

PACKET "C"

Dissolution - Without Children

Begin by filling out SENSITIVE DATA FORM

- _____ Form 35. Affidavit of Inability to Pay
- _____ Form 36. Petition for Dissolution (without children)
- _____ Form 37. Summons and Temporary Economic Restraining Order
- _____ Form 38. Petitioner's Preliminary Declaration of Disclosure
- _____ Form 39. Petitioner's Notice of Service of Preliminary Declaration
- _____ Form 40. Notice and Acknowledgment of Receipt of Summons & Petition

- _____ Form 41. Praecipe
- _____ Form 42. Marital and Property Settlement Agreement
- _____ Form 43. Status Report to the Court
- _____ Form 44. Petitioner's Final Declaration of Disclosure
- _____ Form 45. Petitioner's Notice of Serving Final Disclosure
- _____ Form 46. Findings of Fact, Conclusions of Law, and Final Decree of Dissolution

- _____ Form 47. Notice of Entry of Decree
- _____ Form 48. Vital Statistics Form & Instructions
- _____ Form 49. Request for Hearing and Order Setting Hearing on Final Decree

- _____ Form 50. Order for Name Change
- _____ Form 51. Consent to Entry of Decree

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 4th Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana.

INSTRUCTIONS & CHECKLIST

PACKET “C” -- DISSOLUTION WITHOUT CHILDREN

NOTE: If an Order of Protection has been issued by the Justice Court or Municipal Court, see Pro Se Packet K for instructions on how to transfer the Order of Protection to District Court.

NOTE: 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 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-- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption on every form. Because you filed for dissolution, **YOU ARE THE PETITIONER**. Once filed as a petitioner you will always be the petitioner, even if responding. If you provide your email address you must confirm with the Clerk of Court that you would like orders either physically mailed or email to you.

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 #36 Fill in every section. Sign page 13 in two places in front of a notary public.
*** Please note: The Clerk of Court’s Office can notarize these documents. Notaries also can be found at banks, law offices, etc.
- Form #37 Complete and read. This is for the Clerk of District Court to sign. You will receive a copy.
- Form #38 Complete. Sign on page 6 in front of a notary public.
- Form #39 Complete and sign.
- Form #40 Complete. Sign on page 3. Your spouse will also sign page 3 to verify it was received.

STEP 2. -- Making Copies

- Make 3 copies of Form 36 (Petition)
- Make 4 copies of Form 37 (Summons)
- Make 2 copies of Documents #38, 39, and 40

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

- Bring the originals and two copies of every form filled out in Step 1 (except #38) 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. One copy will be for your own personal records.
- \$200.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, fill out the form “Affidavit of Inability to Pay” form in this packet, Form 35. 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 set is to be retained by you. One copy is for service upon your spouse. The original Summons will be retained by the Clerk of Court and they will issue a Duplicate Original to use for service.
- Form 38 & 39 - You **MUST** provide a copy of Form 38 to your spouse. Your dissolution file is a public file and you should not file Form 38 with the Clerk of Court. File Form 39 certifying that you have served your spouse with a copy of Form 38.

II. SERVING DIVORCE PAPERS ---- “DISSOLUTION”:

STEP 4. -- Serving the Other Party.

NOTE: If there is a **TOP** or **Order of Protection** that prohibits you from contacting your spouse, service of these documents **must only be accomplished following the directions in #1 or #2 below**. You must **not personally deliver these documents to your spouse**.

There are four ways to serve the copies of documents you have now prepared on the other party.

- 1) You can give the documents to the Sheriff for delivery. You will be charged a fee. If you use this method, fill out Form 41 (Praecipe) which gives the Sheriff directions as to who and where to serve the papers. After service is made, the Sheriff will complete his record of service on page 2 and return it to you with the duplicate original Summons. Both documents then need to be filed with the Clerk of Court.

Documents to Include With the Praecipe Given to the Sheriff’s Office:
Form # 36, 38, 39, 37 (Duplicate Original AND 1 copy of 37), & 40

OR

- 2) You can mail the documents (Form # 36, 38, 39, 37 & 40) to the other party. It is your responsibility to make sure

the other party signs and returns the Acknowledgment of Service form. If signed and returned, file the Acknowledgment of Service form (Form 40).

OR

- 3) You can personally deliver the documents (Form #36, 38, 39, 37 & 40) to the other party, **UNLESS there is a TOP or Order of Protection in place**. It is your responsibility to make sure the other party signs and returns the Acknowledgment of Service form (Form 40). If signed and returned, file the Acknowledgment of Service form with the Clerk of Court.

OR

- 4) If you absolutely do not know where your spouse lives and cannot have the Summons served, there is the option of "Service by Publication." **This is not intended as a substitute for other forms of service if you know where the other party is.** The Court will require you to swear under oath that you made a diligent search for the other party and what specific things you did to locate him/her for serving the Summons. You will be required to publish your summons in a local newspaper three times, once each week for 3 successive weeks. Specific information on how to serve by publication may be found at: <http://www.montanacourts.org/>, click on "Forms" and look through for "Service" under either the Dissolution or Parenting Plan packets.

******* IF 20 DAYS PASS SINCE YOUR SPOUSE WAS SERVED, AND YOUR SPOUSE HAS NOT FILED A RESPONSE TO YOUR PETITION ----- YOU MAY STILL OBTAIN A DIVORCE, BUT YOU WILL NEED TO PICK UP AND COMPLETE PACKET G, "DEFAULT."**

III. REACHING AGREEMENT:

STEP 5. -- Final Agreements.

It is best if you are able to reach an agreement between yourselves on property.

- Form #42 Once you've reached agreement, complete this form and sign **before a notary public**.
- Make 2 copies of each form - one for yourself and one for your spouse.
- File original Form #42 with the Clerk of Court.
- Form #44 Complete and sign **before a notary public**. Mail copy to spouse.
- Form #45 Complete & sign **before a notary public**. Mail copy to spouse.
File #45 with the Clerk of Court. Do not file #44.

SKIP TO STEP 7.

IV. UNABLE TO REACH AGREEMENT:

STEP 6. -- Asking the Court to Decide.

- Form #43 If you can't agree on property division, complete this form, sign, and file the original with the Clerk of Court. Mail a copy to your spouse. You should receive notice from the Court of the next step in your case.
- Form #44 Complete and sign **before a notary public**. Mail copy to your spouse.
- Form #45 Complete & sign **before a notary public**. File the original with the Court and mail copy to your spouse.

V. FINAL PAPERWORK:

STEP 7. -- Just a Little More Paperwork !!!

- Form #46 Complete - do not sign. The Judge will sign at the hearing.
 - Form #47 Complete caption - do not sign. (You will sign later - see Step #14.)
 - Form #48 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
 - Form #49 Complete caption only.
 - Form #50 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 Form 46, 47, 48, 49 and 50 for your records.
 - Make 3 copies of Form #46. Keep one for your records.
 - Deliver the originals of these forms and the two copies of Form #46 to the Clerk of Court -- **with Form #48 and 49.**
 - If you have filed Form #42 (Settlement Agreement) you will be notified of the hearing date for the final decree of dissolution.
 - If you have filed Form #49 (Request for Hearing) you will be notified of the hearing date to decide the issues.

VI. 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.

STEP 8. -- Court Hearing - on Contested Issues.

Be prepared to present evidence to the Court and discuss your position. In order to understand what is involved in a hearing, you may wish to observe a contested family law hearing at least 30 days before your hearing. Contact the Clerk of Court for the schedule.

STEP 9. -- Court Hearing - Final Decree - Non-contested.

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 #41a, 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, sit in the witness stand, and answer any questions asked of you by the opposing party or the Judge.

VII. AFTER THE HEARING:

STEP 10. -- Final Paperwork.

