

# PACKET “G” Default Packet

## “WORKSHEET”

- \_\_\_\_\_ Form 105. Request for Entry of Default
- \_\_\_\_\_ Form 106. Entry of Default
- \_\_\_\_\_ Form 46 (from Packet C if no children) **or**
- \_\_\_\_\_ Form 79 (from Packet E if children) - Findings of Fact,  
Conclusions of Law and Final Decree
- \_\_\_\_\_ Form 107. Order Adopting Parenting Plan as Final
- \_\_\_\_\_ Form 108. Request for Hearing
- \_\_\_\_\_ Form 109. Order Setting Hearing for Default Judgment
- \_\_\_\_\_ Form 110. Vital Statistics Form
- \_\_\_\_\_ Form 111. Notice of Entry of Decree
- \_\_\_\_\_ Form 112. Order for Name Change

### 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 "G" -- DEFAULT PACKET

## I. YOUR SPOUSE HAS NOT RESPONDED.

Wait 21 days from the date your spouse was served with the papers. Give the Clerk of District Court your cause number and confirm that your spouse has not filed a Response. If he/she has not filed a Response, then you can ask the Court to grant you a dissolution (divorce) by default. Follow the steps below:

### 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 #105 Fill in every section. Sign page 2.
- Form #106 Fill in caption. The Clerk will sign.
- Form #46 or #79 From your original packet. Complete - do not sign. The Judge will sign at the hearing.
- Form #107 IF THERE ARE CHILDREN INVOLVED -- AND IF YOU HAVE FILED A PROPOSED PARENTING PLAN, fill in caption. The Judge will sign later. (Don't use this form if there are no children.)
- Form #108 Complete and sign.
- Form #109 Fill in caption.
- Form #110 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #111 Complete caption - do not sign. (You will sign later - see Step #5.)
- Form #112 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.

### STEP 2. -- Making Copies

- Make 1 copy of Form #105, 106, 108, 109, 110, 111, and 112 for your files.
- IF YOU HAVE CHILDREN AND HAVE COMPLETED A PROPOSED PARENTING PLAN, make 2 copies of Form #79 (in Packet E- which you have already filed).
- Make 2 copies of Form #107.
- Make 2 copies of Form #46 or #79.
- Make 2 copies of Form #112 if you are changing a name.

### STEP 3. -- Filing Your Documents With Clerk of Court.

- Deliver the originals of Form #105-112 and the two copies of Form #46 or #79 to the Clerk of Court
- You will be notified later of the hearing date.

## II. 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 4. -- Court Hearing - on Default Judgment.

You should be prepared to be sworn in, sit in the witness stand, and answer any questions asked of you by the Judge.

## III. AFTER THE HEARING:

### STEP 5. -- Final Paperwork.

- After the hearing, you must fully complete and file Form #110 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 (Form #46 or #79) is filed. If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part once you file an Affidavit of Inability to Pay.
- 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 one copy. The cost for certification is \$2.00 each. This fee may be waived if the judge has found you to be indigent.
- If you are changing your name, you will also need a certified copy of Form # 112 after the judge signs it. You will then take the certified copy of Form # 112 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.
- If there is a child support order in the Final Decree, you will need to submit a certified copy of the Decree, with calculations attached, to CSED (Child Support Enforcement Division) along with a completed application to CSED and a \$15 fee. The application is available at: <http://www.dphhs.mt.gov/csed/csedforms/index.shtml>

**STEP 6. -- Notify the Other Parent.**

- Form #111 Complete, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #46 or #79) signed by the Judge.
- Form #107 & 66 If there is a parenting plan/children involved --- also mail to your spouse a copy of Form 107 (Order Adopting Parenting Plan as Final) and a copy of the proposed Parenting Plan (Form #66).
- File original Form #111 with the Clerk of Court.

