# Packet 4

# Divorce
# (No Minor Children)

# Forms and Procedures

# For Wyoming

# DEFENDANT

# 2014

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# LIST OF FORMS – PACKET 4
# DEFENDANT DIVORCE (NO MINOR CHILDREN)

1. List of Forms
2. Overview
3. Family Law Information and Instructions
4. Checklist
5. Answer to Complaint for Divorce
6. Answer and Counterclaim to Complaint for Divorce
7. Initial Disclosures
8. Request for Setting
9. Order Setting Divorce Trial and Requiring Pretrial Memorandums
10. Pretrial Disclosures

*All underlined forms are required in a divorce action where the parties agree on all of the issues. The rest of the documents required to be filed with the Clerk to complete the divorce action are contained in the Plaintiff's Packet. It is recommended that you work with the Plaintiff to ensure all necessary forms are filled out correctly and completely. **You will also need to sign the *Decree of Divorce* that is contained in the Plaintiff's Packet before your divorce can be completed if you agree on all of the issues.**
**Other forms may be required by your Court.

# OVERVIEW

People who appear for themselves without an attorney are considered to be "self-represented" and are also known as "pro se" litigants. This packet is often referred to as the **"pro se divorce packet."** These packets work best when parties are able to agree and become more difficult when there are children, disagreements about property, financial interests, violence, harassment or coercion. Many areas of family law are very complicated, and some courts in the State of Wyoming require certain things that others courts do not. Therefore, it is not possible to include all legal solutions available to people in a divorce action in a single packet. **Again, this packet will be most useful for people involved in an uncontested divorce (i.e., you both agree on all matters)**. There are other types of actions available, including temporary orders on child custody, support, alimony and restraining orders that are not included in this packet and might be easier to obtain with an attorney. These forms have been created to benefit the majority of people who represent themselves while also understanding that people with complex or emergency circumstances may continue to find themselves better served by getting an attorney. We hope you find this packet and the resources that it contains helpful.

DOMESTIC/FAMILY VIOLENCE:

If you or your children have been a victim of family (domestic) violence, it is recommended that you find an attorney to help you. There may be assistance available even if you cannot afford an attorney. Contact the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-307-755-0992), Legal Aid of Wyoming ( 1-877-432-9955) or the Wyoming State Bar (1-307-632-9061) www.wyomingbar.org. If you have concerns about confidential information such as addresses and/or social security numbers, please consult an attorney and do not attempt to do this on your own. You should also know that Protection Orders and Stalking Orders are available free of charge at the circuit court clerk's office. Please call the Wyoming Coalition Against Domestic Violence & Sexual Assault for assistance in obtaining domestic violence protection or stalking orders (1-307-755-0992). If you have ever obtained a protection order involving your spouse, you should include this information in the *Complaint for Divorce* or *Counterclaim* under the "Other Proceedings" section.

- This information packet is intended to provide general information to obtain a divorce.
- There is no guarantee these forms are still accurate and/or current. The information in this packet is not intended to replace an attorney.
- If you represent yourself, YOU PROCEED AT YOUR OWN RISK. You must decide which forms apply to your situation.
- DO NOT USE all forms, as some forms may not apply.
- Fill out the necessary forms completely and correctly.

Print or type all of the documents. **DO NOT SIGN YOUR NAME WHERE THE JUDGE OR CLERK SHOULD SIGN.**

**LAWS: All laws and rules that apply to attorneys apply to you.** It is your responsibility to properly prepare and file the necessary documents. **The Judge will not sign orders that are incorrect or incomplete, nor will the Judge give you legal advice or make corrections for you.**

You should read Title 20 of the Wyoming Statutes (the divorce laws), and you should also read the Wyoming Rules of Civil Procedure. Most of the District Courts in the State of Wyoming have a courthouse library or county library where these laws and rules can be read. You may also look up these laws and rules on the internet at: www.courts.state.wy.us and clicking on "law library." Some courts have special forms they want you to use in addition to the forms contained in this packet. Check with the clerk before you file your documents.

**Clerks May Not Help You Fill Out the Forms.** Unless your county has a court facilitator, employees in the Clerk of District Court's office and in the Judge's office cannot help you or give you legal advice.

**The Judge Cannot Talk to You, Answer Your Questions or Assist You.** **Ex parte** communication is communication with the Judge with only one party present. If you have something you need to tell the Judge, you must ask for a **hearing** and give **notice** to the other party or file a written statement in the Court file and send a copy of the written statement to the other party.

**Situations that Need an Attorney.** Federal law may impact the division of retirement benefits, employer-provided health insurance, or other benefits which arise out of the employment of either party, and your settlement terms may not be honored by the employer or the plan administrator of the employee benefits plan if your divorce decree is not properly completed or if a "qualified domestic relations order" (QDRO) is required. In addition, in the division of retirement benefits, there may be tax consequences which you may not anticipate. If your divorce involves issues like these, see an attorney to discuss tax consequences or the terms of a QDRO, or, if dealing with insurance issues, a "qualified medical child support order."

In addition to the above situations, you should consult an attorney if:

- You are a victim of domestic/family violence
- The other party hires an attorney
- You or the other party are contemplating filing bankruptcy
- You or the other party expect to receive money because of a personal injury
- You or the other party own a business
- You or the other party have significant assets or debts
- You or the other party own real estate

**Truthfulness.** It is absolutely essential that you be completely honest and accurate in completing all forms. There are penalties for attempting to mislead the Court.

You should read Wyoming Rules of Civil Procedure, Rule 11 (representations to the court) and Wyoming Statute § 6-5-301 (perjury).

**Unauthorized Practice of Law Notice.** The purpose of this packet is to assist those persons who are doing their own divorce. It may be an unauthorized practice of law for a person who is not a licensed attorney to assist others in obtaining a divorce. Such practice could subject a guilty party to punishment for contempt of court.

**You are reminded that if you choose to continue without an attorney, you are expected to know what to do and how to do it.** The Wyoming Supreme Court has said: "A *pro se* litigant (one without an attorney) will be granted no greater right than any other litigant and he must expect and receive…the same treatment as if represented by an attorney…" **In other words, if you do not have an attorney you will be held to the same standards as a person with an attorney.**

# FAMILY LAW 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 (1-307-755-0992). 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 ***Complaint for Divorce*** or the ***Counterclaim***.