- 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.
- 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 with the original without any cost. The Clerk should then certify the two copies. The cost for certification is \$2.00 each.
- Form #47 Complete, sign, and mail a copy to your spouse, together with one certified copy of the Final Decree (Form #43) signed by the Judge. File original Form #44 with the Clerk of Court. Filing Form #44 starts the 30-day period for appeal by either party.
- Form #50 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 # 50 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

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No. _____</p> <p>SENSITIVE DATA FORM “CONFIDENTIAL”</p>
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Pursuant to the Privacy and Access rules of the Montana Supreme Court (AF 06-0377) sensitive data should not be filed or included in a case record, except on this form. **Sensitive data is defined as social security numbers, bank account numbers, credit card numbers, other financial account numbers, and dates of birth for the parties and any minor children (unless required to be made public by law).** The Clerk will secure this form separately from other case records and will prohibit access to this information except as provided by Section 4.60(c) of the *Rules on Public Access to Court Records* (available at www.courts.mt.gov).

Information on Petitioner. (name)	
Full Date of Birth	
Social Security Number	

Information on Respondent. (name)	
Full Date of Birth	

Social Security Number	
------------------------	--

Information on Financial Accounts (that are listed under “assets and debts” in court documents):		
Code Name: (Last 4 digits)	Financial Account Description (type of account and name on account)	Financial Institution Account Number
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		
FA #		

DATED this _____ day of _____, 20__.

Petitioner

Note: Both parties will have access to this Sensitive Data Form unless an Order of Protection is in place.

Name _____
Address _____
City _____ State _____ Zip Code _____
Telephone Number _____
Email Address _____

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Dept. No.: _____ Cause No.: _____</p> <p>AFFIDAVIT OF INABILITY TO PAY FILING FEES AND OTHER COSTS</p>
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[ANSWER ALL QUESTIONS. USE N/A IF NOT APPLICABLE.]

[NOTE TO CLERK: REMOVE FINAL PAGE AFTER JUDGE SIGNS AND FILE ORDER SEPARATELY]

STATE OF MONTANA)
 : ss.
COUNTY OF _____)

I, _____, being first duly sworn, depose and say: That I have a good cause of action or defense but am unable to pay the costs or get security to secure the cause of action or defense. I request the court to waive the costs and approve indigence status. I declare the following:

I. PERSONAL INFORMATION

I am the _____ Plaintiff, _____ Petitioner or
_____ Defendant, _____ Respondent in the above proceeding.

Name _____
Address _____
Telephone _____ Birth date _____ Age _____ SSN _____

Employed: Yes ___ No ___ Self-Employed: Yes ___ No ___ Hourly wage \$ _____
Employer's name and address _____

Type of employment _____ Length of current employment _____

If unemployed:

Month/Year last employed _____ Last hourly wage \$ _____

Why did you leave your last employment? _____

Single _____ Married _____ Divorced _____ Separated _____

Are persons dependent on you for support? Yes _____ No _____

If yes, list each person and that person's age and relationship to you:

Spouse's name _____

Spouse's birth date: _____ Age _____ SSN _____

Spouse's employer and address _____

Are you sharing expenses with anyone? Yes _____ No _____

If yes, explain: _____

Are you sharing income with anyone? Yes _____ No _____

Explain _____

II. INCOME

Income available:

My wages or salary \$ _____ AFDC \$ _____

Other wages or salary \$ _____ SSI \$ _____

Unemployment \$ _____ Medicaid \$ _____

Food Stamps \$ _____ Retirement \$ _____

Child Support \$ _____ Other income \$ _____

Total household income:

Last month \$ _____ Previous 12 months \$ _____

III. ASSETS

Do you or your spouse own or are you or your spouse buying any motor vehicles?

Yes _____ No _____ If yes, year, make and model of vehicle(s):

Is/are vehicles(s) paid for? Yes _____ No _____ If yes, year, make and model of vehicle(s):

Do you or your spouse own or are you or your spouse buying any land or other real estate?

Yes _____ No _____ If yes, what is the approximate current market value?

\$ _____ What was the purchase price? \$ _____

When did you purchase the land or other real estate? _____

Is it paid for? Yes _____ No _____ If not, how much do you or your spouse owe on the land or other real estate \$ _____

Do you or your spouse have:

Checking accounts? Yes _____ No _____ If yes, total amount \$ _____

Savings accounts? Yes _____ No _____ If yes, total amount \$ _____

List the banks where the accounts are held: _____

Do you or your spouse have stocks or bonds? Yes _____ No _____

If yes, what is the total amount of the stocks or bonds? \$ _____

Do you or your spouse have wages due but not received? Yes _____ No _____

If yes, total amount owed to you or your spouse \$ _____

Value of your or your spouse's personal property:

Sporting Equipment \$ _____ Guns \$ _____ Boats \$ _____

Trailers \$ _____ Campers \$ _____ Tools \$ _____

Stereos \$ _____ TVs \$ _____ Furniture \$ _____

Appliances \$ _____ Other personal property \$ _____

Describe and value other personal property you or your spouse own or are buying:

Do you or your spouse have in your possession or in your house any property worth over \$200.00 that belongs to another person? Yes _____ No _____ If yes:

Type of property: _____

Value of property: \$ _____

Name the owner of the property _____

Reason the property is in your possession: _____

IV. MONTHLY EXPENSES

List your or your spouse's monthly expenses:

Rent or house payment \$ _____

Clothes \$ _____ Food \$ _____

Miscellaneous items (List each item) \$ _____

V. OBLIGATIONS/DEBTS

Do you or your spouse have any debts or obligations that you owe?

Yes _____ No _____ If yes, describe the debts or obligations and list the amounts:

Have you sold, given away, or put in the name of another person or entity, or otherwise transferred any property of a value over \$200 within the preceding 12 months?

Yes _____ No _____ If yes, describe the property:

Value of property \$ _____

Name(s) to whom you transferred property: _____

Reason for transfer of property: _____

Please Check one of the following and complete all information:

_____ I have paid or will pay a total of \$ _____ for the preparation or processing of the documents or blank forms that will be filed in this entire case (from the beginning of the case to the end of the case) and agree that an equal amount is to be paid to the Clerk of District Court at the time of the entry of decree or final judgment in this case.

or

_____ I prepared all of the pleadings and papers to be filed in this case myself, and no one has been, or will be, paid on my behalf. I have not paid anyone or any organization for the preparation and processing of these documents or for the forms to be used in this case.

I further declare that I am the person above named, that I have read the foregoing questions and information and know the same to be true to the best of my knowledge, and that IF ANY PART OF THE ABOVE IS MADE FALSELY, I AM SUBJECT TO PROSECUTION FOR PERJURY.

(Signature of Affiant)

SUBSCRIBED AND SWORN TO before me, a notary public, this _____ day of _____, 20____.

(Notary Seal)

Notary Public for the State of Montana

Printed Name: _____

Residing at _____

My Commission Expires _____

Hon. _____
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780
Fax (406) 258-4899

**MONTANA FOURTH JUDICIAL DISTRICT COURT,
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Dept. No. Cause No.: DR-</p> <p>ORDER ON INABILITY TO PAY FILING FEES AND OTHER COSTS</p>
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Having considered the information contained in [Petitioner's] [Respondent's] Affidavit of Inability to Pay Filing Fees and Other Costs, IT IS HEREBY ORDERED that, pursuant to §25-10-404, MCA et seq., all officers of the Court shall perform all services associated with this action, including filing, issuance and service of all pleadings and court orders, without demanding or receiving fees in advance. Leave to file the Petition expires thirty (30) days from the date of this Order.

Dated this _____ day of _____, 20 ____.

DISTRICT COURT JUDGE

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Dept. No.: _____</p> <p>PETITION FOR DISSOLUTION (NO CHILDREN)</p>
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The Petitioner respectfully submits the following:

1. Information about Petitioner

- a. Name:
- b. Age:
- c. Address:
City: _____ State: _____ County:
- d. Length of Residence in County:
- e. Length of Residence in Montana, if applicable:
- f. Occupation:

2. Information about Respondent

- a. Name:
- b. Age:
- c. Address:
City: _____ State: _____ County:
- d. Length of Residence in County:
- e. Length of Residence in Montana, if applicable:
- f. Occupation:

3. Date and Place of Marriage Choose One:

- The parties were married on (*date*): _____. The marriage was registered in the County of _____, State of _____.
- The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.

