

FAMILY LAW INFORMATION

People who appear for themselves without an attorney are considered to be “self-represented” and are also known as “pro se” or “pro per” litigants. This packet is often referred to as the “**pro se divorce packet.**” Although there has been a recent surge of pro se litigation in our courts, there are additional barriers that people without an attorney will inevitably face, especially in the area of family law/domestic relations. The difficulties increase when there are children, disagreements about property, financial interests, violence, harassment or coercion. Many areas of family law are very diverse and complicated, and some courts require certain things that others don’t. That is why it is impractical to include all legal remedies available to people in a divorce or modification action in a single packet. **Therefore, this packet will be most beneficial for people involved in uncontested divorce or modification actions.** There are other remedies available, including temporary orders on child custody, support, alimony and restraining orders that are not included in this packet and may be best pursued with the assistance of an attorney. The Citizen’s Access to Courts Committee is aware of the barriers that exist for low income people in our legal system and have created the forms in a manner that they believe will 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 VIOLENCE:

If you or a child has been a victim of domestic (family) violence, there are concerns above and beyond the normal ones. It is recommended that you obtain an attorney to help you. There may be assistance available even if you cannot afford an attorney. You may contact the Wyoming Coalition Against Domestic Violence & Sexual Assault (1-800-990-3877), University of Wyoming Legal Services Programs (including the domestic violence legal clinic) ((307)-766-2104 or (307) 766-3747), the Wyoming State Bar (1-307-632-9061), www.wyomingbar.org, or Wyoming Legal Services, Inc. (1-800-442-6170).

CONFIDENTIALITY: 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 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 (1-800-990-3877). There are also private attorneys that are willing to assist clients in these matters. If you have ever obtained a Domestic Violence Protection Order, this information should be indicated in the *Complaint for Divorce* or the *Counterclaim*. A Domestic Violence Protection Order generally will be in effect for up to three (3) months and any provision included in that order (such as child custody and/or support) will end when the order expires.

Communication with the court... Ex parte communication is communication with the judge with only one party present. Judges are not allowed to engage in ex parte communication except in very limited circumstances, so, absent specific authorization to the contrary, you should not try to speak with or write to the judge in your case unless the other **party** is present or has been properly notified. 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.

Filing a case... A divorce case begins with the filing of a ***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 *Complaint for Divorce* is given to 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. A **filing fee** is required.

Once a case has been filed, a copy must be given to (**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.

Service... When one party files a *Complaint for Divorce*, **motion**, or other **pleading**, the other party must be "served" with a copy of the document. This means that the other party is given proper notice of the pending actions(s) and any scheduled hearings. **Personal service** of the *Complaint for Divorce* and *Summons in a Civil Action* on the defendant by a **deputy sheriff** or **private process server** is required for all *Complaints for Divorce* unless the requirement for **service by publication** is satisfied. **Service by certified or registered mail** is also permitted under certain circumstances for the *Complaint for Divorce*. Formal service is required for the *Complaint for Divorce* so the court has proof that the other party actually received the papers.

All documents other than the *Complaint for Divorce* and *Summons in a Civil Action* generally may be made by regular **U.S. mail or hand delivery**. The instructions will advise you of the type of service required for that form. **If your spouse is represented by an attorney, you must send a copy of other documents or papers you file to your spouse's attorney, except for the original *Complaint for Divorce*, which must be personally served on your spouse, the defendant.**

Other than the initial original *Complaint for Divorce*, anytime you file additional pleadings or motions in your case, you must provide a **copy** to the other party (or their attorney if they have one) and include a ***Certificate of Service*** (incorporated on most forms). Likewise, the other party must provide you with copies of everything he or she files. The most common way to serve pleadings, other than the *Complaint for Divorce*, is by U.S. mail.

Situations That Call For An Attorney: Federal law may impact your division of **retirement benefits**, your provisions regarding **employer-provided health insurance**, or your provisions regarding 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. 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 “qualified domestic relations order” (**ODRO**), or if dealing with insurance issues, a “qualified medical child support order.” In addition to the above situations, it is recommended you consult an attorney if:

- You are a victim of domestic (family) violence. (See Domestic Violence Box)
- The other party hires an attorney.
- You or the other party is contemplating filing bankruptcy.
- You or the other party expects to receive money because of a personal injury.
- You or the other party owns a business.
- You and the other party have significant assets or debts.

IF YOU 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 still be held to the same standards as a person with an attorney.**