

Instructions for Asking a Court for a Child Abduction Prevention Order

Before You Get Started

The Child Abduction Prevention Process can be used to ask the Court for help if you think there is a real and likely risk that someone is going to abduct a child. This is a serious legal process. If you use it for reasons other than preventing an abduction, you could face legal consequences. It's important to understand which situations this process is appropriate for, and it's important to think honestly about whether this process is the one you should use in your situation.

The laws about the abduction prevention process are in Wyoming Statutes 20-8-101 through 20-8-112. You can read those laws on [this website \(wyoleg.gov/stateStatutes/StateStatutes\)](http://wyoleg.gov/stateStatutes/StateStatutes) or by visiting your local library.

Wyoming Statute 20-8-102 says:

- “Abduction” means the wrongful removal or wrongful retention of a child.
- “Wrongful removal” means the taking of a child that breaches rights of custody or visitation given or recognized under the law of this state.
- “Wrongful retention” means the keeping or concealing of a child that breaches rights of custody or visitation given or recognized under the law of this state.

Under this law, **abduction** means taking, keeping, or hiding a child if the person who does that is breaking or ignoring someone else's custody or visitation rights.

Only someone who has a legal right to custody, or who has a legal right to ask the Court for custody, of the child can use this process. Usually, that will be a legal parent (biological or adoptive) or a legal guardian. If you have a different relationship to the child, you might choose to talk about your concerns with someone from the child's family. You can also contact a domestic violence agency for help and information. Phone numbers and websites are listed in the Important Things You Need to Know section at the end of these instructions.

When is it appropriate to use this process?

Think carefully about your situation. If you think there is a risk that someone is going to abduct a child **and** you have the necessary relationship to the child, you can file a Petition for an Abduction Prevention Order. This process **cannot** be used to replace a child custody or visitation case. If you need to start a custody, visitation, or divorce case, you can find forms and instructions on the [Wyoming Judicial Branch website Family Law forms page \(wyocourts.gov/self-help-forms/\)](https://wyocourts.gov/self-help-forms/) . If you already have a Family Law case, and you need the Court to know that there is the risk of an abduction, you may be able to file a Petition for an Abduction Prevention Order into your ongoing case.

If you believe the Child Abduction Prevention process is needed in your situation, these Instructions can help you fill out the Petition and work through the process.

The Petition has many sections because the Court needs to get a lot of specific information about your situation. The Instructions will help you work through the Petition one section at a time.

The top of the page on the Petition.

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 Petition, the Clerk of District Court can give you this information.

The next blank is for your name. You are the Petitioner because you are the person who is asking the Court for help. Write your full legal name on the line labelled Petitioner.

The next blank is for the name of the Respondent. The Respondent is the person who you think is likely to abduct the child or children. Write that person's full legal name on the line labelled Respondent. You can write more than one person's name there, if necessary.

The final blank is for the Case Number. When you file the Petition, the Clerk of Court will give you the case number. (The Case Number might contain letters.)

Next you will see the title of the document. It's written between the two long bars on the page. The title tells the Court that you are starting a case for an Abduction Prevention Order. The Wyoming Statute numbers let everyone know which laws apply to this kind of case.

Section 1.

Write your full name on the blank line.

Section 2.

On the blank lines, write the full name of each child who you think the Respondent is planning to abduct.

Section 3.

Check the correct box. If you don't have the same relationship with all of the children you listed in Section 2, you can mark more than one box.

If you check the box for "other," write your relationship on the blank line.

Section 4.

Write the full address for where you live. Remember to include any necessary apartment number or lot number.

Section 5.

On the blank line, write the Respondent's full name again.

This section is where you formally tell the Court that you are asking for help and that you honestly believe the children are in danger of being abducted by the Respondent.

Section 6.

Write the complete address for where the Respondent usually lives. Remember to include any necessary apartment number or lot number.

If the Respondent is living at this address now, skip Section 7.