4. Separation Choose One:

- The parties separated on (*date*): _____.
- The parties are not yet separated.

5. Jurisdiction

- a. The jurisdictional requirements of M.C.A. § 40-4-104 exist.
- b. Choose One:
 - The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
 - The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.
- c. The conciliation provisions of the Montana Conciliation law, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. No Children of the Marriage Choose One:

- There were no children born of the marriage.
- There were children of the marriage, but none are now minors.
- There were children born of the marriage. This Court has no jurisdiction over them because _____.

7. Pregnancy Choose One:

- The wife is not pregnant.
- The wife is pregnant. However, the husband is not the father, and the child is not at issue in this proceeding.
- The wife is pregnant with a child of this marriage.

8. Preliminary Disclosure

The Petitioner is complying with the preliminary disclosure requirements of M.C.A. § 40-4-252 and will serve a Declaration of Disclosure of Assets, Debts, Income and Expenses upon the Respondent at the time of service of this Petition.

9. Real Property Choose One:

The parties do not own any real property.

or

a. The Petitioner Respondent both parties are the owner(s) of record of real property located at: _____.
The legal description of the property is _____

b. This real property should be distributed as follows. Choose One:

The Petitioner Respondent should be awarded ownership of this real property.

or

Describe the proposed distribution of the real property:

If needed, attach additional sheets as Exhibit _____.

10. Vehicles Choose One:

The parties do not own any vehicles.

The parties own the following vehicle(s). It is equitable that the vehicle(s) be distributed as follows (*please include the year, make, and model for each vehicle listed*):

To Petitioner:

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

To Respondent:

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

Vehicle: _____ VIN#: _____

If needed, attach additional sheets as Exhibit _____.

11. Personal Property Choose One:

The parties have already divided their personal property. It is equitable that each party retain the property currently in his or her possession.

or

The parties have not divided their personal property. It is equitable that the property be divided as follows:

To Petitioner:

To Respondent:

If needed, attach additional sheets as Exhibit _____.

12. Debts Choose One:

- There are no debts of the marriage.
 The parties have accumulated debts during the course of their marriage. It is equitable that each party retain responsibility for the debts currently in his or her name.

or

- The parties have accumulated debts during the course of their marriage. It is equitable that responsibility for the debts be divided as follows:

To Petitioner:

Description of Debt	Creditor	Current Balance	Amount to Petitioner

Any and all other debts in Petitioner's name only; any and all other debts incurred solely by the Petitioner since the parties' separation.

To Respondent:

Description of Debt	Creditor	Current Balance	Amount to Respondent

Any and all other debts in Respondent's name only; any and all other debts incurred solely by the Respondent since the parties' separation; and any and all other debts not disclosed by the Respondent to the Petitioner.

If needed, attach additional sheets as Exhibit _____.

13. Wife's Former Name Choose One:

- The wife wishes to be restored to her former name of _____.
- The wife does not wish to be restored to her former name.
- The husband does not know whether the wife wishes to be restored to her former name.
- The wife did not change her name.

14. Other Provisions: _____

WHEREFORE, the Petitioner requests as follows:

1. That this Court enter a Decree of Dissolution of Marriage dissolving the marital status between the parties;
2. That each party be granted real and personal property as requested above;
3. That each party be granted ownership of the vehicles as requested above;
4. That each party be ordered to pay debts as requested above;
5. That the wife be restored to use of her former name, if requested above;

6. Other Provisions: _____
 _____; and
7. For such other and further relief as the Court deems just and proper.

DATED this _____ day of _____, 20____.

 Petitioner Pro Se

STATE OF MONTANA)
) ss
 COUNTY OF _____)

The undersigned, being first duly sworn on oath, says that he/she is the Petitioner in the above-entitled proceeding; that he/she has read the foregoing Petition and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

 Petitioner Pro Se

SUBSCRIBED AND SWORN to before me this _____ day of _____,
 20_____.

(Notary Seal)

 Notary Public for the State of Montana
 Printed Name: _____
 Residing at _____
 My Commission Expires _____

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>SUMMONS AND TEMPORARY ECONOMIC RESTRAINING ORDER BY CLERK OF COURT</p>
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THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE-NAMED RESPONDENT:

YOU, THE RESPONDENT, ARE HEREBY SUMMONED to answer the Petition in this action which is filed in the office of the Clerk of the above-named Court, a copy of which is served upon you with this Summons, and to file your answer and serve a copy of your answer upon the Petitioner within twenty days after the service of this Summons, exclusive of the day of service. If you fail to appear or answer, judgment will be taken against you by default for the relief demanded in the Petition.

TO PETITIONER AND RESPONDENT:

Pursuant to Mont. Code Ann. §40-4-121(3), the Petitioner and Respondent are hereby restrained from transferring, encumbering, pawning, pledging, hiding, or in any way disposing of any property, real or personal, whether jointly or separately held, without either the consent of the other party or an order of the court, except in the usual course of business or for the necessities of life. Each party must notify the other of any proposed extraordinary expenditures at least five business days before incurring the expenditures and must account to the court for all extraordinary expenditures made after service of the summons.

This restraining order does not prevent either party from using any property to pay reasonable attorney fees in order to retain counsel in the proceeding.

Petitioner and Respondent are further restrained from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile and disability coverage held for the benefit of a party or a child of a party for whom support may be ordered.

This temporary restraining order shall continue until another order of the Court is issued either amending or vacating this temporary restraining order.

**VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE
UNDER MCA § 45-5-626.**

Dated this _____ day of _____, 20_____.

Clerk of the District Court

(SEAL)

By: _____
Deputy Clerk

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>PETITIONER'S PRELIMINARY DECLARATION OF DISCLOSURE OF ASSETS, DEBTS, INCOME, AND EXPENSES</p>
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****WARNING:** Montana law requires the full disclosure of all assets, debts, income and expenses. Failure of either party to file a complete financial disclosure statement shall authorize the Court to accept the statement of the other party as accurate. Any deliberately false statement made herein or on any schedules or attachments may subject you to the penalty of perjury or other appropriate relief and may be considered a fraud upon the Court.

If you need additional space on which to list your assets, debts, income or expenses, please attach additional sheets of paper as necessary. Do not write in the margins or on the reverse sides of the pages of this document.

**DO NOT FILE THIS DOCUMENT WITH THE CLERK OF COURT.
FILE A "NOTICE OF SERVICE OF PRELIMINARY DECLARATION OF
DISCLOSURE."**

DISCLOSURE OF ASSETS

REAL ESTATE	Estimated Value	Name(s) on Title
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		

VEHICLES / RECREATIONAL VEHICLES	Estimated Value	Name(s) on Title
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		

BANK ACCOUNTS / CASH	Balance as of ____ / ____ / ____	Name(s) on Account
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		

PENSIONS, RETIREMENT, LIFE INSURANCE, STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS	Balance as of ____ / ____ / ____	Name(s) on Account
Description:		
Description:		
Description:		

PERSONAL PROPERTY (including appliances, furniture, jewelry, art, guns, etc.)	Estimated Value

BUSINESS INTERESTS (including equipment, tools, livestock, etc.)	Est. Value

OTHER ASSETS	Est. Value

DISCLOSURE OF DEBTS

Any mortgages or secured debts should be listed with the real estate above.
Any vehicle loans should be listed with the vehicles above.

(List amounts owing for credit cards, utility bills, medical expenses, etc.)

