child support to be paid directly from the non-custodial parent's employer. If you need help filling out the form or collecting child support, contact the child support enforcement agency in your district. The Clerk can give you their contact information or you can find it online at <https://childsupport.wyo.gov/>.

Copies and Envelopes

Bring the original and two copies of each document to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you, and one addressed to the Respondent), with enough postage to mail the **Order** to both of you.

NOTE: Any documents you file (except the **Order**) must be sent to the Respondent on the same date that you put on the Certificate of Service on each document.

If a Hearing is Required:

If a hearing is **NOT** required by your Court, the Clerk will mail a copy of your **Order** (to both parties) if accepted by the Court.

NOTE: It is important to keep the Court updated with any changes in contact information, especially mailing addresses

In some cases, a hearing is required before the Judge will sign the **Order**. If a hearing is required, follow these steps:

1. Complete the **Request for Setting**.
This form is a request to the Court for a hearing. If you and the Respondent have reached an agreement, check the box that indicates this. Specify how much time you will need for the hearing (usually 15 minutes if there is an agreement).
2. Complete the **Order Setting Hearing**.
Complete the top section of page one of the **Order Setting Hearing**. This includes: the county, the judicial district, the names of the Petitioner and Respondent, and the civil action case number. The Clerk of District Court will complete the rest of the document.
3. File the **Request for Setting** and **Order Setting Hearing** and provide the Clerk with two addressed, stamped envelopes (one for you and one for the Respondent).

NOTE: The Court will fill in the hearing date and time and mail a copy to you and the Respondent.

Evidence at the Hearing:

At the hearing, you need to tell the Judge:

1. That you meet the requirements for a modification of a custody and child support order;
2. That you have calculated child support based on the net income of the parties; and
3. Whether or not the children are receiving public benefits.

The Judge may ask you questions but will not guide you through the hearing, give you legal advice, or tell you what to say or how to present your evidence. After the hearing, the Judge will make any necessary changes to the **Order** and sign it.

When Will Your Custody and Child Support be Modified?

Your Order modifying custody and child support is not final until the Judge signs the **Order**, and it is filed with the Clerk. This may take time if the Judge needs to make changes to the Order. Check with the Clerk to make sure the Order has been file-stamped before you can be sure your child support if modified. You should receive a copy of the Order once it is final.

Option B. If the Respondent does not file a Response or Response and Counterclaim, obtain a default Order by following these steps:

A default occurs when one party files for modification, but the other does not respond within the required time. As a result, the Court may grant the modification based on the filing party's terms without the other party's input.

Default: If the Respondent does NOT file a **Response** or **Response and Counterclaim** to the **Petition for Custody and Child Support Modification** by the deadline, you can get a default entered against them.

Documents to Complete:

1. **Application for Entry of Default**
2. **Affidavit in Support of Default**
3. **Entry of Default**

Copies and Envelopes:

Complete and sign the **Application for Entry of Default** and the **Affidavit in Support of Default** and take the original and two copies of these documents to the Clerk along with **Entry of Default**. Complete the top section of the **Entry of Default**. This includes the county, the judicial district, the names of the Petitioner and Respondent. If your paperwork is correct, the Clerk will sign the **Entry of Default**.

Documents to Complete After the Entry of Default is Signed by the Clerk:

1. **Confidential Financial Affidavit (attach all required documents).**

You must complete and file a **Confidential Financial Affidavit** with the Court, along with any required documents. You must provide documents that prove your current and past earnings. For current earnings, include pay stubs, employer statements, or receipts and expenses if self-employed. Also, attach your most recent tax return to show your earnings over a longer period. Include income tax returns for the last two years and your latest pay stub(s) to show your current earnings. If you and the other party filed a joint tax return, and the other party has already submitted the required tax returns, you don't need to file them again. If you have health insurance, include copies of your insurance cards.

NOTE: If the Respondent does not file a **Confidential Financial Affidavit**, then you must complete and file an **Affidavit of Imputed Income** to show the Court how much money the Respondent earns.

2. **Order Modifying Custody and Child Support.** Make sure to complete this form completely, check the box for "Default," and have the document notarized.
3. **Order for Income Withholding.** The Court is required by law to enter an **Order for Income Withholding** in every case where child support has been ordered.
4. **Income Withholding for Support.** Use this form if you want child support to be paid directly from the non-custodial parent's employer. If you need help filling out the form or collecting child support, contact the child support enforcement agency in your district. The Clerk can give you their contact information or you can find it online at <https://childdsupport.wyo.gov/>.

Copies and Envelopes

Bring the original and two copies of each document to file with the Clerk. Also, bring two addressed, stamped envelopes (one addressed to you and one addressed to the Respondent), with enough postage to mail the **Order** to both of you.

NOTE: Any documents you file (except the **Order**) must be sent to the Respondent on the same date that you put on the Certificate of Service on each document.

If a Hearing is Required:

If a hearing is **NOT** required by your Court, the Clerk will mail a copy of your **Order** (to both parties) if accepted by the Court.

In some cases, a hearing is required before the Judge will sign the **Order**. If a hearing is required, follow these steps:

1. Complete the **Request for Setting**.
This form is a request to the Court for a hearing. Specify how much time you will need for the hearing (usually 15 minutes if there is an agreement).
2. Complete the **Order Setting Hearing**.
Complete the top section of page one of the **Order Setting Hearing**. This includes: the county, the judicial district, the names of the Petitioner and Respondent, and the civil action case number. The Clerk of District Court will complete the rest of the document.
3. File the **Request for Setting** and **Order Setting Hearing** and provide the Clerk with two addressed, stamped envelopes (one for you and one for the Respondent).

NOTE: The Court will fill in the hearing date and time and mail a copy to you and the Respondent.