Section 7.

If the Respondent is living someplace else right now, check the box and write the complete address for the place where the Respondent is living right now.

Section 8.

On the blank lines, write the reasons you believe the Respondent is going to try to take, hide, or keep the children.

If the Respondent said something threatening or sent threatening messages, try to write the exact words the Respondent used.

Section 9.

If the Respondent abducted children before, check the box and fill in the information.

You will fill in this section if the Respondent ever abducted any child, even if the children you're worried about were not involved in the earlier situation.

Section 10.

If the Respondent tried to abduct children before, check the box and fill in the information.

You will fill in this section if the Respondent ever tried to abduct any child, even if the children you're worried about were not involved.

Section 11.

If the Respondent ever threatened to abduct children before, check the box and fill in the information.

You will fill in this section if the Respondent ever threatened to abduct any child, even if the children you're worried about were not involved.

If you wrote about threats in Section 8, you can repeat that information here.

Section 12.

If the Respondent abused children before, check the box and fill in the information.

You will fill in this section if the Respondent ever abused any child, even if the children you're worried about were not involved.

Section 13.

If the Respondent neglected children before, check the box and fill in the information.

You will fill in this section if the Respondent ever neglected any child, even if the children you're worried about were not involved.

Section 14.

If the Respondent hurt or threatened to hurt family members or other people who lived with the Respondent, check the box and fill in the information.

Section 15.

If the Respondent ever stalked someone, check the box and fill in the information.

Section 16.

If the Respondent refused to follow a court's instructions about custody, check the box and fill in the information.

You will fill in this section if the Respondent failed to follow a court's instructions, even if the children you're worried about were not involved.

Section 17.

This section lists several actions that might suggest a person is planning to move away.

If the Respondent recently did things that make you think they might be planning to move away, check the first box. If the Respondent took any of the actions on the list, check those boxes too.

Section 18.

Gathering paperwork and important documents might suggest a person is planning to move away.

If the Respondent recently got or tried to get any of the documents listed in this section, check the correct boxes and fill in the information.

Section 19.

Check the box if the Respondent does not have strong connections to Wyoming.

Section 20.

Check the box if the Respondent does not have strong connections to the United States.

Section 21.

If the Respondent does have strong connections to some other state, check the box and fill in the information.

Section 22.

If the Respondent does have strong connections to some other country, check the box and fill in the information.

Section 23.

If the statement in this section is true, check the box and fill in the information.

Section 24.

If the statement in this section is true, check the box and fill in the information.

Section 25.

If the Respondent has been dishonest with the government, check the box and fill in the information.

Section 26.

If the Respondent has used other names so they could mislead people or try to trick people, check the box and fill in the information.

Important Note: If the Respondent has used other names but it was not for these reasons, do not check the box.

Information About the Children.

In this section, you will fill in one complete chart for each child you think is in danger of being abducted.

- You must give the Court copies of any order that talks about custody of the children.
- If you don't know the exact dates when a child lived at a certain address, make your best guess about the month and year.
- If you don't know the full names of adults who live with the children or who claim to have legal rights to the children, try to find out.

It's important to give the Court as much information as you can about the people and places involved in this case.

If you need to give information about more than three children, check the box that says "There are more children involved. I will attach more of these charts to give information about the other children." Then fill out and attach more charts.

Information about Where People Lived.

In this section, fill in the charts to let the Court know where each child has lived for the past five years. If some of the children have lived together for **all** of the past five years, you can list all of those children in one chart. List the child or children at the top of the chart.

In the column for dates, you'll start with now and work backward.

In the next column, you'll write the city and state where they lived. You don't have to write the street address of the home, but you can do that if you find it helpful to keep track.

In the last column, check the correct boxes to show who lived with the children in that home. You will need to write in the current address of every person who lived with the children. If you check the box for Petitioner (you) or Respondent, you don't have to repeat those addresses because you already listed those in Sections 4, 6, and 7.