**\*\*\* NOTE --- THE OTHER PARENT HAS 30 DAYS FROM YOUR FILING OF THE NOTICE OF ENTRY OF DECREE TO APPEAL THE DECREE. FOR THIS REASON, IT IS IMPORTANT THAT YOU FILE THE NOTICE WITH THE CLERK. \*\*\***

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><b>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION</b></p>
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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:

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To Husband:

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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:

<b>Description of Debt</b>	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Wife</b>

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:

<b>Description of Debt</b>	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Husband</b>

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*

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

FORM #79
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**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.:</p> <p>Department No.:</p> <p align="center"><b>FINDINGS OF FACT,          CONCLUSIONS OF LAW AND          FINAL DECREE OF DISSOLUTION</b></p>
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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. There is / are \_\_\_\_ child(ren) of the marriage as follows:

Name (first and last) \_\_\_\_\_ Age: \_\_\_\_

Name (first and last) \_\_\_\_\_ Age: \_\_\_\_

Name (first and last) \_\_\_\_\_ Age: \_\_\_\_

Name (first and last) \_\_\_\_\_ Age: \_\_\_\_

Name (first and last) \_\_\_\_\_ Age: \_\_\_\_

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

8. Choose One:

The child(ren) have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.

Montana was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in Montana.

The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.

The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.

9. The wife  is  is not pregnant with a child of this marriage.
10. The Petitioner has signed and filed a Proposed Parenting Plan that has been presented to this Court for examination and approval.

The Respondent  agrees  does not agree with the proposed parenting plan.  
The Respondent  has  has not filed a separate proposed parenting plan.

11. The  Wife  Husband needs financial assistance from the  Wife  Husband to support the minor child(ren).

Choose One:

The  Wife  Husband shall pay \$\_\_\_\_\_ per month per child.

This amount:

is in accordance with the Montana Child Support Guidelines.

varies from the Montana Child Support Guidelines.

(Attach the calculations done according to the Montana Child Support Guidelines.)

**or**

Child support in the amount of \$ \_\_\_\_\_ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit \_\_\_\_.

12. Choose One:

A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit \_\_\_\_.

**or**

Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. Choose All That Apply:

The child(ren) are presently covered under the following insurance plan:

Carrier Name: \_\_\_\_\_

Policy No.: \_\_\_\_\_

The child(ren) are recipient(s) of medical assistance under Title XIX of the Federal Social Security Act (Medicaid).

The child(ren) is/are not covered under an existing insurance plan.

13. The Department of Public Health and Human Services  is  is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act.

If so, the Montana Child Support Enforcement Division was served with a copy of the Petition in this action and has acknowledged service, a copy of which is filed with the Court.

This action does not establish, enforce, or modify the parties' previously established child support order.

14.  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.

15. Choose One:

The parties do not own any real property.

**or**

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

The legal description of the property is \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

16. Choose One:

The parties do not own any vehicles.

**or**

The parties own \_\_\_\_\_ vehicle(s).

17. 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.

18. Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage.

19. 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 did not change her name.

20. 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. The  Petitioner's Proposed Parenting Plan  
 Respondent's Proposed Parenting Plan  
 Stipulated Permanent Parenting Plan  
 The Court's Permanent Parenting Plan attached hereto

is in the best interest(s) of the minor child(ren) and should be incorporated into this Decree as the Final Parenting Plan.

5. Choose One:

The Child Support Order attached as Exhibit \_\_\_\_ is a valid order for the child support of the minor child(ren) of the parties.

**or**

The  Wife  Husband is entitled to \$\_\_\_\_\_ per month per child as child support to be paid according to the provisions as stated below.

6. Choose One:

The previously established Medical Support Order attached as Exhibit \_\_\_\_ is a valid order for the medical support of the minor child(ren) of the parties.

**or**

The best interest(s) of the minor child(ren) require medical coverage according to the provisions of the final Medical Support Order, as stated below.

7. 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.

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

9. 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. Parenting Plan.

- The  Petitioner's Proposed Parenting Plan  
 Respondent's Proposed Parenting Plan  
 Stipulated Permanent Parenting Plan

is adopted by this Court as the Final Parenting Plan and made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Final Parenting Plan.

