



**PLEASE CAREFULLY READ THE FORMS AND INSTRUCTIONS CONTAINED IN THIS PACKET. IF YOU HAVE ANY QUESTIONS, PLEASE CONSULT WITH AN ATTORNEY.**

THESE ARE EDUCATIONAL FORMS AND INSTRUCTIONS DESIGNED TO ASSIST YOU, BUT YOU ARE REPRESENTING YOURSELF. PLEASE REVIEW AND FOLLOW THE DIRECTIONS TO IMPROVE YOUR PERFORMANCE IN YOUR CASE. FAILURE TO READ AND FOLLOW THE INSTRUCTIONS MAY ADVERSELY IMPACT YOUR CLAIM.

## Instructions for Miscellaneous Forms

This Packet contains forms that are not needed in most cases where the parties are representing themselves. These forms supplement the packet(s) you have already purchased or downloaded from the Court. Most likely you will only need to use these additional forms for one of the following areas:

1. **Additional ways to serve a Defendant/Respondent** – use if you are unable to have the Defendant/Respondent served by the Sheriff or if they will not sign an Acknowledgement or Acceptance of Service;
2. **Waiver of Fees** – use if you are financially unable to pay the Court’s filing fees and/or the Sheriff’s service fees;
3. **Motion Forms** – use if you need to make a request of the Court (or respond to a request) before the final order is entered (for example, request for temporary custody and/or support or requiring completion of financial affidavits);
4. **Dismissal Forms** – use if you would like to dismiss the action before a final order is entered; and
5. **Notice of Change of Employment or Insurance** – this form is for employers who need to report a change for their employee’s status in cases where a child support order has been issued.

**Please read through the instructions carefully concerning the form(s) that you need to use in your case.**

**1. Additional Ways to Serve Defendant/Respondent.** If you were unable to serve the Defendant/Respondent either by the Sheriff or by obtaining an Acknowledgement or Acceptance of Service, then you may make a request to serve the Defendant/Respondent by Publication or by Registered Mail.

**A. The following forms are required for service by Publication:**

- a. Affidavit to Allow Service by Publication
- b. Notice of Publication
- c. Affidavit Following Service by Publication

There are additional fees for service by publication. Rule 4(k)(9) of the Wyoming Rules of Civil Procedure states that service by publication is applicable “in suits for divorce, alimony, to affirm or declare a marriage void, or the modification of any decree therefore entered in such suit, when the defendant is a nonresident of the state, or the defendant’s residence cannot be ascertained, or the defendant keeps concealed in order to avoid service of process.” If you are unsure whether or not you are allowed to serve the Defendant/Respondent by publication, you need to consult with a lawyer. However, if can demonstrate that you have made every effort to find the defendant’s address, completely fill out an *Affidavit to Allow Service by Publication* and *Notice of Publication*. (DO NOT sign where the Clerk needs to sign).

Before service of publication can be made, an *Affidavit to Allow Service by Publication* must be filed stating that service of *Summons* cannot be made within this state on the Defendant/Respondent to be served by publication, and listing the Defendant/Respondent's address, if you know it, or stating that the Defendant/Respondent's address is unknown.

***If the Defendant/Respondent's address is UNKNOWN*** and cannot be found after making every effort to find the Defendant/Respondent's address, the affidavit must detail the efforts you made to obtain an address.

***If the other party's address is KNOWN***, Wyoming Rules of Civil Procedure, Rule 4(1)(2) states: "In any case in which service by publication is made when the address of the Defendant/Respondent is known, the address must be stated in the publication. Immediately after the first publication, the party making the service shall deliver to the Clerk copies of the publication, and the Clerk shall mail a copy to each Defendant/Respondent whose name and address is known by registered or certified mail and marked '**Restricted Delivery**' with return receipt requested, directed to the Defendant/Respondent's address listed, and make an entry thereof on the appearance docket." [NOTE: **You must supply the Clerk with the envelope and proper postage. The envelope must be ready to mail with the necessary postal forms completed.**]

**Contact the newspaper.** After the Clerk signs and files the *Notice of Publication*, it is your responsibility to contact the appropriate newspaper and to arrange for the publication and pay the appropriate fees. The publication must be made in a newspaper published in the county where the complaint is filed. If there is no newspaper published in the county, then it must be included in a newspaper published in Wyoming and of general circulation in the appropriate county. The newspaper must publish the notice once a week for four (4) consecutive weeks.