**Read through the following information and instructions before completing the forms. You must fill out all forms as completely as possible. If your forms are not complete, the Judge may reject your packet.**

## Information:

A divorce action starts with the filing of the *Complaint for Divorce*. A *Complaint for Divorce* is a written request to the court for a divorce. The person who originally asks for this legal action is called the **Plaintiff** and remains the Plaintiff throughout the case. The Plaintiff will file the *Complaint for Divorce* with the **Clerk of the District Court**, whose office is usually located in the county courthouse or a branch of the county courthouse. A case number, also called a **civil action number**, is assigned and an official court file is opened. Delivering the *Complaint for Divorce* to the Clerk's office is called **filing** a case.

**Case Number**: When you start a lawsuit by filing the paperwork with the Clerk of the District Court, a case number will be assigned by the Clerk. You must include that case number on all further paperwork in the "**caption.**" The caption is the top section of a pleading, motion, and complaint stating the name of the Plaintiff, Defendant, the District Court the case is filed in and the case number.

Once a case has been filed, a copy must be formally given to (a/k/a **served** on) the Defendant. The person against whom the original legal action is being requested is called the **Defendant**, and he or she is expected to answer the *Complaint for Divorce*. The Defendant remains the Defendant throughout the case. **Personal service** of the *Complaint for Divorce* and *Summons* on the Defendant by a **Sheriff** is required for the *Complaint for Divorce* unless the defendant completes an ***Acknowledgment and Acceptance of Service*** form. Formal service is required for the *Complaint for Divorce* so the Court has proof that the Defendant actually received the papers. Other forms of service exist, but these are the easiest methods that meet the formal service requirement for a *Complaint for Divorce*.

# Instructions:

## STEP 1. *Answer* or *Answer and Counterclaim.*

**Two options exist – you may either Answer the *Complaint for Divorce* or file an *Answer and Counterclaim.* Both options are explained below:**

**OPTION A**. ***Answer to Complaint for Divorce***. If you have been served or have signed an *Acknowledgement and Acceptance of Service* form, you should file an *Answer to Complaint for Divorce* with the Clerk of District Court where the *Complaint for Divorce* was filed. An ***Answer to Complaint for Divorce*** is a written document explaining to the court exactly which provisions you agree with and which provisions you deny. If you fail to answer, a default judgment may be entered against you and your spouse may be entitled the relief he or she asked for in the *Complaint for Divorce.*

You must fill in the caption. DO NOT forget to include the case number. This is located in the caption of the *Summons* and/or *Complaint for Divorce*.

i. **Admit or Deny.** To answer the papers, you should go through each and every paragraph of the *Complaint for Divorce* and either "admit" or "deny" each paragraph. If you do not have sufficient information to either admit or deny a particular allegation, you must state that in your *Answer to Complaint for Divorce*. If you disagree with something and you fail to "deny" it in your *Answer to Complaint for Divorce*, the Judge can find that you admitted it.

ii. **Time limit to answer. You have only a limited amount of time to file an *Answer to Complaint for Divorce*.** Generally, if you were served within the State of Wyoming, you will have 20 days to file the *Answer to Complaint for Divorce*. If you were served outside the State of Wyoming, you generally will have 30 days to file an *Answer to Complaint for Divorce*. If you do not file an *Answer to Complaint for Divorce* by your deadline, then your spouse may obtain a *Decree of Divorce* giving him/her everything he/she requested in the *Complaint for Divorce*.

iii. **Computation of Time Limits**. In computing most time limits, unless otherwise stated, the day the pleading is served shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, or, when the act to be done is the filing of a paper, a day on which weather or other conditions have made the office of the Clerk of the court inaccessible, in which event the period runs until the end of the next day which is not one of the aforementioned days. When the period of time prescribed or allowed is less than 11 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation. A "legal holiday" includes any day officially recognized as a legal holiday in this state by designation of the legislature or appointment as a holiday by the governor.

**NOTE: If you have any question or concerns as to when the deadline to file the *Answer to Complaint for Divorce* is, you should consult an attorney.**

iv. **Certificate of Service:** Copies of all documents sent to or filed with the court must be sent to the Plaintiff before the Judge will consider them. This certificate is included at the end of each document that requires it.

v. **Copies.** Make two (2) copies of the document. The original will be filed by the Clerk of District Court, one copy is for the Plaintiff and the other copy is for you (the Defendant). You will need to repeat this step for all documents you file with the Clerk's office.

**OR**

**OPTION B.** ***Answer and Counterclaim for Divorce***. If you want the Judge to grant relief to you (for example, give you the divorce, award property to you, order your spouse to pay alimony, take your previous last name back, etc.) you should file an ***Answer and Counterclaim for Divorce***. An *Answer and Counterclaim for Divorce* responds to the *Complaint for Divorce* and gives you an opportunity to tell the court what you want to happen with the divorce. First, you will go through each and every paragraph of the *Complaint for Divorce* and either "admit" or "deny" each paragraph. Second, the *Counterclaim for Divorce* portion of the document asks the Judge to give you what you want. You must fill out all of the information in the *Answer and Counterclaim for Divorce* completely.

i **Restoration of Wife's previous name**: The Wife should state whether or not she would like to resume her prior name in either the *Complaint for Divorce* if she is the Plaintiff, or a *Counterclaim* if she is the Defendant. This is the Wife's choice ONLY; the Husband cannot demand that his Wife's name be changed.

ii. Follow **Step A(ii)** through **Step A(v)** above.

**NOTE: If you have any question or concerns as to when the deadline to file the *Answer and Counterclaim for Complaint for Divorce* is, you should consult an attorney.**

iii. **Plaintiff's Reply to Your Counterclaim.** The Plaintiff must reply to the *Counterclaim***.** If you file a *Counterclaim*, the Plaintiff will have 20 days to "reply" by filing a *Reply to Counterclaim*. The Plaintiff will either admit or deny the separate allegations in your *Counterclaim.* If the Plaintiff fails to reply to the *Counterclaim*, you may be entitled to file *Default* paperwork seeking the relief you request in your *Counterclaim.* The *Default* paperwork is contained in a separate packet available on the self-help website or from the Clerk of District Court's office.