**or**

- The Court has issued a Permanent Parenting Plan and it is made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Permanent Parenting Plan -- See Attachment "A."

3. Child Support Order.

- The Court acknowledges that a valid Child Support Order has already been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached as Exhibit \_\_\_\_\_.

**or**

- The Court adopts the attached Child Support Order for the support of the minor child(ren) of the parties -- See Attachment "B."

4. Medical Support Order.

- A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached as Exhibit \_\_\_\_\_.

**or**

Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Court adopts the attached Medical Support Order -- See Attachment "C."

5. Real Property. 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 \_\_\_\_\_.

6. Vehicles. 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 \_\_\_\_\_.

7. Personal Property. 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:

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To Husband:

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If needed, attach additional sheets as Exhibit \_\_\_\_\_.

8. Debts. 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



# ATTACHMENT "A"

## PERMANENT PARENTING PLAN

### 1. Objectives of the Parenting Plan

- a. To protect the best interest(s) of the minor child(ren);
- b. To provide for the physical care of the minor child(ren);
- c. To maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to parental conflict;
- d. To provide for the minor child(ren)'s changing needs as they grow and mature;
- e. To set forth the authority and responsibilities of each parent with respect to the minor child(ren);
- f. To help the parents avoid expensive future court battles over the minor child(ren).

### 2. Residential Schedule for the Child(ren) *This schedule is designed to provide for the child(ren)'s changing needs as they grow and mature. It specifies the periods of time during which the child(ren) will reside with each parent, including holidays, vacations, and other special occasions.*

#### a. Pre-School Schedule (Choose One):

- There are no child(ren) under school age.
- There are child(ren) under school age, but the school schedule set forth in 4(b) below shall apply to the child(ren) regardless of their age(s).
- Prior to enrollment in school, the child(ren) shall reside primarily with the  Mother  Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

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or

- Describe the residential schedule for the minor child(ren) prior to their enrollment in school: \_\_\_\_\_

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#### b. School Schedule (Choose One):

- Upon enrollment in school, the child(ren) shall reside with the  Mother  Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

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**or**

Describe the residential schedule for the minor child(ren):

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**c. Holiday and Special Occasion Schedule**

No holiday and special occasion schedule shall apply. The school year or pre-school schedule set forth above shall apply.

**or**

The following schedule shall apply for the holidays and special occasions listed below:

(Specify Odd or Even)

HOLIDAY	MOTHER	FATHER
Thanksgiving (Wed. 5:30 p.m. – Sun. 7:00 p.m.)		
Christmas Eve (Chr. Eve Noon -- Chr. Day Noon)		
Christmas Day (Noon to 9:00 p.m.)		
New Years (NY Eve Noon -- NY Day Noon)		
Easter Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Memorial Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Labor Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Fourth of July		
Halloween		
Mother’s Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Father’s Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Child(ren)’s Birthday		
Mother’s Birthday		
Father’s Birthday		

The child(ren)’s school attendance shall take priority over the holiday and special day schedule. The child(ren) **shall not** miss school because of the holiday or special occasion

schedule.

**d. Winter Vacation (Choose One):**

No winter vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

**or**

(i) The parent exercising parenting time with the child(ren) on Christmas Eve (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

\_\_\_\_\_  
\_\_\_\_\_.

(ii) The parent exercising parenting time with the child(ren) on Christmas Day (as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

\_\_\_\_\_  
\_\_\_\_\_.

**or**

Describe the residential schedule for the child(ren)'s winter vacation:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**e. Summer Vacation (Choose One):**

No summer vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

**or**

The child(ren) shall reside with the  Mother  Father during summer vacations, except for the following days and times when the child(ren) shall be with the other parent: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**or**

Describe the residential schedule for the child(ren)'s summer vacation:

\_\_\_\_\_  
\_\_\_\_\_.

**f. Spring Break (Choose One):**

No Spring Break schedule shall apply. The school year or pre-school schedule set forth above shall apply.

