

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
WITHIN AND FOR UINTA COUNTY, WYOMING**

,	)	
	)	CV-
Plaintiff,	)	
	)	
vs	)	
	)	
,	)	
	)	
Defendant.	)	

**SCHEDULING ORDER IN A DIVORCE ACTION WITH MINOR CHILDREN**

**IT IS HEREBY ORDERED THAT** this matter is set for a bench trial to be held in the District Courtroom, Uinta County Courthouse, Evanston, Wyoming beginning on                     , **2023, beginning at            a.m. and is scheduled for one half (1/2) day.**<sup>1</sup> All parties shall appear **in person.**

**IT IS FURTHER ORDERED** that:

**Rule 26 Disclosures:** The parties shall serve their initial disclosures pursuant to W.R.C.P. 26(a)(1.1) no later than thirty (30) days after the entry of this order.

**Guardian Ad Litem:** If custody is contested, within sixty (60) days after the entry of this order, the parties shall either: (1) select a qualified guardian ad litem and submit a proposed order appointing the guardian ad litem; (2) notify the Court that they cannot agree on a guardian ad litem and submit a proposed order with a blank for the Court to select the guardian ad litem; or (3) notify the Court that both parties agree that good cause exists to waive the appointment of a guardian ad litem and describe with specificity what good cause outweighs the benefits to the child(ren) of

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<sup>1</sup> Divorce actions will be set for trial approximately 180 days after the last answer is filed on the Court's own motion. Cases may be placed on a stacked setting as necessary.

being represented. The cost of the guardian ad litem will normally be divided equally between the parties, but the Court may equitably allocate the guardian ad litem's fees in the final order. Upon stipulation of the parties or upon motion to the Court, a GAL may be appointed at a later date if necessary, however the parties should make all reasonable efforts to determine whether a GAL is necessary within 60 days after entry of this order.

**Co-Parenting Class:** The parties shall attend and complete a co-parenting class within sixty (60) days after the entry of this order and provide proof of completion by filing the same with the Clerk of Court. Classes are offered by many entities. One place you may find parenting classes is [www.divorce-education.com](http://www.divorce-education.com); or [www.familyaffairs.org](http://www.familyaffairs.org).

**Designation of Fact Witnesses.** Parties shall designate fact witnesses no later than sixty (60) days after the entry of this order. Parties shall list of the names and addresses of the witnesses whom they may call to testify, together with a summary statement of the testimony intended to be elicited from each witness.

**Designation of Expert Witnesses.** Parties shall designate expert witnesses in conformity with the requirements of W.R.C.P. 26(a)(2) no later than ninety (90) days after the entry of this order. This deadline applies to those specially retained expert witnesses, designated pursuant to W.R.C.P. 26(a)(2)(B), from whom an expert report is required as well as those witnesses designated pursuant to W.R.C.P. 26(a)(2)(C), who are expected to provide opinion testimony but from whom no report is required. The disclosure of W.R.C.P. 26(a)(2)(C) witnesses shall be accompanied by the summary of the facts or opinions to which the witness is expected to testify and disclose the subject matter on which the witness is expected to present evidence, as specified in W.R.C.P. 26(a)(2)(C). Expert witnesses not designated will be prohibited from testifying, absent consent of the Court for good cause shown.

**Discovery Cut-Off.** The discovery cut-off date is 150 days after the entry of this order. All written discovery requests must be served upon the opposing party at least 30 days before the discovery cut-off. No discovery will be permitted beyond the discovery cut-off. All depositions must be completed by the discovery cut-off.

The parties have a continuing duty to disclose information and material as it becomes known, even after the deadlines set herein, pursuant to W.R.C.P. 26(e).

**Discovery Disputes.** Any motion seeking relief due to a discovery dispute shall contain a certification that, prior to filing the motion, the movant has in good faith conferred with the opposing person or party to resolve the discovery dispute before seeking Court intervention and/or the opposing person's or party's position on the motion. In the event that the movant has been unable to confer with the opposing person or party to resolve the discovery dispute before seeking Court intervention, then the movant shall certify a description of all good faith efforts taken by the movant to resolve the discovery dispute before seeking Court intervention. Movant's failure to so certify may result in automatic denial of the motion. Any response to a motion involving a discovery dispute shall be filed within ten (10) calendar days after service of the motion. Replies to responses are not favored, but if necessary to address new matters raised in a response, any reply shall be filed within five (5) calendar days after service of the response. *Both the motion and any response shall be accompanied by a proposed order.* The Court will decide the motion upon the written submissions unless it determines that a hearing would be helpful.

