

PACKET “H”

Petition for Permanent Parenting Plan

[Begin by filling out Sensitive Data Form]

- _____ Form 118. Affidavit of Inability to Pay
- _____ Form 119. Petition for Establishment of a Permanent Parenting Plan
- _____ Form 120. Petitioner’s Proposal for Parenting Plan
- _____ Form 121. Summons and Order to Attend Mandatory Parenting Plan Orientation by Clerk of Court
- _____ Form 122. Statutory Notice to CSED
- _____ Form 123. Department of Health & Human Services’ Declination to Enter Proceeding as a Party
- _____ Form 124. Cover Letter to CSED
- _____ Form 125. Praecipe
- _____ Form 126. Notice and Acknowledgment of Receipt of Summons and Petition
- _____ Form 127. Status Report to the Court
- _____ Form 128. Request for Hearing and Order Setting Hearing on Petition for Permanent Parenting Plan
- _____ Form 129. Findings of Fact, Conclusions of Law, and Final Decree Establishing Permanent Parenting Plan
- _____ Form 130. Notice of Entry of Decree
- _____ Form 131. Vital Statistics Form
- _____ Form 132. Stipulated Permanent Parenting Plan
- _____ Form 133. Order Adopting Stipulated Permanent Parenting Plan
- _____ Form 134. Certificate of Service

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 “H” -- PERMANENT PARENTING PLAN

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.

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 (not usually applicable to parenting plans)
- 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 the name of a minor child, use the child’s full name and age at the time Petition is filed. For example, “Tyler Jones, age 3.”

- 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. PETITIONING FOR A PERMANENT PARENTING PLAN:

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 exactly the same way on every form.** Because you filed this action, **YOU ARE THE PETITIONER**. You will always be the Petitioner, even if you are responding. Use initials of child(ren), **do not** put full name in caption.

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 #119** Fill in every section. Sign page 9 in two places in front of a notary public. The Clerk of Court’s Office can notarize these documents. Notaries also can be found at banks, law offices, etc.

- Form #120 Fill in every section. Sign on pages 10 & 11 in front of a notary public. If you need assistance developing a parenting plan, consult Rule 12(f) of the Fourth Judicial Rules of Practice, which can be found via internet at: <http://www.montanacourts.org/dcourt/rules/local/4th.pdf>.

If you need help with the computation of child support payments, check the following website for more information and an application: <http://www.dphhs.mt.gov/csed/index.shtml>.
OR - an application packet may be purchased at the Clerk of District Court's office.
- Form #122 Complete caption and read. This is the Summons and the Order to attend parenting plan orientation, which the Clerk of District Court signs. You will receive a copy.
- Form #122 Complete and sign.
- Form #123 Complete caption only.
- Form #124 Sign and date letter.
- Form #126 Complete page 1 & 2, sign on page 2.

STEP 2. -- Making Copies

- Make 3 copies of Form 121 (Summons)
- Make 2 copies of Documents #119, 120, 122, 123, 124 & 126

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

- Bring the originals and two copies of Form #119, 120, 121 & 122 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.
- \$120.00 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 118. 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 the co-parent. The original Summons will be retained by the Clerk of Court and they will issue a Duplicate Original to use for service.
- The Summons includes an order to attend mandatory Parenting Plan Orientation, Form 121 which is issued by the Clerk of Court. Parenting Plan Orientation is a 90-minute program that provides an overview of community resources available to assist parents and children through the process of establishing parenting plans.

II. SERVING PAPERS ON THE CO-PARENT:

STEP 4. -- Serving the co-parent.

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

There are four ways to serve the copies of documents you have now prepared on the co-parent.

- 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 125 (Praeipce) which gives the Sheriff directions on who and where to serve the papers. Keep a copy for your records. After service is made, the Sheriff will complete his record of service on page 3 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 Praeipce Given to the Sheriff's Office:

Copies of Form # 119 and 120 (Duplicate Original AND 1 copy of 121), 122, & 126

OR

- 2) You can mail the documents. The Clerk of Court will file the original of Form #121 and supply you with copies. Mail copies of Form # 119, 120, 121, 122, & 126 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 126).

