

INSTRUCTIONS & CHECKLIST PACKET "A" -- JOINT DISSOLUTION (WITHOUT CHILDREN)

BEFORE YOU BEGIN: READ THESE INSTRUCTIONS AND FILL OUT A SENSITIVE DATA FORM.

The Montana Supreme Court has enacted Court Rules for Privacy and Public Access to Court Records in Montana. These rules apply to all court records. There is certain information that you cannot put in a court record which should be maintained as confidential.

Fill out the **SENSITIVE DATA FORM** in this packet to keep the following sensitive information confidential in a court record:

- 1) Complete Social Security Numbers
- 2) Complete Financial Account Numbers
- 3) Full names of minor children if applicable
- 4) Full birth dates of any person involved in this case

Use these formats when required to put sensitive information **in all other court documents** in this packet:

- For a social security number, use this format: **XXX-XX-1234.**
- For a date of birth, use this format: **age ____.**
- For financial account numbers, use this format: **ending in the last four digits of 1234.**

- File this form with your Petition. Keep a copy in a safe place.
- The Clerk will keep the Sensitive Information Form separately. The public will not have access to this document, unless the court orders it.

I. STARTING THE DIVORCE PROCESS ---- "DISSOLUTION":

There are LOTS of forms that will need to be completed. Take it step-by-step and it should make it easier for you. Every court document contains a "caption" on the top half of the first page which identifies the party completing the form and the case description. Fill out the caption **the exact same way** on every form. The 'Petitioner' is the person filing the motion; the 'Respondent' is the person answering the motion. Once you file as a petitioner you will always be the petitioner, even if responding.

This packet is to be used when the parties can AGREE on property settlement and distribution, and file the action TOGETHER.

STEP 1. -- Filling Out The Forms

Note: You might want to use a pen with **blue ink** so you always know which are the originals and which are copies. Also, put N/A ("not applicable") in any spaces that don't apply to your situation.

- Form #1 Fill in every section. Both parties sign page 6 & 7 in two places in front of a notary public. Notaries can be found in the Clerk of Court's office or at banks, law offices, etc.
- Forms #2a, 2b Wife and Husband may complete this form together or separately. Either way, the form should be completed **before completing Form #3**. Each party should have a copy.
- Form 2c File with the Clerk of Court after completing 2a and 2b. This is informing the Clerk that you have complied with the Declaration and Disclosure of 2a and 2b.

STEP 2. -- Making Copies

- Make 2 copies of Forms 1, 2a and/or 2b. One copy will be for your own personal records, the other for your spouse.

STEP 3. -- Filing Your Case With Clerk of Court.

- Bring the originals and two copies of every form filled out in Step 1 (except 2a and/or 2b) to the Clerk of District Court's Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court.
- \$200.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, complete the Affidavit of Inability to Pay, Form 8a and Form 8b (one for each party). If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part.
- The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies. One copy will be for your own personal records, the other for your spouse.

II. FINAL PAPERWORK:

STEP 4. -- A Little More Paperwork.

- Form #3 Fill in every section. Both parties sign on page 6 in front of a notary public.
- Form #4 Complete - do not sign. The Judge will sign at the hearing.
- Form #5 Complete caption - **do not sign**.
- Form #6 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #7 Complete caption only.
- Form #9 Complete caption only. If you are changing your name back to your former name as part of the divorce, complete this Order for Name Change. This will be a confidential document since it contains your birth date. This Order may then be used to change your name with various agencies such as the Dept. of Motor Vehicles, Social Security office, etc.
- Make 1 copy of Forms #3, 5, 6, 7, and 9 for your records and 1 copy for your spouse.
- Make 2 copies of Form #4.
- Deliver the original of all of these forms, together with 2 copies of Form #4, to the Clerk of Court - **with Form # 7 on top**.
- You will be notified of the hearing date for the final decree of dissolution.

III. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While divorce can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues. You have reached an agreement with your spouse and he/she has signed the Marital and Property Settlement Agreement wherein he/she consented to the entry of the final decree (Document #3, page 5). Both parties can attend the hearing on the final decree, but it is NOT NECESSARY that your spouse attend. You should be prepared to be sworn in, take the witness stand, and answer any questions asked of you by the Judge.

IV. AFTER THE HEARING:

STEP 5. -- Final Paperwork.

- After the hearing, you must file Form 6 with the Clerk of Court.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree is filed. This fee is waived if the judge approved your Affidavit of Inability to Pay at the beginning of your case. (Form 8a and Form 8b).
- Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree. The Clerk's office will "conform" these copies (date stamp them) with the original without any cost. The Clerk should then "certify" the two copies (i.e. make them "official"). The cost for certification is \$2.00 each.

- Form #5 If you were the only one to attend the hearing on the final decree, then complete Form #5, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #4) signed by the Judge. File original Form #5 with the Clerk of Court.

- Form #9 If you are changing your name, you need a certified copy of Form # 9 after the judge signs it. You will take the certified copy of Form # 9 to the Department of Motor Vehicles and other agencies in order to change your name on your driver's license, social security card, bank accounts, etc. This is a confidential document and will be sealed in your court file.