Creditor	Description	Amount	Name on Debt

DISCLOSURE OF INCOME

[] WIFE [] HUSBAND

Source of Income	Amt/Month	Source of Income	Amt/Month
Wages, Salary, Commissions		Food Stamps	
Rents, Interests, Dividends		Pension, Retirement	
Self Employment Earnings		Child Support	
Unemployment / Wk. Comp.		Dependent's Benefits	
Soc. Sec. Benefits / SSI		Other:	
Public Assistance			

DISCLOSURE OF EXPENSES

[] WIFE [] HUSBAND

Description of Expense	Amt/Month	Description of Expense	Amt/Month
Taxes, etc. withheld from income		Property Insurance	
Retirement		Transportation	
Health Insurance		Car Insurance	
Medical Expenses		Student Loans	
Housing (rent or mortgage)		Utilities	
Property Taxes		Telephone	
Clothing		Food/Household Supplies	
Child Care		Child Support Payments	
Other:			

DATED this ____ day of _____, 20____.

Signature of Petitioner, *Pro se*

STATE OF MONTANA)

:SS

COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
20____.

(Seal)

Name (printed)
Notary Public for the State of Montana
Residing at: _____
My Commission Expires: _____

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>PETITIONER'S NOTICE OF SERVICE OF PRELIMINARY DECLARATION OF DISCLOSURE OF ASSETS, DEBTS, INCOME, AND EXPENSES</p>
--	--

Under penalty of perjury, I, the undersigned, certify that I served the Preliminary Declaration of Disclosure on the following person the ____ day of _____, 20____, by:

- providing to Sheriff for service on Respondent;
- or
- depositing the same in the U.S. Mail with postage pre-paid;
- or
- personally delivering this document to the following person.

(Insert Name _____
and Address _____
of Respondent) _____

Signature of Petitioner *Pro se*

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>NOTICE AND ACKNOWLEDGMENT OF RECEIPT OF SUMMONS AND PETITION FOR DISSOLUTION OF MARRIAGE</p>
--	--

NOTICE

To: _____, the Respondent herein:

The following documents are served pursuant to Rule 4(d)(1)(b) of the Montana Rules of Civil Procedure:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner's Preliminary Declaration of Assets, Debts, Income and Expenses
- Petitioner's Notice of Service of Preliminary Declaration of Assets
- _____
- _____

If you want to avoid having the Sheriff serve you with the documents enclosed, you may complete the acknowledgment part of this form and return the completed form to the sender within 20 days after the date it was mailed to you, as shown below. You may retain the other enclosed copy of this form for your records.

By signing the Acknowledgment, you are agreeing to be served by mail instead of by the Sheriff. It does not mean that you agree to the contents of the Petition, and it does not take away any of your rights to contest the Petition.

If you decide to complete and return this form, you must sign and date the Acknowledgment below, and return it in the enclosed stamped return envelope.

If you do not complete and return this form to the sender within 20 days after the date it was mailed to you, as shown below, you may be required to pay any expenses incurred in serving the enclosed documents in any other manner permitted by law.

If you do complete and return this form, you must answer the Petition within 20 days after the date of signature which you place on the Acknowledgment below. If you fail to answer the complaint within the foregoing 20 day period, judgment by default will be taken against you for the relief demanded in the Petition.

CERTIFICATE OF MAILING

I declare under penalty of perjury that two copies of this Notice and Acknowledgment of Receipt of Summons and Petition, a stamped return envelope, and the following documents:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner's Preliminary Declaration of Assets, Debts, Income and Expenses
- Petitioner's Notice of Service of Preliminary Declaration of Assets
- _____
- _____

were sent to the Respondent by first class mail, postage prepaid on the _____ day of _____, 20_____.

Date of Signature

Signature of Petitioner *Pro Se*

ACKNOWLEDGMENT OF RECEIPT

I declare, under penalty of perjury, that I am the Respondent and that I accept service in this action of the following:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner’s Preliminary Declaration of Assets, Debts, Income and Expenses
- Petitioner’s Notice of Service of Preliminary Declaration of Assets
- _____
- _____

and that I received a copy of these documents in the above captioned matter at (*address*):

_____ on the _____ day of _____, 20_____.

Date of Signature

Respondent’s Signature

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>PRAECIPE</p>
--	--

To the Sheriff of Missoula County:

Please serve upon the Respondent the following documents:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner's Preliminary Declaration of Assets, Debts, Income and Expenses
- Petitioner's Notice of Service of Preliminary Declaration of Assets
- _____
- _____

Also enclosed is: The Petitioner's Affidavit and Order of Inability to Pay Filing Fees which waives the fee for service in this matter; OR

 \$_____ to cover the fee for service in this matter. (Fee amount is subject to change)

1. A physical description of the Respondent is: _____

2. The Respondent does does not carry a weapon.
3. At present, the Respondent can be found:
 - At his/her residence: _____
Times normally available at this address: _____.
 - At his/her place of employment: _____
Times normally available at this address: _____.
 - Other: _____
Times normally available at this address: _____.

Please serve the papers on the Respondent as soon as possible. Please return the original Summons to me at the address above, along with proof of service or a statement that you were unable to locate the Respondent.

DATED this ____ day of _____, 20____.

Petitioner *Pro Se*

Print Name

Record of Service (*for Sheriff's use only*)

I hereby certify that (Choose One):

- I personally served the Summons and the accompanying documents listed herein on the Respondent by delivering a copy of said Summons and documents to him/her personally on the ____ day of _____, 20____, in the County of _____, State of _____.
- After due effort, I was unable to locate or serve the Respondent in the County of _____, State of _____.

DATED this ____ day of _____, 20____.

Sheriff

By: _____
Deputy Sheriff

Name _____

Address _____

City _____ State _____ Zip Code _____

Phone Number _____

Email Address _____

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>MARITAL AND PROPERTY SETTLEMENT AGREEMENT</p>
--	---

THIS AGREEMENT is made and entered into this ____ day of _____, 20____, by and between _____, hereinafter referred to as "Husband," and _____, hereinafter referred to as "Wife."

RECITALS

A. Husband and Wife were married on _____, in _____ County, _____.

B. No Children of the Marriage Choose One:
 There were no children born of the marriage.
 There were children of the marriage, but none are now minors.
 There were children born of the marriage. This Court has no jurisdiction over them because _____.

C. Wife is not now pregnant.
 Wife is now pregnant, due date: _____.
 Wife is pregnant, but not with child of this marriage.

- D. A proceeding for Dissolution of Marriage is now pending in the District Court of the Fourth Judicial District in the State of Montana, in and for the County of Missoula under Cause No. _____.
- E. The parties' marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one or both of the parties toward the marriage, and there is no reasonable prospect of reconciliation. Husband and Wife intend, through this Agreement, to accomplish a just settlement of their respective property rights, apportion marital liabilities, and set forth their respective rights, duties and obligations arising out of the dissolution of their marriage.
- F. Wife has been represented by _____.
 Husband has been represented by _____.
 Wife Husband has//have not been formally represented by an attorney.
- G. An Order of Protection has been filed has not been filed.
The Order of Protection should stay in effect be dissolved.

AGREEMENT

For and in consideration of the mutual covenants contained herein, Husband and Wife agree as follows:

1. **DIVISION OF ASSETS.** Property belonging to the parties on the date of marriage shall remain their separate property. The parties acknowledge that they have acquired or maintained various items of personal and intangible property during the course of their marriage which has been equitably distributed between them. Each party shall retain ownership and possession of the personal property items in their separate possession and shall assume the debt against those personal property items. Include all bank, retirement and stock accounts, as well as vehicles. The equitable division of the assets and liabilities is as follows:

HUSBAND - ASSETS

<u>Description</u>	<u>Value</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____
J. _____	_____
K. _____	_____
TOTAL ASSETS	\$ _____

WIFE - ASSETS

<u>Description</u>	<u>Value</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____
J. _____	_____
K. _____	_____
TOTAL ASSETS	\$ _____

HUSBAND - LIABILITIES

<u>Description</u>	<u>Amount</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____
TOTAL LIABILITIES	\$ _____

WIFE - LIABILITIES

<u>Description</u>	<u>Amount</u>
A. _____	_____
B. _____	_____
C. _____	_____
D. _____	_____
E. _____	_____
F. _____	_____
G. _____	_____
H. _____	_____
I. _____	_____