**or**

The child(ren) shall reside with the  Mother  Father during Spring Break, except for the following days and times when the child(ren) shall be with the other parent: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

**or**

Describe the residential schedule for the child(ren)'s Spring Break:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**g. Other Vacations with Parents**

Describe the schedules for any other vacations with the parents:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**h. Priorities under the Residential Schedule**

If the residential schedule outlined above results in a conflict where the child(ren) are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:

Rank the order of priority, with 1 being the highest priority

- \_\_\_\_\_ Preschool and School Schedule
- \_\_\_\_\_ Holidays/Special Occasions
- \_\_\_\_\_ Winter/Summer/Spring Break Vacations
- \_\_\_\_\_ Other Vacations with Parents

**or**

Other: \_\_\_\_\_  
\_\_\_\_\_.

**i. Supervised and Limited Visitation (Choose One):**

The residential schedule listed above is not subject to any additional restrictions or limitations on parenting time.

**or**

(i) The  Mother's  Father's parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

(ii) It is in the best interest(s) of the minor child(ren) that the  Mother's  Father's parenting time be subject to the following conditions:

How Often/ For How Long: \_\_\_\_\_  
\_\_\_\_\_  
Where: \_\_\_\_\_  
Supervised by Whom: \_\_\_\_\_.

(iii) The supervised and limited visitation conditions shall take priority over any

other terms of the residential schedule above.

- (iv) If the  Mother  Father has completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the  Mother  Father agrees to consider a modification to allow less restricted visitation after \_\_\_\_\_ months of supervised and limited visitation.

(Check All That Apply):

- Alcohol / drug evaluation
- Substance abuse treatment
- Psychological evaluation
- Anger management counseling
- Parenting classes
- Other: \_\_\_\_\_.
- Other: \_\_\_\_\_.

**j. Other:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_.

**3. Designation of Primary Parent**

For the purpose of all other state and federal statutes which require a designation or determination of parenting, the  Mother  Father shall be designated the primary parent. However, this designation shall not affect either parent’s rights and responsibilities under this parenting plan.

**4. Transportation Arrangements (Choose All That Apply):**

- Transportation arrangements for the child(ren) between parents shall be as follows:  
 \_\_\_\_\_  
 \_\_\_\_\_.
- Unless both parents agree upon a different meeting place, the exchange of the child(ren) shall be at: \_\_\_\_\_.
- Transportation costs shall be distributed as follows: \_\_\_\_\_.
- If the  Mother  Father is more than \_\_\_\_\_ minutes late to pick the child(ren) up for a visit, that visit shall be canceled.

**5. Telephone Contact (Choose One):**

- While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at reasonable times.

**or**

- While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at the following times only: \_\_\_\_\_  
 \_\_\_\_\_.

**6. Co-Parenting Guidelines** (Choose All That Apply):

- Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).
- Each parent shall notify the other parent at least \_\_\_\_\_ days in advance when a particular parenting time shall not be exercised. The missed time shall not be substituted unless mutually agreed to by both parents. The parents are expected to fairly modify visitation when family necessities, illnesses, or other commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.
- Each parent shall supply the appropriate child(ren)'s clothing with them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and shall be returned with the child(ren).
- Each parent shall provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren), unless mutually agreed to by both parents.
- If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check to see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment returns the same with the child(ren).
- Each parent shall be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.
- Neither parent shall permit the child(ren) to be subjected to: (Choose All That Apply):
  - Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the abuse of alcohol or the use of illegal drugs by the parent.
  - Smoking environment.
  - Use of profane language.
  - Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
  - Other: \_\_\_\_\_.
  - Other: \_\_\_\_\_.
  - Any violation of these terms will result in the immediate termination of that parent's contact with the child(ren).
- Relationships between the child(ren) and relatives and family friends on both sides of the family shall be protected and encouraged. The parents shall have their child(ren) maintain

ties with both the maternal and paternal relatives. In Montana, grandparents have a legal right to request a court to order reasonable visitation with their grandchild(ren), if it is in the best interest(s) of the child(ren). Usually the child(ren) will visit with the paternal relatives during times the child(ren) are with their father and with the maternal relatives during times they are with their mother.