**STEP 2. Initial Disclosures.** The law requires certain information be made available within thirty (30) days after the Defendant is served, including a schedule of financial assets; schedule of non-financial assets; schedule of all debts owed individually or jointly; location(s) of safety deposit box(es); employment information; and information regarding other income and retirement accounts.

A. **WHEN TO SERVE**: Initial Disclosures must be sent to the Plaintiff (or his/her attorney) WITHIN 30 DAYS AFTER YOU ARE SERVED. **Be sure to keep a copy of this document for your records.**

B. **DO NOT FILE THE INITIAL DISCLOSURES WITH THE CLERK**. This form is only given to the Plaintiff (or his/her attorney).

**STEP 3.** If you and the Plaintiff agree on all of the terms in the *Decree of Divorce*, you will both need to sign the document in front of a Notarial Officer. The *Decree of Divorce* will need to be filled out completely, signed by you and the Plaintiff and both of your signatures need to be notarized. **In addition to signing the *Decree,* you should also initial each page of the *Decree* to verify that each page contains the terms you agreed upon.**

- **When will your divorce become final?** Your divorce will not be final until the Judge approves the *Decree of Divorce* and it is filed with the Clerk of Court. This process may take time if the Judge requires changes to the proposed *Decree.* You must verify with the Clerk's office that the *Decree of Divorce* has been file-stamped before you can be sure your divorce is final. The time limit to appeal a decree begins to run from the day the *Decree of Divorce* is filed with the Clerk's office.

## STEP 4. If you and the Plaintiff do NOT agree on all issues of your divorce, you will need to have a trial:

A. **Trial.** If you and the Plaintiff cannot agree on all issues, 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. You proceed at your own risk and will be expected to know the laws.**

B. **Request a trial date.** If the Plaintiff has **NOT** done so, you will need to request a hearing by completing a ***Request for Setting***. 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 (1) to three (3) hours). You also need to decide whether or not you want a Court reporter to record the proceeding. SEE BELOW FOR DETAILS ON GETTING A COURT REPORTER. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal the Judge's decision if you do not get a Court reporter to take down everything that is said at the trial.

- You must file the ***Request for Setting*** and the ***Order Setting Divorce Trial and Requesting Pretrial Statements*** with the Clerk's office, and the Court will fill in the hearing date and time and mail a copy to you and the other party. You will need to provide an addressed, stamped envelope for you and the Plaintiff to the Clerk.

Once a trial date has been set, do the following:

C. **Pretrial Disclosures**. - Both parties must provide to other party AND PROMPTLY FILE WITH THE COURT the *Pretrial Disclosures* regarding the evidence that it may present at trial. If you have questions, you should contact an attorney.

- When are the *Pretrial Disclosures* due? Unless otherwise directed by the Court, these disclosures must be made at least **30 days before trial**.

- Take the original and two (2) copies to the Clerk for filing. Keep one copy for your records and send the other copy to the Plaintiff (or his/her attorney).

- **Settlement before trial.** In the event that your case settles before the trial, you must present the Court with the completed and signed *Decree of Divorce* in writing before the Court will take the trial off of the schedule. There will be no continuances or canceling of the trial date based on telephone calls. If you need a continuance, you should contact an attorney for assistance in seeking one.

- **Court reporter.** If you wish to have a Court reporter you are required to provide notice to the official Court reporter as soon as possible, but no later than **three (3) working days** before the matter is set for hearing. You can provide notice to the court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing. The Clerk will be able to inform you which court reporter to contact. The three-day notice requirement will not be waived by the Court. The 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 Divorce Trial and Requesting Pretrial Statements* 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 3 to 5 days prior to the trial). Under the law, the Judge cannot help you or assist you at trial. You are on your own without an attorney.

- **Final Decision (*Decree of Divorce*).** Following the trial, the Judge will make a decision or may take the matter under advisement, meaning he or she will need to think further before making a determination. If the Judge instructs you, you must take that decision and type it into the *Decree of Divorce* incorporating the Judge's decision.

- **You are again reminded that, if you choose to continue without an attorney, you are expected to know what to do and how to do it. The Judge will not guide you through the trial/hearing, tell you how to proceed or advise you on the law.**

- **<u>When will your divorce become final</u>?** Your divorce will not be final until the Judge signs the *Decree of Divorce* and it is filed with the Clerk of Court. This process may take time if the Judge requires changes to the proposed *Decree.* You must verify with the Clerk's office that the *Decree of Divorce* has been file-stamped before you can be sure your divorce is final. The time limit to appeal a decree begins to run from the day the *Decree of Divorce* is filed with the Clerk's office.

**RECAP for Defendant's Documents**:

1. File an *Answer* or *Answer and Counterclaim* within 20 days from the date you were served (or 30 days if served out of state)
    - Mail a copy to the Plaintiff and keep a copy for your records
2. Complete the *Initial Disclosures* form and send to the Plaintiff within 30 days of being served with the *Complaint.*
3. Assist the Plaintiff in filling out the *Decree of Divorce* if you both agree on all of the terms.
   **Sign the *Decree of Divorce* in front of a Notarial Officer**.
4. If you and the Plaintiff do NOT agree on all of the terms, and a trial is needed, follow these steps:
    a. File a *Request for Setting* and *Order Setting Divorce Trial and Requiring Pretrial Statements* **ONLY** if the Plaintiff has **NOT** done so.
    b. Take an original and two (2) copies of the *Order Setting Divorce Trial and Requiring Pretrial Statements* for filing with the Clerk and two (2) addressed, stamped envelopes (one addressed to you and one to the Plaintiff with enough postage to cover the cost of mailing the *Order Setting Divorce Trial and Requiring Pretrial Statements* to you and the Plaintiff).
    c. File your *Pretrial Disclosures* **30 days** before the trial date.
        - Mail a copy to the Plaintiff and keep a copy for your records (do not file with the Court)
    d. No later than 3 working days before the trial, request a court report, if desired (and if the Plaintiff has not done so)
    e. Attend the Trial
    f. Complete and file any additional documents required by your Court.