You do need to write in the **current** address of any other people you list.

(These instructions are repeated in the Gray Box on the form. You can read them there too.)

If you need to attach more pages with information about where people lived, mark the box at the end of a chart.

Section 27.

Read the two options carefully.

If none of the children you're worried about have been involved in any other court case, mark the first box and move to Section 28.

If any of the children you're worried about have been involved in any other court cases, mark the second box. Then fill in one complete chart for each other case. (Each chart is for one case. You don't need a separate chart for each child.)

Look at the paperwork you have from the case to find information on the name and location of the court and the dates of Orders, Decrees, or hearings.

Fill out the chart as completely as you can.

If you need to attach more pages with information about other cases, mark the box at the end of the second chart.

Section 28.

This section is only about abduction and domestic violence cases, and it's only about cases you filed. (Don't count the case you are preparing to file. This is for information about cases you filed in the past.)

If you have never filed an abduction prevention or domestic violence (protection order) case before, mark the first box and move to Section 29.

If you have filed an abduction prevention or domestic violence (protection order) case before, mark the second box. Then fill in one complete chart for each other case. Look at the paperwork you have from the case to find the information you need.

If you need to attach more pages with information about other cases, mark the box at the end of the second chart.

Section 29.

This section is only about abduction and domestic violence cases, and it's only about cases the Respondent filed.

If the statement in this section is not true, go on to Section 30. (If the Respondent never filed this kind of case or if you don't know, you will go on to Section 30.)

If the statement in this section is true, check the box. Then fill in as much as you can about the Respondent's abduction prevention or domestic violence cases. If you were involved in those cases, you can look at your paperwork for the information.

If you need to attach more pages with information about other cases, mark the box at the end of the second chart.

Section 30.

This section can be confusing. Many people will not need to fill it out.

Read the information in the Gray Box on the form to help you figure out if you need to complete this section.

This section is only about abduction and domestic violence cases, and it's only about cases filed by someone who has custody of the children but who is not you or the Respondent. Also, it is only about cases that do not involve the children.

If the statement in this section is not true, go on to Section 31. (If the person never filed this kind of case or if you don't know, you will go on to Section 31.)

If the statement in this section is true, check the box. Then fill in as much as you can about the person's abduction prevention or domestic violence case. If you were involved in the case, you can look at your paperwork for the information.

If you need to attach more pages with information about other cases, mark the box at the end of the chart.

Section 31.

This section is about whether you have ever been arrested for any crime related to domestic violence, stalking, child abuse, or child neglect.

If you have never been arrested for any of those kinds of crimes, mark the first box and move to Section 32.

If you have been arrested for any of those kinds of crimes, mark the second box. Then fill in one complete chart for each arrest. If you have paperwork from the arrest, you can look at that to find the information you need.

If you need to attach more pages with information about other arrests, mark the box at the end of the first chart.

Section 32.

This section is about whether the Respondent has ever been arrested for any crime related to domestic violence, stalking, child abuse, or child neglect.

Read the two options carefully. If you mark the first box, move to Section 33.

If you know that the Respondent has been arrested for any of those kinds of crimes, mark the second box. Then fill in one complete chart for each arrest. If you have paperwork from the arrest, you can look at that to find the information you need. If you do not have paperwork, fill in the information you know.

If you need to attach more pages with information about other arrests, mark the box at the end of the first chart.

Section 33.

Under Wyoming law, there are specific things a Court can do to try to help prevent an abduction from happening. These are actions that are designed to make it harder for a Respondent to abduct children.

In this section, you will tell the Court which actions you believe will help keep the children safe. It is very important to remember that **the Court does not have to do** any of the things you ask for. A Judge will decide whether to order all, some, or none of the things you ask for. A Judge also might decide to do things you did not ask for, if those things might help keep the children safe.

Read the choices in this section carefully. Check the box and fill in the blank lines for each action you think will be helpful in your situation. (The last box will always be checked so the Judge can order other safety measures if they are needed.)