**7. Decision Making**

**a. Day-to-Day Decisions**

Each parent shall be authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) are residing with that parent, unless or except as provided below (Choose All That Apply):

Sole decision making shall be granted to the  Mother  Father for the following reasons: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

- Major decisions concerning the child(ren)'s education shall be made by  the Mother  the Father  both parents jointly.
- Major decisions concerning the non-emergency health care of the child(ren) shall be made by  the Mother  the Father  both parents jointly.
- Major decisions concerning the spiritual development of the child(ren) shall be made by  the Mother  the Father  both parents jointly.
- The consent of both parents shall be required before any minor child(ren) shall be permitted to (Choose All That Apply):
  - Get a tattoo
  - Pierce any body part
  - Marry
  - Enlist in the armed services
  - Other:
  - Other:
  - Other:

**b. Emergency Decisions**

Regardless of the allocation of decision making in this parenting plan, each parent shall be authorized to make emergency decisions affecting the health or safety of the child(ren).

**8. Access to Information**

- a. As required by M.C.A. § 40-4-225, both parents shall have access to all information relating to their child(ren) including, but not limited to, school records, counseling records, medical and dental records.
- b. As required by M.C.A. § 40-4-204(6)(a), both parents shall update each other and the Court with written notice of changes to the following information:
  - (i) Residential and mailing addresses;
  - (ii) Telephone number;

- (iii) Social Security number;
- (iv) Driver's license number;
- (v) Name, address, and phone number of employers;
- (vi) Health insurance coverage for the child(ren);
- (vii) Health insurance available through either parent's employer which could cover the minor child(ren).

It is appropriate that the personal information of the  Mother  Father shall remain confidential and shall not be provided to the other parent because:

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**9. Residential Changes**

As required by M.C.A. § 40-4-217, if a parent's change in residence will significantly affect the other parent's contact with the child(ren), written notice shall be served personally or sent by certified mail to the other parent not less than 30 days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the court that adopted the parenting plan. Failure of the parent who receives notice to respond to the written notice or to seek amendment of the residential schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

**10. Dispute Resolution**

The following shall apply when disputes arise between the parents in carrying out or amending this parenting plan (Choose One):

- No alternative dispute resolution process, except court action, shall apply unless ordered at the discretion of the Court.
- No alternative dispute resolution process is appropriate. The following limiting factors exist, as provided in M.C.A. § 40-4-219(9) (Choose All That Apply):
  - This is a case of physical abuse or threat of physical abuse by one parent against the other parent or the child(ren).
  - A parent has been convicted of deliberate homicide, mitigated deliberate homicide, sexual assault, sexual intercourse without consent, deviate sexual conduct with an animal, incest, aggravated promotion of prostitution of a child, endangering the welfare of children, partner or family member assault, or sexual abuse of children.

**or**

- a. Disputes between the parents shall be submitted to mediation, counseling, or arbitration by: \_\_\_\_\_.
- b. The cost of this process shall be allocated between the parents as follows (Choose One):
  - Based on each parent's proportional share of income as determined from the child support worksheet.
  - As determined in the dispute resolution process.
  - Mother: \_\_\_\_\_ % , Father: \_\_\_\_\_%.
- c. A parent will begin the dispute resolution process by notifying the other parent by

written request sent by certified mail.

- d. In the dispute resolution process:
  - (i) Preference shall be given to carrying out this parenting plan.
  - (ii) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
  - (iii) A written record shall be prepared of any agreement or arbitration award reached in counseling or mediation, and a copy shall be provided to each parent.
  - (iv) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney's fees and financial sanctions to the other parent.
  - (v) The parents have the right of review from the dispute resolution process to the district court.

**11. Tax Exemption** Choose One:

The Wife will be entitled to claim \_\_\_\_\_ (name of child) every year for all tax purposes and the Husband will be entitled to claim \_\_\_\_\_ (name of child) every year for all tax purposes.