**Your divorce is final when the *Decree of Divorce* has been signed by the Judge and filed by the Clerk.**

**CHECKLIST FOR PACKET 4**
**DEFENDANT DIVORCE (NO MINOR CHILDREN)**

This form is required in all divorce cases where you and the Plaintiff agree on all of the issues:

- *Answer*

You will also need to work with the Plaintiff to complete the *Decree of Divorce* and sign it in front of a Notarial Officer.

**STEP 1**. If you were served with a copy of the *Summons* and *Complaint for Divorce* or if you signed an *Acknowledgement and Acceptance of Service,* file one of the following:

☐ *Answer;* ***OR***
☐ *Answer and Counterclaim*
☐ Take an original and 2 copies of the *Answer* or *Answer and Counterclaim* to the Clerk for filing
  ☐ Mail a copy to the Plaintiff and keep a copy for your records.

**STEP 2**. Complete the *Initial Disclosures*

☐ Send the *Initial Disclosures* to the Plaintiff within **30 days** after you were personally served by the Sheriff or signed the Ackn*owledgment and Acceptance of Service* form. DO NOT FILE the *Initial Disclosures* with the Court.

**STEP 3**. If you and the Plaintiff agree on all of the terms in the *Decree of Divorce*, sign it in front of a Notarial Officer.

☐ Sign the *Decree of Divorce*
☐ A copy will be mailed to you if the Judge signs the *Decree of Divorce.*

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

**STEP 4.** If you and the Plaintiff do NOT agree on all of the issues of your divorce, fill out and file the following forms and attend the trial to finish your Divorce:

***Caution: It is strongly recommended that you hire or find an attorney to represent you at trial, even though you may represent yourself. You proceed at your own risk and will be expected to know the rules and laws.**

☐ If the Plaintiff has **NOT** requested, a trial date, you must request one.
  ☐ *Request for Setting*
  ☐ *Order Setting Divorce Trial and Requesting Pretrial Statements* (Judge will fill out date and time)
  ☐ Take original and two copies to the Clerk for filling.

- ☐ Take an envelope addressed to you with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to you.
- ☐ Take an envelope addressed to the defendant with postage for the Clerk to mail a copy of the *Order Setting Divorce Trial and Requesting Pretrial Statements* to the Plaintiff.
- ☐ Mail a copy of the *Request for Setting* to the Plaintiff and keep a copy for your records.

Once a trial date has been set, do the following:

- ☐ *Pretrial Disclosures* and *Pretrial Memorandum*
  - ☐ File at least **30 days** before the trial date
  - ☐ Take original and two copies to the Clerk for filing
  - ☐ Mail a copy to the Plaintiff and keep a copy for your records
- ☐ No later than 3 working days before the trial, request a court reporter, if desired (and if the Plaintiff has not done so). You can provide notice to the court reporter by phone or by a written request. If providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing.
- ☐ Attend the Trial: Present your evidence and witnesses.
- ☐ Additional Forms: The Court may also require additional forms depending on the county where your case is filed. Ask the Clerk if any additional forms are required.
  - ☐ Copies and Envelopes for each additional form:
    - ☐ Take an original and 2 copies of each additional form to the Clerk for filing.
    - ☐ Mail a copy of any additional form filed with the Clerk to the Plaintiff and keep a copy for your records.

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

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

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**ANSWER TO COMPLAINT**

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1. Defendant admits the allegations in Paragraphs _____
(list paragraphs that are accurate statements)
of Plaintiff's *Complaint for Divorce*.

2. Defendant denies the allegations in Paragraphs _____
(list paragraphs that you believe are not accurate)
of Plaintiff's *Complaint for Divorce*.

3. Defendant does not have information sufficient to either admit or deny the allegations in Paragraphs _____.

**WHEREFORE**, Defendant respectfully requests that the court find generally in her/his favor and against the Plaintiff, that Plaintiff take nothing by way of his/her *Complaint for Divorce*, and for such other and further relief as the court deems just and proper.

DATED this _____ day of _____, 20___.

_____
Signature
Printed Name: _____
Address: _____
_____
Phone: _____

## CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by ☐ Hand Delivery OR ☐ Faxed to this number _____ _____ OR ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Plaintiff/Plaintiff's Attorney's Name and Address)

TO: _____

_____

_____

_____
Your signature

_____
Print name

----------Fill in, if applicable----------

Pursuant to Rule 102(a)(1)(B) of the Wyoming Uniform Rules of District Court the following attorney has participated in the preparation of this pleading but said attorney is NOT deemed to have entered an appearance in this matter:

_____
Attorney's Name

Attorney's Address/Telephone:

_____
_____
_____
_____

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

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## ANSWER AND COUNTERCLAIM TO COMPLAINT FOR DIVORCE

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The Defendant sets forth the following as the answers and responses to Plaintiff's *Complaint for Divorce*:

1. Defendant admits the allegations in Paragraphs _____
(list paragraphs that are accurate statements)
of Plaintiff's *Complaint for Divorce*.

2. Defendant denies the allegations in Paragraphs _____
(list paragraphs that you believe are not accurate)
of Plaintiff's *Complaint for Divorce*.

3. Defendant does not have information sufficient to either admit or deny the allegations in Paragraphs _____.

**WHEREFORE**, Defendant respectfully requests that the court find generally in her/his favor and against the Plaintiff, that Plaintiff take nothing by way of his/her *Complaint for Divorce*, and for such other and further relief as the court deems just and proper.

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## COUNTERCLAIM

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**DEFENDANT,** ☐ **Husband** ☐ **Wife**, sets forth the following as the counterclaim to Plaintiff's *Complaint for Divorce*:

1. Defendant is a resident of _____ County Wyoming, and has lived in the State of Wyoming for more than sixty (60) days immediately prior to the filing of the Complaint. (If not, did marriage take place in Wyoming and has the Defendant resided in this state from the time of the marriage until the filing of the Complaint? ☐ yes ☐ no).

2. Plaintiff and Defendant were married to each other on _____in _____
(Date of Marriage)
_____.
(City, County and State where marriage took place)

3. The Plaintiff and Defendant separated on _____.
(Date of Separation)

4. Irreconcilable differences exist in the marriage and Defendant is the aggrieved party in this case and should be granted a divorce from the Plaintiff.

