

STATE OF WYOMING)
) ss
COUNTY OF _____)

IN THE DISTRICT COURT

JUDICIAL DISTRICT

Petitioner: _____,)
(Print name of person filing))
)
vs.)
)
Respondent: _____.)
(Print name of other party)

Civil Action Case No. _____

**ORDER MODIFYING CHILD SUPPORT
AND JUDGMENT FOR ARREARS**

THIS MATTER having come before the Court upon the *Petition for Modification of Child Support and Judgment for Arrears*; and the Court, having reviewed the file herein, having heard the arguments of the parties, if applicable, and otherwise being fully advised in the premises, FINDS:

1. This Court has jurisdiction over the parties and the subject matter of these proceedings.

2. The Respondent was served with the *Petition for Modification of Child Support and Judgment of Arrears*: [check one]

- Personally (by the sheriff) on the following date _____ in the following state: _____; OR
- Respondent accepted service (*Acknowledgement and Acceptance of Service* must be filed. Respondent's signature must be notarized.); OR
- By publication. (*Copy of Affidavit of Publication* must be filed.); OR
- By *Registered or Certified Mail*. (Return receipt must be filed and Clerk must have entered certificate of service.)

3. Respondent filed [check one]

- a *Response*; OR
- a *Response and Counterclaim*; OR
- no response (default must be entered, unless there is a waiver of right to answer); OR
- no response but both parties have signed and agreed to the entry of this Order.

4. A child support order was
 entered by this Court on _____; OR
(date)
 entered by the _____ Court, _____ County, State
of _____.

5. The Order provided for support of the following minor child(ren):

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

Child's Initials: _____ Year of Birth: _____

Additional sheets of paper are attached if needed

6. In accordance with Wyo. Stat. § 20-2-304, presumptive child support is calculated as follows:

1. Number of children: _____
2. Respondent's net monthly income is: \$ _____
3. Petitioner's net monthly income is: \$ _____
4. Total child support obligation of both parents is: \$ _____
5. Respondent's presumptive child support obligation is: \$ _____
6. Petitioner's presumptive child support obligation is: \$ _____

6.1. **Restriction on reducing amount of child support:** No agreement which is *less than* the presumed child support amount shall be approved if means tested sources of income such as aid under the personal opportunities with employment responsibilities (POWER) program, Title 19, Kid Care, food stamps, supplemental security income (SSI) or other similar benefits are being paid on behalf of any of the children. **CHECK ONE:**

- The child(ren) receive(s) means tested income;
 The child(ren) DO NOT receive(s) any means tested income.

6.2. **Amount of Child Support:** Petitioner OR Respondent shall pay \$ _____ per month for child support. The amount of child support is based upon:

- The presumptive amount of child support determined by Wyoming's Child Support Guidelines; **OR**
 There is a deviation (an adjustment) upwards or downwards from the presumptive amount. In order to deviate, there must be a specific finding that the application of the presumptive child support would be unjust or

inappropriate. The reasons that the presumptive amount is unjust is because (list the specific reasons): _____

6.3. **Time of Payments:** Child support payments shall begin:
 on THE FIRST DAY OF THE MONTH beginning the month of _____, 20____ and shall continue to be paid on the first day of the month thereafter, until further order of the court; **OR**
 beginning on the ____ day of _____, 20____ and continuing as follows: _____.

6.4. **CONTINUATION OF CHILD SUPPORT:** Child support shall continue during the minor child’s minority, and beyond if the child has a mental, emotional or physical impairment preventing emancipation, or while the child is attending high school or an equivalent program as a full-time student between the ages of 18 and 20. Child support shall terminate if, during the child’s minority, the child marries, is emancipated, becomes self-supporting or dies.