**or**

The Wife will claim \_\_\_\_\_ (name of child) in even years and the Husband will claim the child in odd years for all tax purposes, however Earned Income Credit be claimed by whichever parent qualifies under IRS regulations.

**or**

**Other Provisions:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**12. Other Provisions:**

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**WARNING: One parent's failure to comply with a provision of the parenting plan will not affect the other parent's obligation to comply with the parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to \$500 or imprisonment in the county jail.**

## ATTACHMENT "B"

### CHILD SUPPORT ORDER

- a. The  Wife  Husband shall pay \$\_\_\_\_\_ per month per child.  
This amount:  
 is in accordance with the Montana Child Support Guidelines.  
 varies from the Montana Child Support Guidelines.
- b. The first payment is due the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, with subsequent payments to be made on the \_\_\_\_ day of each month thereafter.

Payments should continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

- c. Payments should be made to (Choose One):
- The Child Support Enforcement Division.  
The parties  request  do not request income withholding.
- Missoula County Clerk of Court, 200 West Broadway, Missoula, MT 59802.

**WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.**

- d. Whenever the case is receiving services under Title IV-D of the Social Security Act, support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.
- e. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is providing services for enforcement under Title IV-D of the Social Security Act.
- f. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.
- g. Each party should promptly inform the Court of any changes in the following information:
- (i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and

(ii) Names, addresses, and telephone numbers of current employers.

**WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.**

# ATTACHMENT “C”

## MEDICAL SUPPORT

### 1. Existing Coverage

- The child(ren) are presently covered under the following insurance plan:  
Carrier Name: \_\_\_\_\_  
Policy No.: \_\_\_\_\_

The  Mother  Father shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

- The child(ren) are recipient(s) of medical assistance under Title XIX of the Federal Social Security Act (Medicaid).
- The child(ren) are not covered under an existing insurance plan.

### 2. Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

- a. The Mother shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- b. The Father shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).
- d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.
- e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

### 3. Duties of the Parties

- a. The Mother shall be responsible for \_\_\_\_% and the Father shall be responsible for \_\_\_\_% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.
- b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall provide the other party with identification cards or other methods for access to coverage.
- c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.
- d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.
- e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.
- f. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.
- g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.
- h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.
- i. Each party shall promptly inform the Court of any changes in the following information:
  - (i) If the child(ren) are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;
  - (ii) If the child(ren) are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and if so, whether the employer or other group pays any portion of the coverage premium.

- j. A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.
- k. If medical insurance is available for minor children through a parent’s employer, this Order will allow automatic enrollment without any need for further court order.

**WARNING: The obligations to provide medical care, provide financial child support, and provide or comply with visitation and custody arrangements are independent of each other, and the failure or inability to provide one or more does not reduce any other obligation.**

4. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
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><b>REQUEST FOR ENTRY OF DEFAULT, APPLICATION FOR DEFAULT JUDGMENT, AND WAIVER OF FINAL DISCLOSURE REQUIREMENTS</b></p>
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The Respondent has been duly served with Summons in the above-entitled action and has not made an appearance herein by answer or otherwise within the time allowed by law.

- The Petitioner requests that Respondent's default be entered by the Clerk of Court and that the Court issue a default judgment.

2. Pursuant to MCA §40-4-257, the Petitioner waives the final disclosure requirements of MCA §§40-4-253 and 40-4-254. The Respondent was duly served with a copy of the Petitioner's Preliminary Declaration of Disclosure as required by MCA §40-4-252.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Petitioner Pro Se

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

FORM #106

**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><b>ENTRY OF DEFAULT</b></p>
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The Default of Respondent is hereby entered on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, for his/her failure to appear or answer the Petition within the time allowed by law, or at  
all.