5. The Plaintiff and I do not have any minor children, either natural or adoptive.

6. To the best of Defendant's knowledge,

☐ Wife is not pregnant, **OR**
☐ Wife is pregnant (If pregnant, consult an attorney. Your divorce may not be able to be final until after the baby is born) and
The baby is due on or about _____ (date), (and, check one space below):
☐ The Plaintiff and Defendant are the biological parents of the child, OR
☐ Plaintiff is not the biological parent of the child, OR
☐ Defendant is not the biological parent of the child.

7. The parties have accumulated certain property and debts during the course of their marriage, which should be equitably divided by the Court.

8. The Court should award ☐ Plaintiff OR ☐ Defendant spousal support/alimony in a reasonable amount to be determined by the court; OR

☐ Neither party shall be awarded spousal support/alimony.

9. The Wife's previous name may be restored if she desires.

**WHEREFORE**, the Defendant respectfully requests that the Court:

1. Grant the Defendant a divorce from the Plaintiff and dissolve the marriage;

2. Order a just and equitable division of the marital property and debts;

3. Order that:
☐ No party is entitled to spousal support/alimony; OR
☐ Reasonable spousal support should be paid by ☐ Plaintiff, OR ☐ Defendant as the circumstances and facts may require;

4. Order that the wife resume her previous name at the conclusion of this lawsuit if she wishes; and

5. Order such other and further relief as the Court deems just and equitable.

**DATED** this _____ day of _____, 20_____.

_____
Signature
Printed Name: _____
Address: _____
_____
Phone Number:_____

## CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by ☐ Hand Delivery OR ☐ Faxed to this number _____ OR ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Plaintiff/Plaintiff's Attorney's Name and Address)

TO: _____

_____

_____

_____
Your signature

_____
Print name

----------Fill in, if applicable----------

Pursuant to Rule 102(a)(1)(B) of the Wyoming Uniform Rules of District Court the following attorney has participated in the preparation of this pleading but said attorney is NOT deemed to have entered an appearance in this matter:

_____

Attorney's Name

Attorney's Address/Telephone:

_____

_____

_____

_____

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

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**INITIAL DISCLOSURES**

---

The following initial disclosures are submitted by the Defendant pursuant to Wyoming Rule of Civil Procedure 26(a)(1.1). This information is required in all divorce proceedings to the extent that the information pertains to a particular claim or defense in the action. This information must be made available to the opposing party's attorney (or the opposing party if he or she does not have an attorney) within thirty (30) days after the Defendant has been served with the *Complaint for Divorce*. **For any of the following disclosures that do not pertain to you, write "not applicable" on the appropriate schedule**.

1. A schedule of financial assets owned individually or jointly, such as savings or checking accounts, stocks, bonds, cash or cash equivalents, including the name and address of the depository, the date such account was established, the type of account, the account number, and whether the account is acknowledged to be a marital asset or asserted to be a non-marital asset and, if asserted to be a non-marital asset, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Financial Assets**.)

2. A schedule of non-financial assets, such as personal or real property (i.e. house, land, vehicles, household items, etc.) owned individually or jointly, including the purchase price and the date of purchase or acquiring the property, the present market value, any indebtedness relating to such asset, the state of record ownership, whether purchased from marital assets or

obtained by gift or inheritance, and whether acknowledged to be a marital asset or asserted to be a non-marital asset and, if asserted to be a non-marital asset, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Non-Financial Assets**.)

3. A schedule of all debts owed individually or jointly, identifying the date any obligation was incurred, the spouse in whose name the debt was incurred, the present amount of all debts and monthly payments, the use to which the money was put which caused the debt to arise, identification of any asset which serves as security for such debt, and an acknowledgement of whether each debt is a marital or non-marital debt, and if asserted to be a non-marital debt, an explanation of the legal and factual basis for such assertion. (See attached **Schedule of Debts**.)

4. A schedule of safe deposit boxes, including the name and address of the institution where the box is located, the box number, the name and address of the individual(s) who has access to the box, an inventory of the contents, and the value of the assets located therein. (See attached **Schedule of Safety Deposit Boxes**.)

5. A schedule of employment, including the name and address of your employer; gross monthly wage; payroll deduction(s), specifically identifying the type and amount; the amount of other benefits including transportation, employer contributions to health care, and employer contributions to retirement accounts; and outstanding bonuses. (See attached **Schedule of Employment**.)

6. A schedule of all other sources of income, including the name and address of the source and the amount and date the income was received. (See attached **Schedule of Other Income**.)

7. A schedule of all retirement accounts or benefits, including the name and address of the institution holding the accounts or benefits, the present value if readily ascertainable, the initial date of any account, the expected payment upon retirement and the specific retirement date, and the value of the account at the date of the marriage if the account existed prior to marriage. (See attached **Schedule of Retirement Accounts or Benefits**.)

8. If seeking custody, or a change in custody, set forth the facts believed to support your claim of superior entitlement to custody. In addition, as to a change of custody, set forth the facts comprising a substantial change in circumstances and disclose any supporting documentation. (See attached **Schedule of Custody**.)

9. **NOTE:** ***Supplementation of disclosures and responses.*** Wyoming Rules of Civil Procedure 26(e)(1): A party who has made a disclosure or responded to a request for discovery with a disclosure or response is under a duty to supplement or correct the disclosure or response to include information thereafter acquired, if ordered by the court or in the following circumstances:

> **A party is under a duty to supplement at appropriate intervals, its disclosures if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.**

DATED this _____ day of _____, 20___.

_____
Signature
Printed Name: _____
Address: _____
Phone Number:_____

## CERTIFICATE OF SERVICE

I certify that on _____ (date) a true and accurate copy of this document was served on the other party by ☐ Hand Delivery OR ☐ Faxed to this number ____ _____ OR ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Print Other Party's/Other Party's Attorney's Name and Address)

TO: _____

_____

_____

_____
Your signature

_____
Print name

## A NOTE ABOUT MARITAL vs. NON-MARITAL ASSETS AND DEBTS

In the following tables you will be asked to distinguish marital property/debt from non-marital (separate) property/debt. Marital property/debt will be divided between you and your spouse as part of the divorce; non-marital property/debt usually will not be divided (depending on the situation).