TOTAL LIABILITIES

\$ _____

Special Arrangements / Agreements: _____

- 2. **APPORTIONMENT OF LIABILITIES.** Unless otherwise specified, each party agrees to be solely responsible for the liabilities associated with each asset awarded to such party as provided in Section 1 hereof and any other debt in their separate names.
- 3. **FULL DISCLOSURE AND WAIVER OF FORMAL DISCOVERY.** The parties have accurately, fully, and completely disclosed to each other all income, assets, and liabilities of which they are aware. The parties acknowledge any deliberate failure to provide complete disclosure may be a basis to set aside this Agreement and any Decree incorporating this Agreement. The property referred to in this Agreement represents all of the property in which either party has an interest.
- 4. **MAINTENANCE.** Both parties acknowledge that they are able to support themselves from their earnings and the assets which have been awarded to them. Accordingly, both parties waive any claim to maintenance from the other party. Husband and Wife agree to accept, in lieu of maintenance, the distribution of property as set forth in Section one (1) above. Each of the parties agree that the assignment and distribution of property as set forth above is fair and adequate.
- 5. **ATTORNEY’S FEES.** Each party shall remain solely liable for all attorney’s fees and costs incurred by that party in connection with the dissolution proceedings, through the date of entry of a Decree of Dissolution approving this Agreement. In the event that either party thereafter shall find it necessary to retain an attorney and/or institute legal proceedings to enforce, modify or interpret any provision of this Agreement, or the Final Decree of Dissolution entered in conformity herewith, the Court may award reasonable attorney’s fees and costs to the prevailing party, in addition to any other appropriate relief.
- 6. **MUTUAL RELEASE.** In consideration of the execution of this Agreement and its terms and conditions, each party releases and forever discharges the other party, his or her personal representatives and assigns, from any and all rights, claim, demand, or obligation at any time hereafter for any purpose. Each of the parties waives all rights of inheritance in the estate of the other and any right to act as personal representative of the will or estate of the other party. Each of the parties hereby waives the right to claim or receive any family allowance, exempt property allowance or homestead allowance from the estate of the other party. Each party waives any and all additional rights which he or she has or may have by reason of the parties’ marriage, including rights of dower and curtesy, except as otherwise specifically provided herein.
- 7. **ENFORCEMENT OF AGREEMENT.** This Agreement shall be made an integral part of any Decree of Dissolution of marriage of the parties, and shall be enforceable through execution, contempt citation, or any other remedy or procedure provided by law.

8. **FUTURE INSTRUMENTS.** Each party agrees to execute any and all documents which are now necessary or which may become necessary in the future to carry into full force and effect the terms and conditions of this Agreement.
9. **VOLUNTARY AGREEMENT.** This Agreement is voluntary. Each party has read and approved the same in its entirety. Neither party is acting under duress, menace, fraud, or undue influence in the execution of this Agreement.
10. **MODIFICATION.** Except as provided under Montana law, this Agreement, and the Decree of Dissolution to be entered in conformity herewith, may not be modified or amended without the express written consent, duly executed, of both parties.
11. **ENTIRE UNDERSTANDING.** This Agreement contains the entire understanding of the parties. There are no promises, understandings, agreements, or representations between the parties other than those expressly set forth in this Agreement.
12. **BINDING NATURE OF AGREEMENT.** This Agreement shall inure to the benefit of and be binding upon the heirs, successors, executors, administrators, personal representatives, and assigns of the parties.

CONSENT TO ENTRY OF DECREE: Both parties consent to the entry of the Decree of Dissolution by the Fourth Judicial District Court, Missoula, Montana.

EFFECTIVE DATE. This Agreement shall become effective and enforceable immediately upon the execution hereof by both parties.

DATE

HUSBAND

DATE

WIFE

1 _____
Name

2 _____
Address

3 _____
4 City State Zip Code

5 _____
Phone Number

6 _____
Email Address

PETITIONER PRO SE

8
9 **MONTANA FOURTH JUDICIAL DISTRICT COURT,**
MISSOULA COUNTY

10
11 In re the Marriage of:
12 _____,
Petitioner,
13 and
14 _____,
Respondent.

Cause No.: _____
Dept. No.: _____

**STATUS REPORT TO THE COURT
AND REQUEST FOR COURT
ACTION**

15
16 The Petitioner, _____, appearing Pro Se, provides this Status Report to
17 the Court regarding issues of the divorce, and whether the parties are in agreement and
18 disagreement, as follows:

19 1. Division of property, vehicles, assets, and debts

- 20 _____ Parties disagree
21 _____ Parties agree. Original signed agreement attached to
this Status Report.
22 _____ Parties plan to use a service or mediator or other person
23 to assist them in trying to reach agreement. The parties
24 are using the following service/person to assist them:
25 _____

1 2. Petitioner requests that the Court Order the parties to participate in mediation to
2 attempt to resolve outstanding issues through the following services:

3 _____ Community Dispute Resolution Service (543-1157)

4 _____ (private mediator)

5 _____ (other individual or service)

6 3. Petitioner asks that the Court not order mediation based on a history of violence
7 and/or intimidation in the relationship.

8 _____ There is a current order of protection in effect

9 _____ There is no current order of protection in effect

10 4. Next step in court process (Choose One):

11 _____ Because the parties cannot agree on one or more significant issue,

12 Petitioner requests that the Court schedule an intervention conference or
13 hearing.

14 _____ Parties have resolved all of the issues as indicated in this Status Report,
15 and Petitioner will submit a Request for Hearing form to the Court to
16 schedule an uncontested final hearing.

17 DATED this _____ day of _____, 20____.

18 _____
19 Petitioner Pro Se

20 **CERTIFICATE OF SERVICE**

21 I, the undersigned, certify that I served the Status Report to the Court on the
22 following person this _____ day of _____, 20____, by:

23 [] depositing the same in the U.S. Mail with postage pre-paid;

24 or

25 [] personally delivering this document to the following person.

(Insert Name _____

and Address) _____

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Signature of Petitioner *Pro se*

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>PETITIONER'S FINAL DECLARATION OF DISCLOSURE OF ASSETS, DEBTS, INCOME, AND EXPENSES</p>
--	---

****WARNING:** Montana law requires the full disclosure of all assets, debts, income and expenses. Failure of either party to file a complete financial disclosure statement shall authorize the Court to accept the statement of the other party as accurate. Any deliberately false statement made herein or on any schedules or attachments may subject you to the penalty of perjury or other appropriate relief and may be considered a fraud upon the Court.

If you need additional space on which to list your assets, debts, income or expenses, please attach additional sheets of paper as necessary. Do not write in the margins or on the reverse sides of the pages of this document.

DISCLOSURE OF ASSETS

REAL ESTATE	Estimated Value	Name(s) on Title
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		
Address: _____ Legal Desc: _____ _____ Secured Debt: Yes / No Amount: _____ Lender: _____		

VEHICLES / RECREATIONAL VEHICLES	Estimated Value	Name(s) on Title
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Loan on Vehicle: Yes / No Amount: _____ Lender: _____		

BANK ACCOUNTS / CASH	Balance as of ____ / ____ / ____	Name(s) on Account
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		
Name of Bank: _____ Account # (Sealed – Sensitive Data Form) _____ Savings _____ Checking _____ Cert of Dep.		

PENSIONS, RETIREMENT, LIFE INSURANCE, STOCKS, BONDS, SECURED NOTES, MUTUAL FUNDS	Balance as of ____ / ____ / ____	Name(s) on Account
Description:		
Description:		
Description:		

PERSONAL PROPERTY (including appliances, furniture, jewelry, art, guns, etc.)	Estimated Value

BUSINESS INTERESTS (including equipment, tools, livestock, etc.)	Est. Value

OTHER ASSETS	Est. Value

DISCLOSURE OF DEBTS

Any mortgages or secured debts should be listed with the real estate above.
Any vehicle loans should be listed with the vehicles above.