**Waiting period.** The other party will have thirty (30) days **from the date of the last publication** to file a written response to your complaint or modification petition. After the thirty (30)-day waiting period, fill out the *Affidavit Following Service by Publication*. Don't sign the affidavit until you are in front of a notary. While a notary is watching, sign the *Affidavit Following Service by Publication* and have it notarized. You must attach the *Affidavit of Publisher*. The *Affidavit of Publisher* is a form the newspaper will prepare and send to you after it completes the publishing. File the *Affidavit Following Service by Publication* with the Court. If the other party fails to respond by that time limit, you may follow the procedures for default as discussed in your other packet.

**Recap for Serving by Publication:**

1. Fill out an *Affidavit to Allow Service by Publication*.
2. Fill out the *Notice of Publication*. (The Clerk will sign it.)
3. If you know the other party's address, you must supply the Clerk with the envelope and proper postage to mail the documents to the Defendant/Respondent by registered or certified mail marked "restricted delivery."
4. Contact the newspaper and pay the fee to have the Notice published once per week for 4 weeks.
5. Wait 30 days from the date of the final publication.
6. Fill out the *Affidavit Following Service by Publication* and file it with the Court. Be sure to attach the *Affidavit of Publisher*, which is a form the newspaper will prepare and send to you.
7. Service has now been completed and you may proceed with the next step in your prior packet.

**B. The following form is needed for service by Registered or Certified Mail:**

- Affidavit to Allow Service by Registered Mail.

In all cases where service by publication can be made or where a statute permits service outside this state, the plaintiff/petitioner may obtain service by registered or certified mail. Wyoming Rules of Civil Procedure, Rule 4(r) provides that any party may request that the Clerk send a copy of the complaint and summons by registered or certified mail addressed to the party to be served at the address given in the *Affidavit to Allow Service by Registered Mail* as required under Rule 4(1). The mail shall be sent marked “**Restricted Delivery**”, requesting a return receipt signed by the addressee or the addressee’s agent who has been specifically authorized in writing by a form acceptable to, and deposited with, the postal authorities. When such return receipt is received signed by the addressee or the addressee’s agent the Clerk shall file the same and enter a certificate in the cause showing the making of such service. Wyoming Rules of Civil Procedure, Rule 4(r)(2).

If you qualify to serve the Defendant/Respondent by Registered Mail, fill out the *Affidavit to Allow Service by Registered Mail* and take the original and two copies to the Clerk for filing. You will also need to take an envelope with proper postage and necessary postal forms for restricted delivery in order to mail the complaint or modification petition, summons, and the *Affidavit to Allow Service by Registered Mail* to the Defendant/Respondent.

**Recap for Serving by Registered Mail:**

1. Fill out an *Affidavit to Allow Service by Registered Mail* and file an original and two copies with the Clerk.
2. Take an envelope with proper postage and proper postal forms to the Clerk so that the Clerk can mail the required documents to the Defendant/Respondent by registered or certified mail marked “restricted delivery.”
3. Service has now been completed and you may proceed with the next step in your prior packet.

**2. Waiver of Fees.** If you financially qualify, you may ask the Judge to waive the costs of the filing fee and the fee to have the sheriff serve your spouse with the paperwork for your divorce or modification action by completing and filing an *Affidavit of Indigency and Request for Waiver of Filing Fees and All Fees Associated Therewith* together with the *Order on Request for Waiver of Filing Fees and All Fees Associated Therewith*. The Judge will then make a determination about whether or not to grant your request. Procedures and policies vary from court to court so there is no guarantee that the Judge will grant your request.

**Recap for Requesting a Waiver of Fees:**

1. Fill out an *Affidavit of Indigency and Request for Waiver of Filing Fees and All Fees Associated Therewith*.
2. Fill out an *Order on Request for Waiver of Filing Fees and All Fees Associated Therewith*.
3. File both the Affidavit and the Order with the Court.
4. The Judge will determine whether or not you will need to pay the filing fees and service fees in your divorce or modification action and will mail a copy of the Order to you.

**3. Motion Forms.** There are several remedies that are available in divorce and modification actions that are not included in the packets. For example, requests for temporary relief (such as temporary custody) are unique to each case and can be complex. It is recommended that you seek the assistance of an attorney to help you. However, if you need to make a request of the Court (or respond to a request) before the final order is entered, the following forms are contained in this Packet:

- Motion
- Response to Motion
- Order on Motion
- Order Requiring Financial Affidavits

For each motion you wish to file, you must complete the *Motion* form as well as the *Request for Setting* and the *Order Setting Hearing* forms that are contained in your original packet. All three (3) forms must be filed with the Clerk's office. The *Request for Setting* allows the court to hear about your motion and to make a ruling regarding your request. It also tells the court what the hearing is for and the amount of time needed. The Judge will fill in the hearing date and time and return the *Order Setting Hearing* to you. If you file a motion asking the court to order the other party to file a *Confidential Financial Affidavit*, you do not need to file a *Request for Setting* or the *Order Setting Hearing*. For each form you file, you must give the Clerk an addressed, stamped envelope for both you and one for the other party.