The general rule is that marital property and debt is any property or debt acquired during the marriage for the benefit of the marriage, regardless of who paid for it or whose name is on it. However, just because a party acquired property before marriage does not necessarily mean that it won't be considered marital property. A spouse's premarital separate property can become marital when a married couple demonstrates an intent, through their words or actions during marriage, to treat one spouse's separate property as marital property. Gifts and inheritances are generally separate property, although gifts for the benefit of the marriage, such as a dishwasher, may be considered marital property.

"During the marriage" generally means from the time of marriage until the time of separation.

People often dispute what property/debt is marital or how long the marriage lasted. When this happens, you are urged to consult with an attorney to learn about the various legal arguments that may be available to you.

If you want to read more about divorce and property division, you can review that information here, http://www.legalhelpwy.org/.

SCHEDULE-A

☐ Not Applicable

## Financial Assets

| **Type of Account** Checking, Savings, Stocks, Bonds, Cash, Cash Equivalents, other Financial Assets | **Name and Address of Depository** List bank, credit union, brokerage or other location where the financial asset is held. | **Date Account Opened** | **Present Market Value** | **Last 4 digits of Account Number** | **Record Ownership** (Husband, Wife, Joint H/W, Other-describe) | **Source of Funds** (Marital assets, Gift, Inheritance, Separate assets, Before this marriage, Other-describe) | **Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed. |
|---|---|---|---|---|---|---|---|
| a. | | | | | | | |
| b. | | | | | | | |
| c. | | | | | | | |
| d. | | | | | | | |
| e. | | | | | | | |
| f. | | | | | | | |
| g. | | | | | | | |

☐ Attach additional sheets of paper if needed

SCHEDULE-B

☐ Not Applicable

## Non-Financial Assets

| **Description of Asset** | **Purchase Price** | **Date Acquired/ Purchased** | **Present Market Value** | **Amount of debt related to asset** | **Record Ownership** (Husband, Wife, Joint H/W, Other-describe) | **State of Record Ownership** (Where asset is recorded, registered or located) | **How acquired:** (Marital assets, Gift, Inheritance, Separate assets, or Before this marriage) | **Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed. |
|---|---|---|---|---|---|---|---|---|
| List Personal Property (i.e., household furnishings, jewelry, antiques, guns, collectables, etc.)<br>a. | | | | | | | | |
| b. | | | | | | | | |
| c. | | | | | | | | |
| d. | | | | | | | | |
| e. | | | | | | | | |
| f. | | | | | | | | |
| g. | | | | | | | | |
| h. | | | | | | | | |
| i. | | | | | | | | |
| j. | | | | | | | | |
| k. | | | | | | | | |
| l. | | | | | | | | |
| m. | | | | | | | | |

☐ Attach additional sheets of paper if needed

☐ Not Applicable

## Non-Financial Assets Cont.

| **Description of Asset** | **Purchase Price** | **Date Acquired/ Purchased** | **Present Market Value** | **Amount of debt related to asset** | **Record Ownership** (Husband, Wife, Joint H/W, Other-describe) | **Where asset is recorded, registered or located** (Which State?) | **How acquired: (**Marital assets, Gift, Inheritance, Separate assets, or Before this marriage) | **Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed. |
|---|---|---|---|---|---|---|---|---|
| List All Vehicles by Year, Model & VIN<br>a. | | | | | | | | |
| b. | | | | | | | | |
| c. | | | | | | | | |
| d. | | | | | | | | |
| Real Property (house, land, etc.) (Describe)<br>a. | | | | | | | | |
| b. | | | | | | | | |
| c. | | | | | | | | |
| d. | | | | | | | | |

☐ Attach additional sheets of paper if needed

☐ Not Applicable

## Non-Financial Assets Cont.

| **Description of Asset** | **Purchase Price** | **Date Acquired/ Purchased** | **Present Market Value** | **Amount of debt related to asset** | **Record Ownership** (Husband, Wife, Joint H/W, Other-describe) | **Where asset is recorded, registered or located** (Which State?) | **How acquired: (**Marital assets, Gift, Inheritance, Separate assets, or Before this marriage) | **Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed. |
|---|---|---|---|---|---|---|---|---|
| Interest in any business (Describe) a. | | | | | | | | |
| b. | | | | | | | | |
| c. | | | | | | | | |
| Any other non-financial assets: (Describe) a. | | | | | | | | |
| b. | | | | | | | | |
| c. | | | | | | | | |
| d. | | | | | | | | |
| e. | | | | | | | | |

☐ Attach additional sheets of paper if needed

SCHEDULE-C

☐ Not Applicable

## Debts (Incurred Individually or Jointly)

| Name of Creditor and Last 4 Digits of Account # | Date Debt Was Incurred | Who Incurred the debt? (Husband, Wife, Joint H/W, Other - describe) | Current Balance of Debt | Monthly Payment | What You Received For Debt or Use to Which Money was Put | Asset serving as security for Debt | Asserted as Marital or Non-Marital Debt? **If not a marital debt, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed. |
|---|---|---|---|---|---|---|---|
| a.<br><br>Acct. #: | | | | | | | |
| b.<br><br>Acct. #: | | | | | | | |
| c.<br><br>Acct. #: | | | | | | | |
| d.<br><br>Acct. #: | | | | | | | |
| e.<br><br>Acct. #: | | | | | | | |
| f.<br><br>Acct. #: | | | | | | | |
| g.<br><br>Acct. #: | | | | | | | |
| h.<br><br>Acct. #: | | | | | | | |
| i.<br><br>Acct. #: | | | | | | | |
| j.<br><br>Acct. #: | | | | | | | |

☐ Attach additional sheets of paper if needed

SCHEDULE-D

☐ Not Applicable

## Safe Deposit Boxes

| **Name and Address of Institution** where box is located | **Box Number** | **All Name(s) to whom the box is registered** | **Names and Addresses of All Individuals Who Have Access to the Box** | **Inventory of Contents** | **Value of Contents** |
|---|---|---|---|---|---|
| a. | | | | | |
| b. | | | | | |
| c. | | | | | |