(List amounts owing for credit cards, utility bills, medical expenses, etc.)

Creditor	Description	Amount	Name on Debt

DISCLOSURE OF INCOME

[] WIFE [] HUSBAND

Source of Income	Amt/Month	Source of Income	Amt/Month
Wages, Salary, Commissions		Food Stamps	
Rents, Interests, Dividends		Pension, Retirement	
Self Employment Earnings		Child Support	
Unemployment / Wk. Comp.		Dependent's Benefits	
Soc. Sec. Benefits / SSI		Other:	
Public Assistance			

DISCLOSURE OF EXPENSES

[] WIFE [] HUSBAND

Description of Expense	Amt/Month	Description of Expense	Amt/Month
Taxes, etc. withheld from income		Property Insurance	
Retirement		Transportation	
Health Insurance		Car Insurance	
Medical Expenses		Student Loans	
Housing (rent or mortgage)		Utilities	
Property Taxes		Telephone	
Clothing		Food/Household Supplies	
Child Care		Child Support Payments	
Other:			

DATED this ____ day of _____, 20____.

Signature of Petitioner

STATE OF MONTANA)
 :SS
COUNTY OF _____)

SUBSCRIBED AND SWORN TO before me this ____ day of _____,
20____.

(Seal)

Name (printed)
Notary Public for the State of Montana
Residing at: _____
My Commission Expires: _____

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>PETITIONER'S NOTICE OF SERVING FINAL DECLARATION OF DISCLOSURE STATEMENT</p>
--	--

Petitioner has served upon Respondent a Final Declaration of Disclosure which sets forth the identity of all assets in which Petitioner has or may have an interest, to the best of his/her knowledge and belief, regardless of the characterization of the asset. These assets include but are not limited to any real and personal property in which Petitioner has any interest, regardless of its nature or however or whenever it was acquired; whether the property is tangible or intangible; whether it is currently existing or contingent; and whether title is in the name of the Petitioner, the Respondent, or both.

To the best of Petitioner's knowledge and belief, the listing of liabilities set forth in the Final Declaration identifies all of the liabilities for which the Petitioner may be responsible, regardless of the characterization of the liability, with the possible exception of bills which are generally paid on a monthly basis. The listed liabilities include any debts for which Petitioner is liable, regardless of however or whenever acquired, and whether the debt or obligation is currently existing or contingent. Those debts which encumber a particular property have also been identified in the Final Declaration.

The value of assets and liabilities as stated in the Final Declaration may fluctuate over time and the information provided sets forth value as of approximately _____, 20____, except where otherwise specifically noted.

Petitioner's income and expenses are declared in the Final Declaration which sets forth the average projected monthly income and living expenses of Petitioner. Petitioner's expenses are estimated based upon historical information and estimates as to projections for the future. Expenses and income are anticipated to vary over time. Petitioner anticipates that his/her income and/or expenses may change due to distributions between parties resulting from the dissolution of their marriage, market fluctuations, possible changes in Petitioner's employment or related income, and other potential factors.

DATED this ____ day of _____, 20_____.

Petitioner *Pro se*

Hon. _____
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780
Fax (406) 258-4899

FORM #46

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION</p>
--	--

The Petition for Dissolution, filed on the ____ day of _____, 20____, came for hearing this ____ day of _____, 20____.

The Petitioner appeared pro se.

The Respondent [] did not appear or otherwise respond to the Petition. The Respondent's default was entered on the ____ day of _____, 20____.
 [] did not appear, but filed a Consent to Entry of Decree.
 [] appeared pro se.
 [] appeared and was represented by _____.

After considering all evidence and pleadings, the Court finds:

FINDINGS OF FACT

1. The Respondent was served with the Petition and Summons on the ____ day of _____, 20____.
2. Choose One:

- The parties were married on (*date*):_____. The marriage was registered in the County of _____, State of _____.
- The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.

3. Choose One:

- The parties separated on (*date*): _____.
- The parties are not yet separated.

4. Choose One:

- The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
- The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.

5. The conciliation provisions of the Montana Conciliation law, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. At least one of the parties has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.

7. No Children of the Marriage Choose One:

- There were no children born of the marriage.
- There were children of the marriage, but none are now minors.
- There are children of the marriage but this court does not have jurisdiction because

_____.

8. The wife is is not pregnant with a child of this marriage. Due date: _____.

- The Parties have complied with the preliminary disclosure requirements of MCA §40-4-252.
- The Parties have complied with the final disclosure requirements of MCA §40-4-253 & -254.

or in the event of a default:

- The Petitioner has complied with the preliminary disclosure requirements of MCA §40-4-252.
- Having requested entry of default, Petitioner has waived the final declaration of disclosure.

10. Choose One:

- The parties do not own any real property.

The Wife Husband both parties are the owner(s) of record of real property located at _____
_____.

The legal description of the property is _____

_____.

11. Choose One:

- The parties do not own any vehicles.
 The parties own _____ vehicle(s).

12. The parties have accumulated household furnishings and other personal property during the course of their marriage. The personal property of the parties has has not already been divided.

13. Choose One:

- There are no debts of the marriage.
 The parties have accumulated debts during the course of their marriage.

14. Choose One:

- The wife would like to be restored to her former name of _____
 The wife does not want to be restored to her former name.
 The wife never changed her name.

15. Other Provisions: _____

_____.

FROM the above Findings of Fact, the Court makes the following:

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause.
2. The marriage of the parties is irretrievably broken.
3. The Parties
 having complied with the Preliminary Disclosure requirements of M.C.A. §40-4-252;
 having complied with the final disclosure requirements of M.C.A. §§40-4-253 and 40-4-254;

OR in the event of a default

The Petitioner

- having complied with the preliminary disclosure requirements of MCA §40-4-252;
- having requested entry of default and waived the final declaration of disclosure;

the Court finds good cause to enter this Decree.

4. Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the division of property and debts is equitable.

5. If requested, the wife should be restored to her former name.

6. Other Provisions: _____

 _____.

FROM the above Findings of Fact and Conclusions of Law, the Court orders the following:

DECREE OF DISSOLUTION OF MARRIAGE

1. The marriage of the parties is hereby dissolved.

2. Choose One:

- The parties do not own any real property.
- The Wife Husband is hereby granted all right, title, and interest in the real property located at _____, with legal description of _____

 _____.

The Wife Husband shall transfer his/her interest in this real property to the
 Wife Husband.

or

Describe the proposed distribution of the real property: _____

 _____.

If needed, attach additional sheets as Exhibit _____.

3. Choose One:

- The parties do not own any vehicles.

or

- The parties' vehicle(s) shall be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

- a. The Wife is awarded all right, title and interest in following vehicle(s):
 Vehicle: _____ VIN#: _____
 Vehicle: _____ VIN#: _____
 Vehicle: _____ VIN#: _____
- b. The Husband is awarded all right, title, and interest in the following vehicle(s):
 Vehicle: _____ VIN#: _____
 Vehicle: _____ VIN#: _____
 Vehicle: _____ VIN#: _____
- c. The parties shall transfer all right and title in said vehicle(s) to the appropriate party. If either party fails to transfer such right and title in the vehicle(s) within twenty (20) days from the date of this Decree, the registrar of Motor Vehicles of the State of Montana is hereby ordered to issue sole title to the party awarded said vehicle(s) upon receipt of a certified copy of this Decree.
 If needed, attach additional sheets as Exhibit _____.

4. Choose One:

Each party is hereby granted the exclusive right and title to the personal property currently in his or her possession.

or

Each party is hereby granted the exclusive right and title to the following personal property:

To Wife:

To Husband:

If needed, attach additional sheets as Exhibit _____.

5. Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage. Each party shall be responsible for the debts currently in his or her name.

or

The parties have accumulated debts during the course of their marriage. The responsibility for the debts shall be distributed as follows:

To Wife:

Description of Debt	Creditor	Current Balance	Amount to Wife

Any and all other debts in Wife's name only; any and all other debts incurred solely by the Wife since the parties' separation.