6.5. **PLACE:** All payments required under this Order, shall be made to one of the two following addresses:

Clerk of the District Court, whose address is _____ OR State Disbursement Unit
(see *District Court Clerks Addresses* in this packet): 2300 Capitol Ave.
Hathaway Bldg.,
5th Floor, Suite A
Cheyenne, WY 82002

DO NOT PAY BY PERSONAL CHECK. CASH ACCEPTED IN PERSON ONLY. CASHIER’S CHECKS AND MONEY ORDERS ACCEPTED.

The Clerk or SDU shall promptly forward the support payments to the receiving parent at the address provided by that parent. **Each party shall pay, when due, all fees charged to that party by the Clerk of District Court, State Disbursement Unit, and any other agency statutorily authorized to charge a fee.**

6.6. **MODIFICATION:** Either party may seek a modification of the child support ordered herein pursuant to Wyo. Stat. §20-2-311.

MODIFICATION OF CHILD SUPPORT NOT EFFECTIVE UNLESS IT IS APPROVED BY A WRITTEN ORDER SIGNED BY THE JUDGE.

6.7. **ENFORCEMENT:** Either party has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-201 through §20-2-204 and §20-2-311(d). Wyoming law states that any payment of child support not paid when due shall automatically become a judgment against the parent who is supposed to pay on the due date. This judgment is subject to a 10% late payment penalty if it is not paid within thirty-two (32) days.

7. **MEDICAL INSURANCE:**

The Petitioner OR Respondent OR Both shall provide health care insurance coverage for the minor child(ren) if insurance can be obtained at a reasonable cost and the benefits under the insurance policy are accessible to the child(ren).

7.A. Proof. The insuring parent shall provide to the Court and the other parent written proof that the insurance has been obtained within sixty (60) days after it became available. Proof of insurance coverage shall contain, at a minimum:

- i) The name of the insurer.
- ii) The policy number.
- iii) The address to which all claims should be mailed.
- iv) A description of any restrictions on usage, such as pre-approval for hospital admission, and the manner in which to obtain pre-approval.
- v) A description of all deductibles.
- vi) Two (2) copies of claim forms.

7.B. Changes. The insuring parent shall provide written notice to the Clerk of this Court and the other parent if insurance coverage for the child is denied, revoked, or altered in any way that would affect the child's coverage, including any change relating to the information required above.

7.C. Failure To Provide Insurance. The Court may hold an obligated parent in contempt for refusing to provide the ordered insurance or for failing or refusing to provide the information required above. In addition, if either parent fails to provide insurance or proof of insurance as required by this agreement, the other parent may provide such insurance and the obligated parent shall be liable to the other parent for the cost of such insurance plus the costs incurred in collection, including reasonable attorney's fees.

7.D. Costs Not Paid For By Insurance. The parents are jointly liable to providers for all health care expenses (including, but not limited to,

medical, dental, orthodontic, optical, prescription drugs, counseling, and all other health care expenses) of the child(ren). All deductibles, co-payments and other expenses for health care that is not paid for by health insurance shall be paid by the parents as follows:

- 50% each by Petitioner and Respondent; **OR**
 _____% by Petitioner and _____% by Respondent.

- i) If the insuring parent fails to pay the insurance premium, all health care expenses of the children not covered by insurance shall be the responsibility of that party.
- ii) If the insuring parent fails to maintain insurance as required, that party may be found in contempt of Court and may be required to pay or reimburse the expenses and costs set forth in Wyo. Stat. §20-2-401(e).

8. CHANGES IN ADDRESS AND EMPLOYMENT:

Each parent shall inform the other parent and the clerk of court in writing of any change of address, phone number, and employment:

8.A. CHANGE OF EMPLOYMENT STATUS: So long as there is a child support obligation, each parent shall notify the other parent and the Clerk of this Court, in writing, on forms available from the Court, within **fifteen (15) days** of any change in employment, including second jobs, changed employers, starting or ending unemployment compensation, and starting or ending of worker's compensation, or any other change in income.