☐ Attach additional sheets of paper if needed

SCHEDULE-E

☐ Not Applicable

## Employment/ Self-Employment

| **Employer's Name and Address** | **Gross Monthly Wage and Payroll Deductions** (Identify Type and Amount) | **Other Benefits and Amount Received** (including transportation, employer contributions to health care, and employer contributions to retirement account) | **Outstanding Bonuses** (owed to you but not yet received List **Amount** and **Due Date** |
|---|---|---|---|
| a. | Gross:<br><br>Fed Tax:<br>FICA (Social Security):<br>Medicare:<br>Children's Health Ins. Premiums:<br><br>Total Deductions:<br>Net: | | Amount:<br><br>Due Date: |
| b. | Gross:<br><br>Fed Tax:<br>FICA (Social Security):<br>Medicare:<br>Children's Health Ins. Premiums:<br><br>Total Deductions:<br>Net: | | Amount:<br><br>Due Date: |
| c. | Gross:<br><br>Fed Tax:<br>FICA (Social Security):<br>Medicare:<br>Children's Health Ins. Premiums:<br><br>Total Deductions:<br>Net: | | Amount:<br><br>Due Date: |

☐ Attach additional sheets of paper if needed

SCHEDULE-F

☐ Not Applicable

**Other Income** (Not Previously Indicated Herein)

| Name and Address of Source of Other Income: | Amount Received | Date Received |
|---|---|---|
| 1. Disability (Indicate type, i.e., Temporary total, permanent partial, permanent total, etc) | | |
| 2. Unemployment | | |
| 3. Worker's Compensation | | |
| 4. Retirement | | |
| 5. Any Other Payments Made By Any Payor (describe) | | |
| | | |

☐ Attach additional sheets of paper if needed

SCHEDULE-G

**Retirement Accounts or Benefits**

☐ Not Applicable (Pensions, Profit Sharing, IRA's, 401K's, Retirement Plans, etc.)

| **Name and Address of Institution, Carrier, or Plan Administrator holding the account or benefit** | **Who owns the plan?** (Husband Or Wife?) | **Last 4 Digits of Account or ID Number** | **Type of Plan** | **Date Plan Acquired** | **Value of Account on Date of Marriage** | **Present Value** | **Loans Against Plan** | **Expected Date of Retirement and Expected Payment Amount** | **Asserted as Marital or Non-Marital Asset?** **If not a marital asset, an explanation of legal and factual basis for such assertion is required. Please attach additional sheets of paper if more space is needed.** |
|---|---|---|---|---|---|---|---|---|---|
| 1. | | | | | | | | Date:<br>Payment: | |
| 2. | | | | | | | | Date:<br>Payment: | |
| 3. | | | | | | | | Date:<br>Payment: | |
| 4. | | | | | | | | Date:<br>Payment: | |
| 5. | | | | | | | | Date:<br>Payment: | |

☐ Attach additional sheets of paper if needed

SCHEDULE-H

☐ Not Applicable

**Custody**

1. If you are seeking custody, set forth the facts supporting your claim to superior entitlement to custody:

A. I have been the primary caretaker of the child(ren) as follows:

B. I have a good quality of relationship with the child(ren) as follows:

C. I have the ability to take care of the child(ren) as follows:

D. I am the more fit and competent parent to have custody as follows:

E. I am willing to support my child(ren) maintaining a relationship with both parents as follows:

F. I have the physical ability to care for the child(ren) as follows:

G. Other

☐ Attach additional sheets of paper if needed

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

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**REQUEST FOR SETTING**

---

The ☐ Plaintiff OR ☐ Defendant requests a time and date for a hearing/trial in the District Court. The hearing/trial will take approximately _____ hours/minutes and will address the following issues:

1) ☐ The parties have reached an agreement (both parties have signed the *Decree of Divorce* and this Court requires a hearing before it will enter a *Decree of Divorce*). (NOTE: submit the ***Order Setting Hearing*** if this option is selected); OR

2) ☐ Default was entered against ☐ Plaintiff OR ☐ Defendant and this Court requires a hearing before it will enter a *Decree of Divorce*. (NOTE: submit the ***Order Setting Hearing*** if this option is selected); OR

3) ☐ The parties are not able to agree on all of the terms of the divorce and a hearing is needed on the following issues:

☐ Property distribution
☐ Motion for _____
☐ Other: _____

(NOTE: submit the ***Order Setting Hearing*** if this option is selected)

4) ☐ The parties are not able to agree on any issues and a trial is needed for a Divorce (No Minor Children). (NOTE: submit the ***Order Setting Divorce Trial and Requiring Pretrial Statements***); OR

5) Any party requesting the reporting of a particular matter by the official court reporter shall make a request to the appropriate official court reporter as soon as possible, but no later than **three (3) <u>working days</u>** before the matter is set for hearing. You can provide notice to the court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing. The Clerk will be able to inform you which court reporter to contact. The three-day notice requirement will not be

waived by the Court. The notice is required for all civil matters including jury trials. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal the Judge's decision if you do not have a transcript of everything that is said at the trial. Rule 904 of the Uniform Rules of the District Courts of the State of Wyoming.

**DATED** this _____ day of _____, 20____.

_____
Signature
Printed Name: _____
Address: _____
Phone Number:_____

## CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by ☐ Hand Delivery OR ☐ Faxed to this number _____ _____ OR ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Insert Other Party's/Other Party's Attorney's Name and Address)

TO: _____

_____

_____

_____
Your signature

_____
Print name

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

---

**ORDER SETTING DIVORCE TRIAL**
**AND REQUIRING PRETRIAL STATEMENTS**

---

**THIS MATTER** having come before the Court upon a *Request for Setting*, and the Court being generally advised in the premises;

**IT IS HEREBY ORDERED** that a trial of the above matter is hereby scheduled for Courtroom No. ____ of the _____ County Courthouse, _____, Wyoming on the _____ day of _____, 20___ commencing at __:____ o'clock __.m.

(____) minutes/hour(s)/day(s) has been set aside for the trial of this matter.