The Signature Section.

Do not sign this form until you are in front of the Clerk of Court or a Notary. The Clerk or Notary must witness you signing the form.

By signing the form, you are telling the Court that everything you wrote on the form is true. If the information is not true, you might be criminally charged with perjury. Perjury is a felony punishable by imprisonment or a fine or both.

Review your answers carefully before you sign the Petition.

On the line labelled DATED, write the date you are signing the form.

Sign your name on the signature line.

Print your name neatly. Write in your email address. Write your phone number and your mailing address. The Court will use this information to contact you and keep you aware of what is happening in the case.

The Clerk or Notary will fill out the bottom of the page.

Next Steps

Summons and Service.

You will need to:

- File the Petition with the Clerk of District Court.
- Have the Clerk issue a Summons.
- Serve the Summons and a copy of the Petition to the Respondent.
- File proof of service with the Clerk.

On the [Wyoming Judicial Branch website forms page \(wyocourts.gov/self-help-forms/\)](https://wyocourts.gov/self-help-forms/), you can download and print a file that contains a Summons to Respondent, an Affidavit of Service, and a Return of Service.

Fill out the Summons with the Respondent's name, home address, and phone number. If you know the name and business address of the Respondent's employer, fill that in too.

Write in the number of the Judicial District. (The Clerk can help you, if you don't know the number.)

Write in your address.

Take the Petition, the Summons, the Affidavit of Service, and the Return of Service to the Clerk's Office. You will also need money to pay the filing fee and to pay for copies of the documents.

The Clerk will file the Petition and issue the Summons (by signing it). The Clerk can make copies of the documents. Now you need to have the Summons and a copy of the Petition served to the Respondent. This means you will have the documents formally given to the Respondent. There are different ways to serve the papers. It is very important to think about your safety and the safety of the children when you choose which way to complete service.

You can ask or hire someone to do this. The person who serves the documents must be 18 years old or older. That person is called the "process server." If you want to hire somebody to serve the documents, you can ask the Clerk for a list of professional process servers. The process server needs to fill out the Affidavit of Service and get it notarized.

Important Note: You might choose to hire someone from your local sheriff's office to serve the documents. People who work at the sheriff's office have experience serving documents and filling out the required form. If you choose to do that, you will use the Return of Service form instead of the Affidavit of Service.

The completed Affidavit of Service or Return of Service needs to be filed with the Clerk. The process server or sheriff might do this for you. But you are responsible for making sure it gets done. If the process server or sheriff did not file the completed form, you should do it.

Summary of Service:

- The Clerk issues a Summons.
- An adult gives the Summons and a copy of the Petition to the Respondent.
- The adult who served the documents completes the Affidavit or the Return.
- The completed Affidavit or Return is filed with the Clerk.

Requesting a Hearing.

A hearing is a meeting with a Judge. The Court gets to decide when the hearing will happen. At the hearing, the Judge will listen to your concerns about the children's safety. The Judge will also listen to the Respondent's side of the situation. You can learn more about hearings in the Important Things You Need to Know section below.

If you have filed the Petition, and served the Petition and Summons to the Respondent, you can use the Request to Set Hearing form to ask the Court to schedule a hearing.

How to Fill Out the Request to Set Hearing

Top of the page.

Fill this out the same way it is filled out on the Petition.

Section 1.

Check the correct box to tell the Court who is making the Request.

Section 2.

Fill in the date when the Petition was filed. The date will be stamped at the top of the Petition.

Section 3.

Check the correct box. Only check one. If the statement you mark also has blank lines, fill in the correct information.

Sections 4.

This is a polite way to tell the Court that you want a hearing. Don't write anything else here.

Gray Box: Information about Court Reporters

Read the information in this box carefully. Think about your situation and consider which choice will be the right one for this case.

Section 5.