To Husband:

Description of Debt	Creditor	Current Balance	Amount to Husband

Any and all other debts in the Husband's name only; any and all other debts incurred solely by the Husband since the parties' separation.

If needed, attach additional sheets as Exhibit _____.

9. Choose One:

The wife's name is restored to _____.
Wife shall be issued an Order for Name Change which is a sealed document in the court file.

The wife's name is not restored to her former name.

The wife never changed her name.

10. Each party is ordered to execute any and all documents which now or in the future may be necessary to carry into full force and effect the terms and conditions of this Decree.

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served a true and accurate copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION** on the following person this ____ day of _____, 20____, by:

depositing the same in the U.S. Mail with postage pre-paid;

or

personally delivering this document to the following person.

(Insert Name
and Address)

Signature of Petitioner *Pro se*

Name
Address
City State Zip Code
Phone Number
Email Address

MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>NOTICE OF ENTRY OF DECREE</p>
--	---

Notice is hereby given that on the ____ day of _____, 20____, the Court entered a Final Decree of Dissolution in the above-entitled action. A true and correct conformed copy of the Final Decree of Dissolution is served upon you with this notice.

Dated this ____ day of _____, 20____.

Petitioner *Pro se*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice of Entry of Decree was served the ____ day of _____, 20____, by:

- depositing the same in the U.S. Mail with postage pre-paid;
- or
- personally delivering this document to the following person.

(Insert Name
and Address
of Respondent) _____

Signature of Petitioner *Pro se*

INSTRUCTIONS

FORM # 48

Order Information: Check the box that most accurately describes the type of order being entered. If it is dissolution of marriage, enter the place of marriage and indicate if child support is ordered. Temporary support orders and paternity orders that contain child support are categorized as “child support order, without dissolution.” “Child support order” includes medical support orders. If the order does not contain a child support order, social security numbers of the parties are not required and only Parts 1, 2 and 9 need to be completed.

Parts 1 and 2: Provide information about the parties to the order. If there is a child support order, be sure to check the box that shows whether the party owes support (payer) or will receive support (payee). If a party is ordered to both pay and receive support, check the box labeled “both.” If there is no support order, check the box labeled “N/A” for not applicable. If a party is ordered to pay \$0 support, that party should be considered a payer.

Part 3: Provide information about the children named in the order and indicate which parent or other party the children live with. If the parenting plan provides for shared residential parenting, circle “B” for both. If a child is not living with either parent, circle “O” and list the child’s name and address.

Part 4: Complete this part if support is ordered to be paid to an agency or an individual other than a parent.

Part 5: Indicate whether any of the parties are protected from each other by a protective or restraining order. If yes, list the names of the protected parties. This includes any protected children.

Part 6: Provide information about the employment or other source of income of the party who is ordered to pay child support. If both parties are ordered to pay support, skip Part 6 and complete Part 10 instead.

Part 7: Provide information about the support order. Check the type(s) of support ordered and enter the amount and how often it is due. (Example: \$100 per week.) All orders should have a “begin” date; many will not have an “end” date. If both parties are ordered to pay support, skip Part 7 and complete Part 11 instead.

If the order enters a judgment for past due support, show the **total** amount of the judgment. If the judgment includes amounts for penalties, fees or interest, list those amounts on the appropriate lines.
List any special conditions of the support order. (Example: support is due until the child graduates from college.)
Copy the information requested about the guidelines to this form from the guidelines worksheet.

Part 8: Provide information about health insurance coverage for the children. If insurance is not provided, indicate whether it is available through the employer of either parent. Relationship of the party providing insurance is the party’s relationship to the children. (Example: mother, father, mother’s spouse, father’s spouse.) List the terms and conditions of the insurance coverage. (Example: 80/20 plan, \$500 deductible, major medical only.)

Part 9: Provide information about the person completing this form.

Part 10: Employment information for multiple payers. Complete only if both parties are ordered to pay support. See Part 6 instructions.

Part 11: Order information for multiple payers. Complete only if both parties are ordered to pay support. See Part 7 instructions.

MONTANA STATE CASE REGISTRY AND VITAL STATISTICS REPORTING FORM DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

County / Tribe _____ Judicial District No. _____ Cause No. _____

Date Decree/ Order Signed _____

Dissolution of Marriage
County that Issued Marriage License

City, County, State of Marriage

Date of Marriage

Child Support Order, without Dissolution
(Includes Temporary Support Orders and
Paternity Orders with Child Support)
Legal Separation with Child Support Order
Dependent Neglect / Juvenile Delinquency
Invalid Marriage - Specify Legal Grounds for
Action

With Child Support Order
Without Child Support Order (Complete Parts 1, 2 & 9 only)
Modification of Child Support Order

1 **Mother/Wife:** Payer Payee Both N/A Maiden Name: _____

Name: _____ SSN: _____ Telephone: (____) _____
Last First Middle/Suffix

Mailing Address: _____
Street City State Zip

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____

Driver's License # / State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

2 **Father/Husband:** Payer Payee Both N/A

Name: _____ SSN: _____ Telephone: (____) _____
Last First Middle/Suffix

Mailing Address: _____
Street City State Zip

Residential Address (if different from above): _____

Date of Birth: _____ Place of Birth: _____ Race: _____
State / Foreign Country

Driver's License # / State _____ Occupation: _____

Number of this marriage (1st, 2nd, etc.): _____ Date, City & State of previous marriage(s): _____

Other Payee: If support is to be paid to another payee, check here and complete Part 4.

3 **Names of Children Included in the Support Order**

Last	First	Middle	Date of Birth	Sex	SSN	Residing With **
_____	_____	_____	_____	M F	_____	M F B O
_____	_____	_____	_____	M F	_____	M F B O
_____	_____	_____	_____	M F	_____	M F B O
_____	_____	_____	_____	M F	_____	M F B O
_____	_____	_____	_____	M F	_____	M F B O
_____	_____	_____	_____	M F	_____	M F B O

* M = Mother F = Father B = Both O = Other

If any of the above-named children are not residing with a parent, list the child's name and address :

4 **Other Payee:**

Name of person/agency owed support if not parent: _____

Last Name or Agency Name First Middle

Mailing Address: _____ Telephone: (____) _____

Street City State Zip

Residential Address (if different from above): _____

5 **Protective Order:** Is a party to this action protected from another party to the action by an order of protection? Yes No

If yes, enter name(s) of protected party(ies): _____

6 **Employer/Income Source Information:** Provide information about the payer's employment or periodic source of income. (Attach additional pages if needed.)

Check here if this order requires both parties to pay support and skip Parts 6 & 7 and complete Parts 8, 9, 10 & 11.

Name of Employer or Source of Income Telephone

Street City State Zip

7 **Support Order:** Date Order Signed: _____

Check type of support and enter appropriate information If applicable, arrears due at time of order: \$ _____

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty*	Fees*	Interest*
Child Support:	\$_____ per _____	_____	_____	_____	\$_____	\$_____	\$_____	\$_____

Support Type	Total Due	Frequency	Begin Date (*list amounts if included in judgment)	End Date	Judgment	Penalty	* Fees*	Interest*
Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Spousal Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
(Alimony)								
Is the mother exempt from income withholding under MCA §40-5-315?					No	Yes	Tribal Order	

Father's Support Obligation

If applicable, arrears due at time of order: \$ _____

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty*	Fees*	Interest*
(*list amounts if included in judgment)								
Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Spousal Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
(Alimony)								
Is the father exempt from income withholding under MCA §40-5-315?					No	Yes	Tribal Order	

List any special terms/conditions of the support order(s): _____

Was the mother represented by an attorney? Yes No Was the father represented by an attorney? Yes No

Information from child support guidelines worksheet:

Mother: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____
Father: "Income after Deductions": \$ _____ "Credit for Payment of Expenses": \$ _____

 Name

 Address

 City State Zip Code

 Phone Number

 Email Address

FORM #49

MONTANA FOURTH JUDICIAL DISTRICT COURT,
 MISSOULA COUNTY

<p>In re the Marriage of:</p> <p>_____,</p> <p style="text-align: right;">Petitioner,</p> <p>and</p> <p>_____,</p> <p style="text-align: right;">Respondent.</p>	<p>Cause No. _____</p> <p>Department No. _____</p> <p style="text-align: center;">REQUEST FOR HEARING AND ORDER SETTING HEARING ON FINAL DECREE</p>
--	---

The Petitioner, _____, appearing *Pro Se*, respectfully requests a hearing in the above-titled matter. The Petitioner requests that the hearing be set on _____, at _____ am/pm. Petitioner estimates the length of the hearing will be _____ minutes and intends to call _____ witnesses.