**Non-Dispositive Motions.** Pursuant to U.R.D.C. 801(a)(7), a moving party must confer in good faith with opposing counsel prior to filing any motion, whether substantive, procedural, or even trivial. Accordingly, every non-dispositive motion must state that the movant has conferred as required by this rule and state the opposing person or party's position on the proposed motion.

If the movant has been unable to confer with the opposing person or counsel before filing the motion, then the movant must describe their attempts to confer and explain why the motion should be considered by the Court before the parties have conferred. Failure to comply with these requirements may result in dismissal of the motion.

**Final Pretrial Conference:** There shall be a Final Pretrial Conference to begin at **9:00 a.m. on (twenty-five days before trial)**. The Pretrial Conference shall be held in person at the District Court, 225 9<sup>th</sup> St., Evanston, Wyoming. The Court has set aside one (1) hour for the Final Pretrial Conference.

**Pretrial Memoranda:** Seven calendar days before the Final Pretrial Conference, the parties shall file and serve the party's sworn statement setting for the facts called for by Section A of the attached list, a statement of the party's position on the disputed issues and proposed disposition of assets and liabilities as called for by Section B of the attached list, and the financial affidavit, final witness list, and final exhibit list as called for by Section C of the attached list. These filings will constitute the parties' pretrial memoranda. The material may be presented in narrative form but must be complete and address all the issues that will be disputed at trial. To avoid duplication, the parties are encouraged to submit a joint statement identifying disputed and undisputed items and issues. Absent good cause shown, exhibits which are not marked and provided to the other party with the pretrial memoranda will not be received at trial, nor shall any witness be permitted to testify unless they are identified on the witness list.

**Court Reporter Requirements:** Any party requesting the reporting of a particular matter by the Official Court Reporter shall file a written notice with the Clerk of the District Court and provide a copy of the written notice to Judge Kaste's Official Court Reporter at least three (3) working days before the matter is set for hearing or trial. The notice is required for all civil matters.

Fees or costs for reporting opening statements, closing arguments, motions before or after trial proceedings, special transcripts, or other special requests by a party shall be as agreed between the requesting party and the Official Court Reporter and paid by the requesting party.

DONE IN CHAMBERS \_\_\_\_ day of \_\_\_\_\_, 2023.

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JAMES KASTE  
District Court Judge

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_, Deputy Clerk of Court, Uinta County, Wyoming, hereby certify that I served true and correct copies of the foregoing on the \_\_\_\_\_ day of January, 2023, to the following:

By: \_\_\_\_\_  
Deputy Clerk of Court

**SECTION A**  
**SWORN STATEMENT OF PARTY**

Items to be included:

1. Personal data and history of the party and children relevant to the disputed issues, including name, age, prior marriages, if any, present living situation of the parties, and their immediate family. For instance, please explain where each parent is residing and with whom and how the children are being cared for during the day if not by one of the parties. This item calls for a brief but comprehensive statement of the party's personal history as it may related to the divorce litigation.
2. Health insurance benefits available to dependents and extent available to spouse after divorce.
3. All assets showing source of the asset (*i.e.*, jointly purchased, gift prior to marriage, etc.), present value, basis of statement of value and statement of present salability.
4. Liabilities, including amount, source, terms of the indebtedness.
5. Any other information which counsel or the party believes to be material to the determination of the issues.

**SECTION B**  
**STATEMENT OF THE CASE**

Statement of the party'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 the party claims exclusive or superior entitlement to "the divorce", the reasons for that position.
4. If superior suitability for primary custody of the children is claimed and disputed, the reasons for the claim.
5. Reasons, if any, for departure from the standard visitation schedule attached hereto.
6. If the party intends to argue that there should be a departure from the presumed child support amount, give a complete statement of the facts urged as grounds for departure and the amount of the departure.
7. The expected length of trial.

**SECTION C**  
**WITNESSES AND EXHIBITS**

Each party shall provide:

1. The “Financial Affidavit” required by Wyoming Statute § 20-2-308.
2. A list of all witnesses, whether fact or expert, the party intends to call at trial, identifying whether each witness will or may be called.
3. A copy of all exhibits the party intends to introduce at trial



## **STANDARD VISITATION SCHEDULE**

It is the intention of the Court to provide frequent, liberal, and recurring visitation to the non-custodial parent as the child(ren) need regular contact with both parents and such visitation is in their best interest. This Standard Visitation Schedule is meant to provide such visitation in a clear, specific way that prevents disagreements. However, this schedule may not work well in all situations, such as when the parties do not live within a reasonable travel distance from each other. Accordingly, the Court will deviate from this standard visitation schedule whenever it is in the best interests of the child(ren) to do so.

The parties are strongly encouraged to attempt to agree on a schedule that meets the best interests of their child(ren) and which provides meaningful and liberal time with both parents. If the parties agree to a different schedule that they believe will be in the child(ren)'s best interests, the Court will strongly consider following the parties' agreement.