**IT IS FURTHER ORDERED** that each party shall file and serve on the opposing party or their attorney, if represented, no later than five (5) days prior to the trial, the party's sworn statement setting forth the facts, to the best of the party's knowledge and belief, called for by Section "A" of the attached list of information, and a statement by counsel (attorney), if any, of the client's position and proof as called for by Section "B." These filings are required to narrow and simplify the issues, prevent surprise and to eliminate unnecessary proof. The material may be presented in narrative form but must be complete for purposes called for by this order. To avoid duplication, the parties or their attorneys, if any, may submit a joint statement of those items not in dispute.

**Any party requesting the reporting of a particular matter by the official court reporter shall make a request to the appropriate official court reporter as soon as possible, but no later than three (3) <u>working days</u> before the matter is set for hearing. You can provide notice to the**

**court reporter by phone or by submitting a written request. Please note that if providing notice through the mail, the request must be received by the court reporter no later than three working days prior to the hearing. The Clerk will be able to inform you which court reporter to contact. The three-day notice requirement will not be waived by the Court. The notice is required for all civil matters including jury trials. If a hearing is not recorded by an official court reporter, a transcript of the hearing will not be available. It is very difficult to appeal a decision if you do not have a transcript of everything that is said at the trial.** Rule 904 of the Uniform Rules of the District Courts of the State of Wyoming.

In the event that this case settles, the parties are informed that there will be no change in the scheduling of this matter by the Court until such time as the settlement is reduced to writing and a written agreement is presented to the court. There will be no continuances or canceling of the trial date based on telephone calls.

**DATED** this _____ day of_____, 20____.

_____

DISTRICT COURT JUDGE

Copies sent to:

Plaintiff/Plaintiff's Attorney's Name and Address

_____

_____

Defendant/Defendant's Attorney's Name and Address

_____

_____

## SECTION "A"
## SWORN STATEMENT OF PARTY

Items to be included:

1. Personal data and history relevant to the issues, including the parties' names, ages, prior marriages, if any, present living situation of the parties and their immediate family. This item calls for a brief but comprehensive statement of the party's personal history as it may relate to the divorce litigation.

2. Present employment, including identity and location of employer, nature of the job, length of employment, gross and net income and benefits, including health and accident coverage, if any, its convertibility to non-group plan in event of loss of employment, terms of retirement program, all deductions from salary or wages, and prospects for the continuation of the employment.

3. Employment history and employability, including previous employment and incomes, education, training and work experience affecting employability. Include any other factors substantially affecting employability.

4. Other income, whatever the source.

5. All assets showing source of the asset (i.e., jointly purchased, gift prior to marriage), present value, basis of statement of value and statement of present salability.

6. Liabilities, including amount, source, terms of the indebtedness.

7. Any other information which counsel, or the party, believe to be material to the determination of the issues.

## SECTION "B"
## STATEMENT OF COUNSEL

Statement of the case by counsel of the client's position with respect to:

1. Division of assets and allocation of liabilities.

2. If alimony is claimed, the basis of the claim and the amount and duration proposed by the party.

3. If client claims exclusive or superior entitlement to "the divorce," the reasons for that position.

4. List of witnesses and specific summary of expected testimony.

5. Exhibits.

STATE OF WYOMING )
) ss
COUNTY OF _____ )

IN THE DISTRICT COURT

_____ JUDICIAL DISTRICT

Plaintiff:_____, )
(Print name of person filing) )
)
vs. )
)
Defendant:_____. )
(Spouse) (Print name)

Civil Action Case No. _____

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**PRETRIAL DISCLOSURES**

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**NOTE**: Unless otherwise directed by the court, these disclosures must be made **at least 30 days before trial**. Within 14 days thereafter, unless a different time is specified by the court, a party may serve **and promptly file with the Clerk of District Court** a list disclosing (i) any objections to the use under Rule 32 (a) of a deposition designated by another party under Rule 26(a)(3)(B), and (ii) any objection, together with the grounds therefore, that may be made to the admissibility of materials identified under Rule 26(a)(3)(C). Objections not so disclosed, other than objections under Rules 402 and 403 of the Wyoming Rules of Evidence, are waived unless excused by the court for good cause.

☐ Plaintiff OR ☐ Defendant submits the following initial disclosures, pursuant to Wyoming Rule of Civil Procedure 26(a)(3), required in pretrial proceedings. This information must be made available to the opposing party or the opposing party's counsel and the Court at least thirty (30) days before the trial.

A. The name and, if not previously provided, the address and telephone number of each witness, separately identifying those whom the party expects to present and those whom the party may call if the need arises.

B. The designation of those witnesses whose testimony is expected to be presented by means of a deposition and, if not taken stenographically (i.e. by a court reporter), a transcript of the pertinent portions of the deposition testimony.

C. An appropriate identification of each document or other exhibit, including summaries of other evidence, separately identifying those which the party expects to offer and those which the party may offer if the need arises.

**NOTE:** ***Supplementation of disclosures and responses.*** Wyoming Rules of Civil Procedure 26(e)(1) states that: A party who has made a disclosure or responded to a request for discovery with a disclosure or response is under a duty to supplement or correct the disclosure or response to include information thereafter acquired, if ordered by the court or in the following circumstances:

A party is under a duty to supplement at appropriate intervals, its disclosures if the party learns that in some material respect the information disclosed is incomplete or incorrect and if the additional or corrective information has not otherwise been made known to the other parties during the discovery process or in writing.

DATED this _____ day of _____, 20___.

Signature_____
Printed name: _____
Address: _____
_____
Phone Number: _____

## CERTIFICATE OF SERVICE

I certify that on _____ (date) the original of this document was filed with the Clerk of District Court; and, a true and accurate copy of this document was served on the other party by ☐ Hand Delivery OR ☐ Faxed to this number _____ OR ☐ by placing it in the United States mail, postage pre-paid, and addressed to the following:

(Insert Other Party's/Other Party's Attorney's Name and Address)

TO: _____

_____

_____

_____
Your signature

_____
Print name

(check one)

| Name of Witness | Address and Telephone Number | Expect to call witness to testify | *May* call witness to testify if the need arises |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

☐ Additional sheets of paper are attached if needed

(check one)

| Document or Exhibit | Summary of Evidence | Expect to offer | *May* offer if the need arises |
|---|---|---|---|
| | | | |
| | | | |
| | | | |
| | | | |

☐ Additional sheets of paper are attached if needed