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DISTRICT COURT

STATE OF WYOMING

DIVORCE PACKAGE

ADULT CHILDREN

With or Without Property

Control Number WY-004-D

This packet contains the following:

1. Information about Divorce
2. Form List
3. Form Explanations
4. Instructions and Steps
5. Checklist
6. Access to Law Summary

You and your spouse must agree to all terms of the divorce to use this packet.

INFORMATION ABOUT DIVORCE

1. **WHO MAY USE THESE FORMS:** You may use this divorce package only when all of the following facts are true;
 - (a) You and your spouse have irreconcilable differences;
 - (b) All children are adults.
 - (c) You and your spouse agree on all terms of the divorce.
 - (d) You or your spouse have lived in Wyoming and in the county of filing for sixty (60) days before filing the divorce, or the marriage was solemnized in Wyoming and the party seeking the divorce has resided in Wyoming since the time of marriage to the filing of the complaint.

2. **THE BASICS:** In a typical divorce, there are basic two requirements that must be met before you can file for a divorce. Those requirements are below:
 - (a) You must satisfy the *residency* requirements.
 - (b) You must satisfy *the no-fault procedures*.

3. **RESIDENCY REQUIREMENTS:** Wyoming law requires that the party seeking the divorce must have resided in Wyoming for a minimum of sixty (60) days prior to the filing of the complaint, or that the marriage was solemnized in Wyoming and the party seeking the divorce has resided in Wyoming since the time of marriage to the filing of the complaint.

4. **GROUND FOR DIVORCE:** Wyoming law permits divorces based upon irreconcilable differences (no-fault) and upon either spouse being confined to mental institution for two years because of incurable insanity. This divorce package is based upon the no-fault grounds of irreconcilable differences.

5. **LEGAL SEPARATION:** Wyoming law permits a party to seek a judicial separation, permitting the parties to live to live separate and apart from each other without terminating the marital relationship. The party seeking the separation must meet the same conditions set forth for a divorce to be issued, but rather than praying for a divorce, the party must request to be allowed to live separate and apart from the offending spouse.

This package does not contain forms for a legal separation.

6. **WAITING PERIOD:** Wyoming law requires that no decree of divorce may be final unless and until twenty (20) days have elapsed from the time of the filing of the complaint.

7. **ALIMONY/SUPPORT:** Since this is an agreed upon divorce, you and your spouse will decide issues of alimony. The forms assume that no alimony will be paid and is waived but you may add provisions for alimony if you desire. In a contested case, Wyoming law

permits the courts to require one party to a divorce action to pay any sum necessary for the support of the other party during the pendency of the action. Wyoming also permits the courts to order that either party must provide alimony to the other spouse after the marriage is terminated, taking into consideration such factors as the respective merit of each party and how each party will be left by the divorce. After a decree ordering alimony has been issued, the court may from time to time revisit the issue and revise the decree upon complaint to the court.

8. **DISTRIBUTION OF PROPERTY:** Since this is an agreed upon divorce, the parties will agreed to property distributions. Wyoming is an equitable distribution state. Equitable distribution means that the marital property of the parties will be distributed among the parties in a manner the court determines to be equitable and just, not necessarily equally among the parties. Factors the Court will consider include:
 - (a) The respective merits of the parties and the condition in which they will be left by the divorce;
 - (b) The party through whom the property was acquired, and;
 - (c) The burdens imposed upon the property for the benefit of both party and children.

9. **NAME CHANGE:** A spouse may complaint the court requesting that upon divorce the court restore the party to the use of a former or maiden name.

For more information, see the Wyoming Divorce Law Summary.

FORMS LIST

The forms included in this package are:

1. Complaint for Divorce **(WY-801D)**
2. Notice of Lawsuit and Request for Waiver of Service of Process
(WY-803D)
3. Waiver **(WY-804D)**
4. Summons **(WY-805D)**
5. Separation and Property Settlement Agreement **(WY-806D)**
6. Affidavit in Support of Decree (Plaintiff) **(WY-808D)**
7. Affidavit in Support of Decree (Defendant) **(WY-809D)**
8. Decree of Divorce **(WY-810D)**
9. Notice of Entry of Decree **(WY-812D)**
10. Non-Military Affidavit **(WY-813D)**

Note: There may be additional forms needed such as a civil cover sheet that would be obtained from the Clerk at the time of filing and completed. Check with your local clerk for any other forms that the County may require that are particular to your County. These should be available from the Clerk.

FORM EXPLANATIONS

All forms included in this package are identified below.