8.B. CHANGE OF ADDRESS: So long as there is a child support obligation, if either parent plans to change his or her address, that parent must notify the other parent and the Clerk of this Court, in writing, on forms available from the Clerk of this Court, **no later than fifteen (15) days prior** to the day of the move, the destination of the move and the proposed move date.

8.C. CHANGE OF HOME CITY OR STATE OF RESIDENCE: Either parent who plans to change their home city or state of residence, must give written notice **thirty (30) days prior to the move**, both to the other parent and to the clerk of district court stating the date and destination of the move.

9. INCOME WITHHOLDING ORDER:

An income withholding order shall be entered and shall become effective as follows:

- Effective immediately (**Recommended**); **OR**

Effective upon the date the Obligor requests withholding commence; or the date the Obligor becomes delinquent in payment of an amount equal to one (1) month's support obligation under the support order. List the reasons why good cause exists to delay the effective date for withholding income: _____

_____; **OR**
 OTHER (e.g. Military allotment)_____.

10. PREVIOUS SUPPORT ORDER:

According to the terms of the most recent court order, Petitioner OR Respondent was ordered to pay \$_____ per month for the support of the minor child(ren).

11. JUDGMENT OF ARREARS:

11.A. Petitioner OR Respondent is in arrears in the support obligation in the amount of \$_____ from _____ **[Date of previous support order]** through _____ **[Last day of the month before this Order is filed]** for which judgment shall be entered; AND/OR

Petitioner OR Respondent owes unpaid medical expenses in the amount of \$_____ from _____ **[Date of the order establishing medical support]** through _____ **[Last day of the month before this Order is filed]**, for which judgment shall be entered; **OR**

11.B. Petitioner OR Respondent is current in his/her support obligation.

IT IS HEREBY ORDERED THAT:

12. Judgment for past due support, including medical support if applicable, is hereby entered against Petitioner OR Respondent in the amount of \$_____ through _____ **[Date]**. Beginning _____ **[Date]**, Petitioner OR Respondent shall pay \$_____ per month in addition to current support towards the judgment of \$_____ **[total amount of judgment listed in paragraph 11.A.]** until the judgment is paid and satisfied in full; OR

Petitioner OR Respondent is current in his/her support obligation and a judgment for past due support or medical support is not needed.

13. Any provision in the previous order not otherwise modified herein shall remain in full force and effect.

14. **ENFORCEMENT OF ORDER:**

Either party or, when appropriate, the department of family services has the right to petition to enforce an order pursuant to Wyo. Stat. §20-2-201 through 20-2-204, 20-2-310 and 20-2-311(d).

Contempt - Pursuant to Wyo. Stat. §20-2-204 and 20-2-310, a court having jurisdiction to enforce or revise the decree or order may, upon appropriate motion of either parent, require a parent to appear before the court and show just cause why the parent should not be held in contempt, upon a showing that the parent has willfully violated the decree or order as to the care, custody, visitation and maintenance of the children. The court may, in addition to any assessment it may impose upon a finding that the parent is in contempt of court, award attorney's fees, costs, and such other and further relief as the court may deem necessary under the circumstances, to the parent aggrieved by the violation of the decree or order, in order to enforce and require future compliance with the decree or order.

15. **LIMITED REPRESENTATION:**

Following Rule 1.2(c) of the Wyoming Rules of Professional Conduct, any attorney who has entered a limited appearance for the purpose of obtaining an Order Modifying Child Support and Judgment for Arrears is now discharged.

SO ORDERED this _____ day of _____, 20__.

DISTRICT COURT JUDGE

CHECK ONLY ONE BOX, AND SIGN WHERE INDICATED IN THAT SECTION ONLY:

If the parties have agreed:

I certify that I have read the foregoing *Order Modifying Child Support* and that I agree to the terms and agree to entry of the Order.

Petitioner's signature

If a court hearing was held:

APPROVED AS TO FORM:

Petitioner's signature

Respondent's signature

Copies sent to:

Petitioner/Petitioner's Attorney's Name and Address

Respondent/Respondent's Attorney's Name and Address