OR

3) You can personally deliver copies of Form #119, 120, 121, 122 & 126 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 126). If signed and returned, file the Acknowledgment of Service form with the Clerk of Court.

OR

4) If you absolutely do not know where the child's parent 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. The opposing party will have 20 days to respond, which will start to run after the last day of publication. 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 the Parenting Plan packet.

STEP 5. – Mailing CSED Paperwork.

You must complete this step even if you already have an open CSED case.

- Mail the following to CSED:
Form #123 & 124 -- Originals
Form #122 -- Copy
- Mailing Address: Montana D.P.H.H.S.
Child Support Enforcement Division
2675 Palmer Street - Suite C
Missoula MT 59808
- CSED will either decline to be involved, or you will be contacted by them for more information.

***** **IF 20 DAYS HAVE PASSED AFTER THE DAY THE OPPOSING PARTY WAS SERVED AND THE CO-PARENT HAS NOT FILED A RESPONSE TO YOUR PETITION ----- YOU WILL NEED TO COMPLETE PACKET J, "PARENTING DEFAULT PACKET"**

***** **DO NOT DISCARD THE BALANCE OF THE DOCUMENTS -- YOU WILL USE THEM!**

IV. REACHING AGREEMENT:

If you can agree on a Parenting Plan, you will not have to appear in Court for a hearing. If you agree, complete Step 6.

STEP 6. -- Final Agreements.

It is best if you are able to reach an agreement between yourselves on parenting and child support. IF YOU CAN AGREE,

- Form # 127 Fully complete this form.
- Form # 128 Complete page 1 and fill in caption only on page 2. The Court may or may not set a hearing.
- Form # 131 Fully complete this form.
- Form # 132 Complete the Stipulated Permanent Parenting Plan
- Form # 133 Complete the Caption -- Order Adopting Stipulated Permanent Parenting Plan

- Make 2 copies of each form - one for yourself and one for the co-parent.
- File original Form #127, 128, 131, 132 & 133 with the Clerk of Court.
- There may be a short hearing on the best interests of the child(ren). If so, you will receive an Order setting a hearing date. Once the Court approves the Parenting Plan, you will receive a copy of the Order. **YOU ARE DONE!!!**

V. UNABLE TO REACH AGREEMENT:

If you cannot reach agreement, you have several more steps to complete and will have to appear in Court.

STEP 7. -- Asking the Court to Decide.

- Form #127 If you can't agree on parenting, child support, or 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 #129 Complete entirely. The Judge will make amendments, if necessary.
- Form #130 Complete the caption. Do not sign. (You will sign later - see Step #10.)
- Form #131 Complete those sections you can. After the final hearing you will be expected to **fully** complete the form.

VI. FINAL PAPERWORK:

STEP 8. -- Just a Little More !!!

- Make 2 copies of Form #127 and mail a copy of each to the co-parent.
- Make a copy of Form #130 & 131 for your records.
- Make 4 copies of Form #129. Keep one for your records, mail a copy to the co-parent with Form 134, Certificate of Service.
- Deliver the originals of Form #127, 129, 130, & 131 and the two copies of Form #129 to the Clerk of Court -- **with Form #127 on top.**

- You will be notified of the hearing or mediation date to decide the issues.

VII. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While parenting can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues.

STEP 9. -- Court Hearing - on Contested Issues.

Be prepared to present evidence to the Court and discuss your position. This will include calling witnesses and/or presenting exhibits.

VIII. AFTER THE HEARING:

STEP 10. -- Final Paperwork.

- After the hearing, you must file Form 131 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 #129) is filed.
- 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 at no cost. The Clerk should then certify one copy. The cost for certification is \$2.00 each.
- Form #130 Complete, sign, and mail a copy to your spouse, together with one certified copy of the Final Decree (Form #129) signed by the Judge. File original Form #130 with the Clerk of Court.
- 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>

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Parenting of:</p> <p>_____, Minor Child(ren).</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No. _____</p> <p style="text-align: center;">SENSITIVE DATA FORM “CONFIDENTIAL”</p>
---	---

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 of 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 Children:				
Code Name:	Full Legal Name	Date of Birth	Age	M/F
Child #1				
Child #2				
Child #3				
Child #4				

DATED this _____ day of _____, 20__.