Fill out the *Order on Motion* form by completing the caption and the addresses for you and the other party and submit the *Order on Motion* with your *Motion*. The Judge will either fill out the rest, or make a ruling at the hearing, which you will need to put in the *Order*. If you need the court to order the other party to fill out a *Confidential Financial Affidavit*, complete and file the *Order Requiring Completion of Financial Affidavits*.

**Responding to a Motion:** If the other party files a motion, you should fill out a *Response to Motion* form and state your objections, if any, to the requested relief. If you fail to respond in writing, you may be prevented from responding at the hearing, and the other party may be given what he/she asked for in the motion. Generally, your response must be filed and delivered to the other party within twenty (20) days from the date it was mailed or, if there is a hearing, three (3) days before the hearing date, whichever is sooner. You should attach to your response any documents or other evidence you wish the judge to consider.

**Attend Hearing:** Attend the hearing scheduled by the Court. It is important that you show up on time and that you are dressed appropriately.

**Recap for Motion Forms:**

1. Fill out the *Motion* and the caption and addresses of the parties on the *Order on Motion*.
  - **If you only need to respond to a motion, fill out the *Response to Motion* and file it with the Court. Be sure to send a copy to the other party. Attend any hearing you receive notice of.**
2. Fill out a *Request for Setting* and *Order Setting Hearing* – these forms are contained in your prior packet.
3. File the *Motion*, *Order on Motion*, *Request for Setting*, *Order Setting Hearing*, and *Order on Motion* with the Clerk; or if you need the other party to file a *Confidential Financial Affidavit*, file the *Motion* and the *Order Requiring Financial Affidavits*.
  - Take an original and two copies of each document to file at the Clerk’s office. You will need to send a copy of any filed document to the Defendant/Respondent.
  - Take two (2) addressed, stamped envelopes (one addressed to you and one to the other party with enough postage to cover the cost of mailing the *Order Setting Hearing* or *Order Requiring Financial Affidavits* to you and the other party).
4. Attend the hearing set by the Court.

**4. Dismissal Forms.** If you would like to dismiss the pending action for any reason (such as you were unable to serve the other party, you and the other party reconciled, or for any other reason you decide you no longer wish to proceed with the complaint or the modification petition), you will need the following forms:

- a. Motion to Dismiss Action
- b. Order of Dismissal

Complete the *Motion to Dismiss Action*. If the Defendant/Respondent has not filed an *Answer* or *Response* (including a counterclaim) to the complaint or modification petition, only the Plaintiff/Petitioner needs to sign the Motion. If the Defendant/Respondent filed an *Answer* or *Response*, however, both parties will need to sign the Motion. Be sure to mark the correct box to request that the Court dismiss the *Complaint for Divorce*, *Petition for Modification of Child Support and Judgment for Arrears*, *Petition to Modify Custody and Support*, or *Petition to Establish Custody, Visitation, and Child Support*, whichever one applies to your case.

Complete the *Order of Dismissal* by filling out the caption and by providing the addresses for you and the other party at the bottom. The Judge will determine whether the Motion is granted or denied.

Take the Motion and Order to the Clerk for filing. The Clerk will give the Order to the Judge for consideration. You must also give the Clerk an addressed, stamped envelope for both you and the other party so that the Clerk can send a copy of the Order once it has been signed by the Judge.

**Recap for Dismissal Forms:**

1. Fill out the *Motion to Dismiss Action* and have the Defendant/Respondent sign it if an *Answer* or *Response* (including a counterclaim) was filed.
2. Fill out *Order of Dismissal* by completing the caption and addresses of the parties. The Judge will fill out the rest.
  - Take an original and two copies of each document to file with the Clerk's office. You will need to send a copy of any filed document to the Defendant/Respondent.
  - Take two (2) addressed, stamped envelopes (one addressed to you and one to the other party with enough postage to cover the cost of mailing the *Order of Dismissal* to you and the other party).

**5. Notice of Change of Employment or Insurance.** An employer needing to report a change in employment or dependent health care coverage for a non-custodial parent responsible for payment of child support can use this form to report the change(s) to the Clerk of District Court.