DATED this _____ day of _____, 20____.

 Petitioner Pro Se

ORDER SETTING HEARING

Final Decree for Dissolution in this matter is hereby set for hearing on the Law and Motion Calendar for _____, _____, 20____, at _____ p.m.

DATED this _____ day of _____, 20_____.

DISTRICT COURT JUDGE
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780

Hon. _____
Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780
Fax (406) 258-4899

**MONTANA FOURTH JUDICIAL DISTRICT COURT,
MISSOULA COUNTY**

In re the Marriage of:

_____,

Petitioner,

and

_____,

Respondent.

Dept. No.

Cause No.: DR-

ORDER FOR NAME CHANGE

The Court hereby ORDERS that Petitioner/Respondent (circle one),

_____, whose date of birth is: _____,

shall be restored to the name of: _____. This document

shall be **SEALED** by order of the Court.

SO ORDERED this _____ day of _____, 20__.

DISTRICT COURT JUDGE

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>CONSENT TO ENTRY OF FINAL DECREE</p>
--	--

The Wife Husband hereby consents to the entry of a Final Decree Establishing Permanent Parenting Plan in the above-entitled case and waives his/her right to appear and testify at the final hearing on this matter. All outstanding issues between the parties have been resolved.

DATE WIFE _____ HUSBAND _____

State of Montana)
 :ss
County of _____)

 This instrument was acknowledged before me on this _____ day of _____, 20____,
by _____.

(Seal)

Notary Public for the State of Montana
Printed Name: _____
Residing at: _____
My Commission Expires: _____

TIPS FOR YOUR DAY IN COURT

1. Don't Miss Your Court Date. Court is not an appointment that can be missed or rescheduled. If you don't show up, you will likely lose the case by default. If you have a serious reason why you cannot go to court on the assigned day, call the Judge's clerk at the Clerk of Court's office. Usually you need to file papers requesting a change, or get the other side to agree to change the date.
2. If you are the Respondent in a case (someone else started the case) and you agree with the other side's requests or don't have any defense, you may think there is no point in going to court. Not going can be dangerous because you might not fully understand everything that can or will be ordered in your absence.
3. Allow Plenty of Time to Get to Court. You should arrive at the courtroom 30 minutes before your hearing time. Consider the traffic, weather, parking or frequency of the bus and allow plenty of extra time. You are not allowed to carry any weapons in the courthouse.
4. Bring your files. You should have a file with copies of all papers you and the other side have filed with the court, or given to each other.
5. Dress nicely and take your hat off.
6. Do not bring children. Unless the court has told you to bring your children to the hearing, make arrangements for someone to take care of your children if possible.
7. Proper conduct in the courtroom. Certain behaviors are not allowed because they are noisy, distracting or disrespectful. You cannot: chew gum, eat, read a newspaper, sleep, wear a hat, listen to earphones, carry a cell phone or pager unless it's turned off, have a camera or camera phone, or carry a weapon.
8. During the hearing you should listen carefully, ask permission of the Judge to speak, talk directly to the Judge and not the other side, avoid arguing with or interrupting another person, and control your emotions. When you talk to the Judge, start by saying "Your Honor". Speak loudly and clearly and remember that only one person can speak at a time.
9. Before you leave court make sure you understand what happens next. Do you need to come back for another court hearing? Do you need to take other steps or actions? Will the Judge make an order as a result of the hearing? Politely ask questions if you do not understand what will happen next.

What to Expect: An Overview of Divorce and Custody in Montana

1. Under Montana law, a divorce is called a "dissolution of marriage."
2. If you were never married but had children together, you will need a "parenting plan." This is the term used for custody proceedings.
3. You can only file for a parenting plan or a dissolution (which includes a parenting plan if you had children together) if Montana has jurisdiction. Generally, Montana has jurisdiction if the child has lived in Montana for at least six consecutive months immediately before filing your case. If the child is younger than six months old, the child must have lived in Montana since birth. For other circumstances, such as in cases where an emergency exists or the child has been abandoned in Montana, see the forms in the packets.
4. To get divorced in Montana, one of the spouses must have lived in Montana for at least 90 days. The proper Montana court to file your case in is located in the county where either you or your spouse have resided during the 90 days prior to filing your case. In addition,
 - a. You and your spouse must have lived separately and apart for a period of more than 180 days before filing for dissolution; **OR**
 - b. There are serious problems that affect your attitude(s) towards the marriage with no reasonable chance of reconciling.
5. Getting divorced is a lot more complicated than getting married and it can take several months before your divorce is final. If you are in agreement on all issues, filing a "joint petition" will speed up the process.
6. If you have property (real estate, automobiles, debts, etc.) or children, the divorce will be more complex. It helps if you and your spouse agree about the issues involving the property and the children.
7. It costs money to get divorced. There are court fees, copying costs and "service of process" costs. If you believe you cannot afford to pay the court fees, follow the instructions in the packet for the "Affidavit of Inability to Pay" which, upon review by a Judge, may result in all or part of your fees being waived.
8. If there are children involved, you will be required to attend Parenting Plan Orientation, a mandatory 90-minute program that provides an overview of community resources available to assist parents and children through the process of separation and divorce.

THE PAPERWORK

There is a lot of paperwork involved in getting divorced and there are rules and deadlines to follow in preparing the papers. Some of the documents in a divorce and/or custody case are:

1. Summons and Petition

In Montana, unless you file a Joint Petition (Packets A or B), one spouse (called the "Petitioner") must start the divorce by writing a Summons and Petition and "serving" it on the other spouse (called the "Respondent"). See instructions in packets for specific rules for how to serve the documents.

2. Response

The spouse who received the Summons and Petition must read the documents and decide how to respond. If the spouse disagrees, the spouse writes and serves a Response.

3. Service of Process: If the other person in your case will not sign an Acknowledgment form saying they received the court papers, then you will have to pay to have the Sheriff or another person not connected to the case deliver the paperwork and sign a form saying that they delivered the papers to the other party.

4. Status Report to the Court, Mediation and Court Orders

If you indicate you and your spouse cannot agree in the “Status Report and Request for Court Action” form, the Court may issue an Order for a hearing to help resolve the problem. You may also be ordered to attend an “Intervention Conference” with a Standing Master or to attend mediation.

5. Final Divorce Document

The official name of your final divorce document is Findings of Fact, Conclusions of Law, and Final Decree of Dissolution. Once this document has been signed by a Judge, it is "entered" by the Clerk of Court as the Final Decree.

GOING TO COURT

1. Where to go? This Missoula County Courthouse is located at 200 West Broadway, Missoula, MT. It's open Monday – Friday, 8:00 AM to 5:00 PM and is closed on all major holidays. To get to the courthouse, find the 200th block of West Broadway in the downtown area of Missoula. If you need driving directions, try visiting Google Maps at <http://maps.google.com>. They have a place where you can get driving directions to the courthouse from any location. If you need further assistance, please call the courthouse at 406-721-5700.

2. How often? The number of times you go to Court to see a Judge or Standing Master depends a lot on whether you and your spouse can agree on issues regarding your children, property and other matters. If you don't agree, things usually take longer to get resolved.

3. Courtroom Behavior. Appearing in court is a very important part of any legal case, and all parties are expected to arrive early, dress properly, and act respectfully. See Tips for Your Day in Court.