(SEAL)

\_\_\_\_\_  
(Clerk of Court)

By: \_\_\_\_\_  
Deputy Clerk

HON. \_\_\_\_\_  
District Judge - Dept. No. \_\_\_\_  
Fourth Judicial District  
Missoula County Courthouse  
200 West Broadway  
Missoula, Montana 59802  
(406) 258-4780  
Fax (406) 258-4899

FORM #107

**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><b>ORDER ADOPTING PETITIONER'S PROPOSED PARENTING PLAN AS THE FINAL PARENTING PLAN</b></p>
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Having reviewed the Petitioner's Proposed Parenting Plan, and finding it to be in the best interest of the minor children, and for other good cause appearing,

IT IS HEREBY ORDERED that

1. The Petitioner's Proposed Parenting Plan is adopted by this Court as the Final Parenting Plan, as it is in the best interests of the minor children; and
2. The parties are ordered to abide by its provisions.

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.: _____ Department No.: _____</p> <p><b>REQUEST FOR HEARING</b></p>
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Petitioner filed this dissolution action and Respondent has not filed a response within the time allowed by law. Petitioner requests a hearing before the Court to enter a default judgment. Petitioner requests that the hearing be set on \_\_\_\_\_, at \_\_\_\_\_ am/pm.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Petitioner *Pro se*

HON. \_\_\_\_\_  
District Judge - Dept. No. \_\_\_\_  
Fourth Judicial District  
Missoula County Courthouse  
200 West Broadway  
Missoula, Montana 59802  
(406) 258-4780  
Fax (406) 258-4899

FORM #109

**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><b>ORDER SETTING HEARING</b></p>
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Hearing on Entry of Default Judgment and Final Decree for Dissolution in this matter is hereby set on the Law and Motion Calendar for \_\_\_\_\_, \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ p.m.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

# INSTRUCTIONS

FORM # 110

**Order Information:** Check the box that most accurately describes the type of order being entered. If it is a 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.



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*
<b>Child Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____
<b>Medical Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____
<b>Spousal Support:</b> (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____

Is payer 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": \$ \_\_\_\_\_

8 **Health Insurance:** (Attach additional pages if needed.)  
 Is health insurance provided for the children? Yes No (If no, answer last question in this section)  
 Name and relationship of party providing insurance: \_\_\_\_\_ Policy No. \_\_\_\_\_  
 Name of insurance carrier or health benefit plan : \_\_\_\_\_  
 Address of insurance carrier or health benefit plan: \_\_\_\_\_  
 Names of children covered: \_\_\_\_\_  
 Terms/conditions of coverage: \_\_\_\_\_  
 If children are not covered, is coverage available through:  
 Father's employer? Yes No Mother's employer? Yes No

9 **This form was completed by:** Name / Title: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
**Complete next page if both parties are ordered to pay child support.**  
 Information contained in this form is private and confidential.  
 It may only be shared with courts, agencies and individuals authorized by MCA 40-5-923.

**Multiple Payers: Complete Parts 10 and 11 only if the order requires both parties to pay support.**

10 **Mother's Employer/Income Source Information:** Provide information about the mother's employment or periodic source of income. (Attach additional pages if needed.)  
 Name of Employer or Source of Income \_\_\_\_\_ Telephone \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
**Father's Employer/Income Source Information:** Provide information about the father's employment or periodic source of income. (Attach additional pages if needed.)  
 Name of Employer or Source of Income \_\_\_\_\_ Telephone \_\_\_\_\_  
 Street \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

11 **Support Order:** Date Order Signed: \_\_\_\_\_  
**Mother'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*
<b>Child Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Medical Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<b>Spousal Support:</b> (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

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)		
<b>Child Support:</b>	\$_____	per	_____	_____	\$_____	\$_____	\$_____	\$_____
<b>Medical Support:</b>	\$_____	per	_____	_____	\$_____	\$_____	\$_____	\$_____
<b>Spousal Support:</b> (Alimony)	\$_____	per	_____	_____	\$_____	\$_____	\$_____	\$_____

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": \$\_\_\_\_\_

FORM #111

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><b>NOTICE OF ENTRY OF DECREE</b></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 along with a copy of Final Decree of Dissolution and Order Adopting Petitioner's Proposed Parenting Plan (if applicable) were 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*

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.:

**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