 Petitioner

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

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**

In re the Parenting of:

_____,
Minor child(ren).

_____,
Petitioner,

and

_____,
Respondent.

Dept. No.
Cause No.: DR-

**ORDER ON INABILITY TO
PAY FILING FEES AND
OTHER COSTS**

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 Parenting of:</p> <p>Initials of minor child(ren);</p> <p>_____ ,</p> <p style="text-align: center;">Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: center;">Respondent.</p>	<p>Cause No.: _____</p> <p>Department No.: _____</p> <p style="text-align: center;">PETITION FOR ESTABLISHMENT OF PERMANENT PARENTING PLAN</p>
--	---

Respondent Petitioner is the Mother (hereinafter referred to as "Mother.")
 Respondent Petitioner is the Father (hereinafter referred to as "Father.")

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. Relationship

The parties were never married.

4. Pregnancy Choose One:

- The Mother is not pregnant.
- The Mother is pregnant. However, the Father is not the father of the child she is carrying, and the child is not at issue in this proceeding.
- The Mother is pregnant. The Father is the father of this child.

5. Identification of the Child(ren) of the Parties:

Name (first and last)	Date of Birth	State of residence for last 6 months

6. Jurisdiction over the Child(ren)

This Court has jurisdiction to make a parenting determination regarding the minor child(ren) listed above. Choose One:

- The child(ren) has/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.

7. Required Information Regarding the Child(ren)

This proceeding will affect the parenting of the minor child(ren) of the marriage. The following information is required by M.C.A. § 40-7-110:

- a. During the last five years, the child(ren) have lived at the following places with the following persons. *List each place the child(ren) have lived, the dates the child(ren) lived there, and all person(s) with whom the child(ren) lived and current address:*

Address (City/State)	Dates	With Whom/Relation/Current Address

If needed, attach additional sheet(s) as Exhibit ____.

List the names and present addresses, if known, of the persons listed above, other than Petitioner and Respondent, with whom the child(ren) have lived in the last five years:

Names	Present Address(es)

Names	Present Address(es)

If needed, attach additional sheet(s) as Exhibit ____.

b. Choose One:

I have not participated as a party or witness or in any other capacity in any other proceeding concerning the parenting of or visitation with the child(ren).

I have participated as a party/ witness / other:
 _____ in another proceeding concerning the parenting of the child(ren).

Court: _____ Case No.:

Date of Child Custody Determination: _____.

If needed, attach additional sheet(s) as Exhibit ____.

c. Choose One:

I know of no other proceeding that could affect the current proceeding.

The following proceeding could affect the current proceeding:

Nature of Proceeding: _____

Court: _____ Case No.:

If needed, attach additional sheet(s) as Exhibit ____.

d. Choose One:

I know of no other person (not a party to this action) who has physical custody of the child(ren), or who claims rights of legal custody, physical custody or visitation with the child(ren).

The following person(s) have physical custody of the child(ren) or claim rights of legal custody, physical custody or visitation with the child(ren):

8. Parenting Plan

It is in the best interest(s) of the minor child(ren) that the Court adopt the Petitioner's Proposed Parenting Plan, filed separately from this Petition.

9. Child Support Order

The Mother Father needs financial assistance from the Mother Father to support the minor child(ren). The Petitioner requests that the Court enter the following proposed Child Support Order:

a. Choose One:

1. The Mother Father 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

2. Child support in the amount of \$ _____ per month per child **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 to this Petition as Exhibit _____. (*Skip to Number 18.*)

or

3. The Petitioner requires assistance in calculating an amount of child support based on the Montana Child Support Guidelines. The Petitioner understands that these calculations are required before the final hearing can be set.