1. **Complaint for Divorce (WY-801D)** - The *Complaint for Divorce (WY-801D)* is the document which requests that the court to grant your divorce along with any other relief requested.

2. **Notice of Lawsuit and Request for Waiver of Service of Process (WY-803D)** – This document is used by the Plaintiff to provide the Defendant with notice that a Complaint for Divorce has been filed. This document further requests that the Defendant complete the Waiver of Service of Process form in order to save the cost of serving the Defendant with a judicial Summons and an additional copy of the Complaint pursuant to Rule 4 of the Wyoming Rules of Civil Procedure. This rule requires certain parties to cooperate in saving unnecessary costs of service of the Summons and Complaint. A Defendant located in the United States who, after being notified of an action and asked by a Plaintiff located in the United States to waive service of Summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the Waiver. If the Defendant complies with this request and returns the signed Waiver, it will be filed with the Court and no Summons will be served on the Defendant.

3. **Waiver of Service of Process (WY-804D)** – This form is used by the Defendant to acknowledge receipt of the Plaintiff's request that the Defendant waive service of the Summons and to acknowledge receipt of a copy of the Complaint in the action.

4. **Summons (WY-805D)** – This document is used to inform the Defendant that a suit has been filed against him or her and orders the Defendant to appear before the court and file any pleadings necessary within 20 days after service of the Summons inside the State of Wyoming and 30 days if service is made outside the State of Wyoming. If the Defendant is to sign the Waiver (Form 2), you do not need to issue the Summons. When you file the Complaint and other documents you can inform the clerk that the Defendant is going to sign a waiver and to not issue a Summons. The clerk may have a form for you to sign requesting that the Summons not be issued.

5. **Separation and Property Settlement Agreement (WY-806D)** – This document provides for the final distribution of any assets and debts of the parties, provides for support of any children of the marriage and any other agreements reached between the parties.

6. **Affidavit in Support of Decree (Plaintiff) (WY-808D)** - This document is used by the Plaintiff to state that the allegations contained in the Complaint are true, and that a Decree may be entered according to the information stated in the Complaint, Separation Agreement and Decree.

7. **Affidavit in Support of Decree (Defendant) (WY-809D)** - This document is used by the Defendant to state that the allegations contained in the Complaint are true, and that a Decree may be entered according to the information stated in the Complaint, Separation Agreement and Decree.
8. **Decree of Divorce (WY-810D)** – This document grants the divorce and any other relief requested.
9. **Notice of Entry of Decree (WY-812D)** – This document is used to provide notice to any interested parties that a Decree of Divorce has been entered.
10. **Non-Military Affidavit (WY-813D)** – This document is used by the Plaintiff to certify that the Defendant is not on active duty with any branch of the U.S. Armed Forces.

INSTRUCTIONS AND STEPS

Note: If a form contains a space for the signature of a Notary Public, it must be signed by you (and if necessary by your spouse) in front of a Notary Public, who must notarize the document. Prepare an original and several copies of each of your completed documents. Your spouse should have a copy of everything you file, stamped “filed” by the clerk. You should keep copies and the court must have originals.

- STEP 1:** The filing party (Plaintiff) should complete and file the *Complaint for Divorce (WY-801D)* and *Non-Military Affidavit (WY-813D)*. A filing fee is paid. A *Civil Cover* may be required and should be available from the clerk.
- STEP 2:** The Plaintiff should then mail to the Defendant the *Notice of Lawsuit and Request for Waiver of Service of Process (WY-803D)*, two copies of the *Waiver of Service of Process (WY-804D)* form (one for the Defendant’s personal records and one to return to the Plaintiff) and a stamped, addressed envelope. The Defendant should complete the *Waiver of Service of Process (WY-804D)* and use the stamped addressed envelope to return the *Waiver (WY-804D)* to the Plaintiff.
- STEP 3:** If the Defendant completes the *Waiver of Service of Process (WY-804D)* form and returns it, the *Waiver* should then be filed with the Clerk and no official *Summons (WY-805D)* will issue to that spouse. If the Defendant does not complete the *Waiver of Service of Process (WY-804D)* form, then a *Summons (WY-805D)* must be issued directing the Defendant to answer the *Complaint (WY-801D)*. The Clerk will inform you how the *Summons (WY-805D)* may be served on the Defendant.
- STEP 4:** Both parties should complete the *Separation and Property Settlement Agreement (WY-806D)*, making certain to agree to all terms contained therein.
- STEP 5:** Each party should next complete the *Affidavit in Support of Decree (WY-808D/WY-809D)*.
- STEP 6:** The *Separation and Property Settlement Agreement (WY-806D)* and both parties’ *Affidavit in Support of Decree (WY-808D/WY-809D)* should then be filed with the Clerk of Court.
- STEP 7:** After the required waiting period of twenty (20) days from the filing of the *Complaint (WY-8001D)*, contact the clerk for a time to present the *Decree of Divorce (WY-810D)* to the Court. Ask the clerk what procedures the Judge uses in your county for this and follow this procedure.
- STEP 8:** After the *Decree of Divorce (WY-810D)* has been signed and filed; the *Notice of Entry of Decree (WY-812D)* should be completed and filed. A copy of said *Notice of Entry of Decree (WY-812D)* should then be mailed to the Defendant.