## **GENERAL PROVISIONS**

As used in this Standard Visitation Schedule, the term "custodial parent" means the parent who has been awarded primary physical custody or who has the minor child the majority of the time. The "non-custodial parent" is the parent who has not been awarded primary physical custody.

Where there is a conflict between different classifications of visitations, the following priority system will control:

- a. When a child's birthday and any other visitation conflict, the birthday shall have precedence.
- b. When a specific holiday and an alternate weekend conflict, the holiday visitation will have precedence over the weekend, but will not otherwise modify the visitation schedule. (For example, if the holiday granted in any particular year to a non-custodial parent falls between the regular weekend visitation, the non-custodial parent will have visitation for three (3) weekends in a row.)
- c. Holiday visitation (for either parent) will take precedence over summer visitation periods but will not otherwise modify the visitation schedule.
- d. When the parents can agree upon alternate visitation to that set forth in the scheduled visitation, such alternate visitation will take precedence only for so long as the parents continue to agree upon the alternate visitation.
- e. Whenever a school holiday period is referred to herein, it means the child's actual holiday or vacation period if the child is in school. If the child is not in school, the period will be the school vacation or holiday period as used by the elementary schools in the school system where the child resides with the custodial parent. Whenever possible the vacation period shall begin on Friday if the period is consecutive.

## **ALTERNATE WEEKENDS**

The non-custodial parent shall have visitation on those weekends in which Friday is an even-numbered date, beginning at 6 P.M. on Friday and ending 6 P.M. on Sunday, unless the following Monday is a holiday (not set forth in the preceding section) in which case the visitation shall not end until 6 P.M. on Monday or unless there is no school on Friday in which case the visitation shall begin on Thursday at 6 P.M.

At the election of the non-custodial parent, the weekend may begin after school on Friday (or Thursday if there is no school on Friday) instead of 6 P.M. Thus, the non-custodial parent may choose to pick the child(ren) up from school for weekend visitation.

## **SUMMER VISITATION**

The non-custodial parent shall have continuous visitation during the summer vacation period, subject to alternate weekend visitation by the custodial parent, beginning on the first Sunday after the school vacation begins (or would begin if the child is not in school) at 6 P.M. and continuing until 6 P.M. on the Thursday the week before school begins.

The custodial parent shall have visitation during the summer according to the alternate weekend schedule set forth above and the alternate holiday schedule set forth below.

## **ALTERNATE HOLIDAYS**

The non-custodial parent shall have the following holidays in EVEN YEARS:

- a. First half of the Christmas vacation beginning after school on the last day school is in session through 6 P.M. mid-way through the Christmas vacation.
- b. Easter/Spring Break (to coincide with the longer of the vacation periods if there are two separate vacation periods) school vacation period beginning after school on the last day school is in session until 6 P.M. on the last day of the vacation period.
- c. Labor Day Weekend beginning after school on the last day school is in session until the end of the holiday weekend at 6 P.M.
- d. Child's Birthday from 8 A.M. to 7 P.M if the minor child is not in school or from after school until 7 P.M. if the minor child is in school. Each parent shall have the same hours on their respective birthdays.

The non-custodial parent shall have the following holidays in ODD YEARS:

- a. Second half of the Christmas vacation beginning at 6 P.M. mid-way through the Christmas vacation until 6 P.M. the last day of the school vacation.
- b. 4th of July beginning at 6 P.M. on July 3rd through 6 P.M. on July 5th, except when the 4th falls on a Friday, Saturday, or Sunday, in which case the visitation will begin at

6 P.M. on Friday and continue to the end of the weekend at 6 P.M. or the end of the holiday. When the 4th is on a Monday, the holiday ends at 6 P.M. on Monday.

- c. Thanksgiving beginning after school on the last day school is in session until 6 P.M. the last day of the school vacation.
- d. Memorial Day Weekend beginning after school on the last day school is in session until the end of the holiday at 6 P.M.
- e. The mother shall always have Mother's Day Weekend and the father shall have Father's Day Weekend from Friday after school or 6 P.M., whichever is earlier, until Sunday at 6 P.M.

The custodial parent shall have the same holiday schedule as set forth above with the odd and even years reversed.

If the minor child is not yet school-age, then the exchanges shall take place at 6 P.M. instead of after school.

#### **SUMMER AND HOLIDAY TRANSPORTATION COSTS**

It is the intention of the Court that the costs of visitation will generally be borne equally by both parents. The non-custodial parent shall pay for the cost of bringing the child to their residence for visitation. The custodial parent shall pay for the cost of returning the child to their residence after visits with the non-custodial parent.