CHILD SUPPORT ORDER

Only complete the following if Option 1 or 2 is selected above:

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.

or

 Missoula County Clerk of Court, 200 West Broadway, Missoula, MT 59802.

d. The Petitioner requests that the following warning be included in the Final Child Support Order:

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.

- e. 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.
- f. 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.
- g. 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.
- h. 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
- i. The Petitioner requests that the following warning be included in the Final Child Support Order:

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.

10. Medical Support Order Choose One:

- a. Choose One:
 - 1. A Medical 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 to this Petition as Exhibit _____.
(Skip to Number 19.)

or

2. Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Petitioner requests that the Court adopt the following Medical Support Order:

b. **Existing Coverage** -- Choose All That Apply. *Complete this section only if Option 1 is selected above:*

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.

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.

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. This Order authorizes automatic enrollment without a further court order, if medical insurance is available for minor children through a parent's employer.
- l. The Petitioner requests that the following warning be placed in the Final Child and Medical Support Orders:

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

- 11. Notice to the Department of Public Health and Human Services** Choose One:
- The Department of Public Health and Human Services 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.
 - The Department of Public Health and Human Services is providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act. The Petitioner will notify the Montana Child Support Enforcement Division and the Office of the Attorney General of this proceeding.

Not applicable. The Petitioner is not seeking to establish, enforce, or modify the parties' previously established child support order.

12. Tax Exemption Choose One:

The Mother will be entitled to claim _____ (name of child) every year for all tax purposes and the Father will be entitled to claim _____ (name of child) every year for all tax purposes.

or

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

or

Other Provisions: _____

_____.

13. Other Provisions: _____

_____.

WHEREFORE, the Petitioner requests as follows:

1. That this Court adopt the Petitioner's Proposed Parenting Plan, filed separately from this Petition;
2. That a Child Support Order be established, if requested above;
3. That a Medical Support Order be established, if requested above;
4. Other Provisions: _____

_____;
5. 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____.

(Seal)

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

3. 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).

4. Residential Schedule for the Child(ren) *The provisions set forth below in Paragraphs 4(a)-(i) are one way to write your residential schedule. 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. If you choose not to use the provisions provided, you may write your own schedule in Paragraph 4(j) below.*

a. Pre-School Schedule (Choose One):

Pre-school age means children under school age.

- 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):

or

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

b. School Schedule (Choose One):

Applies to children of school age.

- 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):

or

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

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:

Following is the customary visitation schedule when children are over 5 years old and parents reside less than 200 miles apart. Parents may consult Local Rule 12(f) for further guidance. (<http://www.montanacourts.org/dcourt/rules/local/4th.pdf>)

(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		

HOLIDAY	MOTHER	FATHER
(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: _____

_____.

5. 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.

6. 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.

7. 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: _____.

8. 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.

9. 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).

10. 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:

_____.

11. 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.

12. Review of Parenting Plan (Optional)

The parents will review this parenting plan at the following times:

_____.

13. 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.

12. Tax Exemption Choose One:

- The Mother will be entitled to claim _____ (name of child) every year for all tax purposes and the Father will be entitled to claim _____ (name of child) every year for all tax purposes.

or

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

or

- Other Provisions:** _____

_____.

14. Other Provisions:

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.

DATED this _____ day of _____, 20____.

STATE OF MONTANA

Petitioner, *Pro se*

)
) ss.

COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is a Petitioner in the above-entitled proceeding; that he/she has read the foregoing Parenting Plan 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____.