No Divorce may be final until twenty days have elapsed between the date the compliant is filed and the date the Decree is signed and filed with the Clerk.

Notes: When presenting Pleadings to the Clerk make sure you have at least 4 copies for the Clerk. The Clerk will return the copies to you that the Court does not need.

If a Certificate of Mailing is on any form, a copy of the form should be mailed to the person indicated.

CHECKLIST

- Complaint (WY-801D)* and *Non-Military Affidavit (WY-813D)* completed and filed with the Court.
- Filing Fee Paid.
- Defendant is mailed *Notice of Lawsuit and Request for Waiver of Service of Process (WY-803D)*, two copies of *Waiver of Service of Process (WY-804D)* form (one for Defendant's personal records and one to return to Plaintiff), and a stamped, addressed envelope to return *Waiver* to Plaintiff.
- If the Defendant completes the *Waiver of Service of Process (WY-804D)* form and returns it, the *Waiver* should then be filed with the clerk and no official *Summons (WY-805D)* will issue to that spouse. If the Defendant does not complete the *Acceptance of Service, Waiver and Consent* form, then a *Summons (WY-805D)* is issued directing the Defendant to answer the *Complaint (WY-801D)*. The Clerk will inform you how the *Summons (WY-805D)* may be served on the Defendant.
- Separation and Property Settlement Agreement (WY-806D)* completed by the parties.
- Each party completes *Affidavit in Support of Decree (WY-808D/WY-809D)*.
- Completed *Separation and Property Settlement Agreement (WY-806D)* and each party's *Affidavit in Support of Decree (WY-808D/WY-809D)* filed with the Court.
- After required twenty (20) day waiting period has elapsed, clerk contacted to schedule final hearing.
- Decree of Divorce (WY-810D)* presented to Court at final hearing.
- Notice of Entry of Decree (WY-812D)* completed and filed; copy mailed to Defendant.

NOTE ABOUT COMPLETING THE FORMS

The forms in this packet contain “form fields” created using Microsoft Word. “Form fields” facilitate completion of the forms using your computer. They do not limit your ability to print the form “in blank” and complete with a typewriter or by hand.

If you do not see the gray shaded form fields, go to the View menu, click on Toolbars, and then select Forms. This will open the forms toolbar. Look for the button on the forms toolbar that resembles a shaded letter “a”. Click in this button and the form fields will be visible.

To complete the forms click on the gray shaded areas and type the information. For the separation agreement complete the gray shaded areas and also make any other changes or additions to resolve all issues.

Some forms are locked which means that the content of the forms cannot be changed unless the form is unlocked. You can only fill in the information in the fields. If you need to make any changes in the body of the form, it is necessary for you “unlock” or “unprotect” the form. **IF YOU INTEND TO MAKE CHANGES TO THE CONTENT, DO SO BEFORE YOU BEGIN TO FILL IN THE FIELDS. IF YOU UNLOCK THE DOCUMENT AFTER YOU HAVE BEGUN TO COMPLETE THE FIELDS, WHEN YOU RELOCK, ALL INFORMATION YOU ENTERED WILL BE LOST.** To unlock click on “Tools” in the Menu bar and then selecting “unprotect document”. You may then be prompted to enter a password. If so, the password is “uslf”. That is uslf **in lower case letters without the quotation marks**. After you make the changes relock the document before you begin to complete the fields. After any required changes relock the form, then click on the first form field and enter the required information. You will be able to navigate through the document from form field to form field using your tab key. Tab to a form field and insert your data. If you experience problems, please let us know.

LAW SUMMARY

You may access the law summary for your State by using the link below:

<http://secure.uslegalforms.com/lawsummary/WY/WY-004-D.htm>

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