Evidence at the Hearing:

At the hearing, you need to tell the Judge:

1. That you meet the requirements for a modification of a custody and child support order;
2. That you have calculated child support based on the net income of the parties; and
3. Whether or not the children are receiving public benefits.

The Judge may ask you questions but will not guide you through the hearing, give you legal advice, or tell you what to say or how to present your evidence. After the hearing, the Judge will make any necessary changes to the **Order** and sign it.

When Will Your Custody and Child Support be Modified?

Your Order modifying child support is not final until the Judge signs the **Order**, and it is filed with the Clerk. This may take time if the Judge needs to make changes to the Order. Check with the Clerk to make sure the Order has been file-stamped before you can be sure your child support is modified. You should receive a copy of the Order once it is final.

Option C. If the Respondent filed a Response or Response and Counterclaim, and you and the Respondent do NOT agree on all issues of your case, you will need to have a trial:

NOTE: If there is no agreement, your case will have to be heard and decided by a Judge at a trial.

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.

Documents to Complete:

1. Reply to the Counterclaim.

If the Respondent files a **Response and Counterclaim**, you have a time limit (usually 20 days) to file a written response, called a **Reply to Counterclaim**. You must file the original signed copy with the Clerk and send a copy to the Respondent (or their attorney).

NOTE: If you do not file the original Reply to Counterclaim with the Clerk within the time allowed, the Respondent can seek a default against you and may get what they asked for in their Counterclaim.

2. Complete the Request for Setting.

This form is a request to the Court for a hearing. Write in “trial” where it asks the type of hearing. Indicate how much time you think it will take for you and the other party to present your evidence and write that in (usually one to three hours).

3. Complete the Order Setting Modification Trial.

Complete the top section of page one of the **Order Setting Modification Trial**. This includes the county, the judicial district, the names of the Petitioner and Respondent, and the civil action case number. The Clerk of District Court will complete the rest of the document. Unless the Court says otherwise, you must follow Rule 26.1 of the Wyoming Rules of Civil Procedure.

4. Provide the Clerk with two addressed, postage paid envelopes (one for you and one for the Respondent).

5. Confidential Financial Affidavit and attach all required documents.

Both parties must complete and file a **Confidential Financial Affidavit** with the Court, along with any required documents. You must provide documents that prove your current and past earnings. For current earnings, include pay stubs, employer statements, or receipts and expenses if self-employed. Also, attach your most recent tax return to show your earnings over a longer period. Include income tax returns for the last two years and your latest pay stub(s) to show your current earnings. If you and the other party filed a joint tax return, and the other party has already submitted the required tax returns, you don’t need to file them again. If you have health insurance, include copies of your insurance cards.

NOTE: If the Respondent does not file a **Confidential Financial Affidavit**, then you must complete and file an **Affidavit of Imputed Income** to show the Court how much money the Respondent earns.

5. **Order for Income Withholding.** The Court is required by law to enter an **Order for Income Withholding** in every case where child support has been ordered.
6. **Income Withholding for Support.** Use this form if you want child support to be paid directly from the non-custodial parent's employer. If you need help filling out the form or collecting child support, contact the child support enforcement agency in your district. The Clerk can give you their contact information or you can find it online at <https://childdsupport.wyo.gov/>.

NOTE: Any documents you file (except the **Order**) must be sent to the Respondent on the same day you put the date on the Certificate of Service on each document.

Due 30 Days Before Trial:

1. **Complete Pretrial Disclosures**
Both parties must give their **Pretrial Disclosures** to each other and file them with the Court. These disclosures list the evidence that will be presented at trial. If you have questions, contact an attorney.

Note: Unless the Court says otherwise, they must be made at least 30 days before the trial.
2. Take the original and two copies to the Clerk for filing. Keep one copy for your records and send the other copy to the Respondent (or their attorney).

Trial Information:

Settlement Before Trial:

If you settle your case before trial, you must file a completed and signed **Order Modifying Custody and Child Support** with the Court. The trial will only be canceled once this is done.

The trial date will not be changed or canceled based on phone calls. If you need to reschedule the trial, you must file a motion to continue or contact an attorney for assistance.

Court Reporter:

It is very difficult to appeal the Judge's decision if you do not get a court reporter to record everything that is said at the trial.

If you want a court reporter, you must notify the official court reporter as soon as possible, but no later than three working days before your hearing. You can do this by phone, email or by submitting a written request. If you send the request by mail, it must be received by the court reporter at least three working days before the hearing.

Contact information for each Court Reporter can be found on the Wyoming Judicial Branch website.

The Clerk can tell you which court reporter to contact. The Court will not waive the three-day notice requirement. This notice is required for all civil matters, including jury trials.

Evidence and Witnesses:

At the hearing, you will need to present your evidence and witnesses. If the **Order Setting Modification Trial** is entered (signed by the Judge), you must follow the terms and provide the Court with the information requested in that document, including copies of exhibits you want to introduce at the trial and a list of your proposed witnesses and what their testimony is going to be about within the time frame ordered (usually three to five days prior to the trial). Under the law, the Judge cannot help you or assist you at trial.

NOTE: If you choose to represent yourself at trial and continue without an attorney, you proceed at your own risk and will be expected to know the laws and court rules.

Final Decision:

After the trial, the Judge will make a decision or may need more time to think about it. If the Judge gives you instructions, you must type the decision into the **Order**.

When Will Your Custody and Child Support be Modified?

Your Order modifying child support is not final until the Judge signs the Order, and it is filed with the Clerk. This may take time if the Judge needs to make changes to the Order. Check with the Clerk to make sure the Order has been file-stamped before you can be sure your child support is modified. You should receive a copy of the Order once it is final.