Read your two choices carefully. Check the box for the choice that is right in this situation.

The Signature Section.

On the line labelled DATED, write the date you are signing the form. Sign your name on the signature line.

Print your name neatly. Write in your email address, your phone number, and your mailing address.

Certificate of Service

This Request does not need to be served formally (with a process server and affidavit). But you do need to give the other party a copy of this document. Fill in the accurate information for where and how the document was served. Remember to sign and date the Certificate of Service.

Filing the Request to Set Hearing.

File the Request at the Clerk's Office. You will also give the Clerk an Order Setting Hearing (with the top part, above the title, filled out).

It's a good idea to also give the Clerk an Order on Abduction Prevention (with the top part, above the title, filled out). The Judge can use this form after the hearing.

These forms are available on the [Wyoming Judicial Branch website forms page](https://wyocourts.gov/self-help-forms/) (wyocourts.gov/self-help-forms/).

If the Court sends you an Order Setting Hearing:

Read the Order carefully. It will tell you when and where the hearing will take place. You must take part in the hearing.

Unless the Order says so, the children do not have to attend the hearing. Use your best judgment to decide whether it would be a good idea for the children to go with you.

Important Things You Need to Know

Will the Court give me a restraining order?

It's important to understand that an Abduction Prevention Order is **NOT** the same thing as an Order of Protection (also called a restraining order or protective order). Depending on your situation, you may want to ask the Court for both kinds of help.

You can learn about Orders of Protection on the [Wyoming Judicial Branch website here: wyocourts.gov/legal-help-by-topic/domestic-violence/](https://wyocourts.gov/legal-help-by-topic/domestic-violence/) . The website also has forms you can use for the Order of Protection process.

For help developing a safety plan or to learn more about protection orders and how to get one, contact your local domestic violence program. These resources can help:

- Local domestic violence programs: <https://www.wyomingdvsa.org/programs>.
- Information about safety planning: <https://www.thehotline.org/plan-for-safety/>.
- Wyoming Coalition Against Domestic Violence and Sexual Assault: 307-755-0992
- Wyoming Division of Victim's Services: 888-996-8816
- National Domestic Violence Hotline: 800-799-7233; TTY 800-787-3224 (Help is available in multiple languages.)

What is a Notary and where can I find one?

A Notary Public (usually just called “a notary”) is a person who has a license to witness people signing legal papers and to confirm that the signatures are authentic (which means the signatures are real and were done on purpose). **A notary will probably require you to show your driver's license or some kind of photo ID to prove that you are really you.**

Some notaries charge for their services, but it is usually easy to find a notary who will witness your signature and sign your paper for free. If you have an account at a local bank, you can probably get free notary services at that bank. Most libraries also offer free notary services.

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 people with limited income and limited assets:

- Legal Aid of Wyoming Hotline. This Hotline gives you an opportunity to talk with a lawyer. 1-877-432-9955.
- 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/>
- 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 Wyoming Judicial Branch website at
<https://www.wyocourts.gov/find-legal-services/>

If you do not qualify for the free services above, you can contact the Wyoming State Bar at 307-432-2107 for referral to Wyoming lawyers. (Those lawyers charge for their services.)

Where can I read the Wyoming laws about Child Abduction Prevention?

These laws are found in Wyoming Statutes Title 20, Chapter 8.

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.

What will happen at the hearing?

The Judge will allow both sides a chance to speak. If there are witnesses who can talk about what happened, you may take them with you to give testimony at the hearing. If you have evidence about what happened, you may take it to the hearing and present it to the Judge. After considering your side of the situation and the Respondent's side, the Judge will make decisions about whether to give you an Order on Abduction Prevention, what restrictions and requirements to include in it, and how long it will last.

What should I do with the Order if I get one?

Always carry the Order with you. It's also a good idea to keep pictures on your phone that show every page of the Order.

Ask the Clerk of Court to give you **certified** copies of your Order on Abduction Prevention.