(Seal)

Name (*printed*): _____

Notary Public for the State of Montana

Residing at _____

My Commission Expires _____

Pursuant to Family Law Section 40-4-226 MCA, the Judges of the Fourth Judicial District have determined that “it is in the best interest of the child(ren)” that the parties involved in the dissolution of marriage, the establishment of a Parenting Plan or the amendment of a Parenting Plan (including child support or other actions) attend a **PARENTING PLAN ORIENTATION** program. This orientation, a free service of the Court, is mandatory for both parents. Information pertaining to your Orientation is as follows:

Date: Thursday, _____
Time: 4:30 p.m. (Orientation will conclude by 6:00 p.m.)
Location: Courtroom #3
Third Floor County Courthouse (Old Part of Bldg.)
200 West Broadway
Missoula, Montana

A District Court Judge or Standing Master will preside over this Orientation along with other facilitators. Your Decree of Final Dissolution or Final Parenting Order will not be entered until you attend this orientation. **Therefore, failure to attend this orientation could result in the delay of entry of your Decree of Dissolution.**

DATED this _____ day of _____, 20____.

SHIRLEY E. FAUST
CLERK OF THE DISTRICT COURT

(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 Parenting of:</p> <p>_____, Initials Minor Child(ren),</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>STATUTORY NOTICE TO CSED</p>
--	--

TO: THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES

1. Pursuant to the requirements of Montana Code Annotated §40-5-202(5), you are hereby notified that the foregoing action involves one or more of the following issues: Paternity; establishment, enforcement, or modification of a child support obligation; or establishment, enforcement or modification of a medical support order.

2. The proceeding may involve a party for whom the Department is or has been providing Title IV-D services.

3. The names of the parties, their last known addresses and social security numbers (if known) are as follows:

	Name	Address	SS#
Mother:	_____	_____	_____
	_____	_____	_____

Father: _____

4. The name of the child(ren), last known addresses and social security number (if known) are as follows:

<u>Child's Name</u>	<u>Address</u>	<u>Date of Birth</u>	<u>SS#</u>
1.	_____	_____	_____
2.	_____	_____	_____
3.	_____	_____	_____
4.	_____	_____	_____
5.	_____	_____	_____

5. The Department may:

- (i) decline to enter the proceeding as a party, in which case the proceeding may continue without the Department's participation;
- (ii) inform the tribunal that a substantial interest of the Department could be adversely affected by the proceeding, in which case the proceeding may not continue without joining the Department as a necessary party in the manner provided in the Montana Rules of Civil Procedure; or
- (iii) inform the tribunal that prior to the filing of the proceeding, the Department initiated an administrative proceeding under this chapter in which the parties and some or all of the issues are the same as those in the proceeding before the tribunal. The tribunal shall then discontinue the proceeding as to the common issues until administrative remedies have been exhausted.

Montana Code Annotated §40-5-202(5).

6. This Notice is to be served personally upon the Department. The Department has twenty (20) days following service to act.

DATED this ____ day of _____, 20____.

PETITIONER

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing document was sent by U.S. Mail, postage prepaid, addressed to:

State of Montana
Department of Public Health & Human Services
Child Support Enforcement Division
2675 Palmer Street - Suite C
Missoula, MT 59808

_____ (Name and address of Respondent)

DATED this ____ day of _____ 20____.

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 Parenting of:</p> <p>_____, Initials of Minor Child(ren),</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____</p> <p>DEPARTMENT OF PUBLIC HEALTH & HUMAN SERVICES DECLINATION TO ENTER PROCEEDING AS A PARTY</p>
---	---

COMES NOW, _____, Counsel for the Department of Public Health and Human Services, to declare that the Department of Public Health and Human Services hereby declines to enter the foregoing proceedings as a party and consents that the proceeding may continue without the Department's participation.

DATED this ___ day of _____, 20____.

Counsel, Dept. of Public Health & Human Services

INSTRUCTIONS TO DPHHS: (File this form with the Clerk of Court, 4th Judicial District, 200 West Broadway, Missoula, MT 59802)

(Date)

Department of Health & Human Services
Child Support Division - Attn: Legal Counsel
2675 Palmer Street - Suite C
Missoula MT 59808

RE: Notice of Proceeding

To Whom It May Concern:

I am enclosing a copy of the following:

- § Statutory Notice to DPHHS
- § Department Declination to Enter Proceedings as a Party
- § Acceptance of Service

Please sign the Acceptance of Service and ask your staff to check the records and determine whether the Department has ever provided services to these parties. Please return the acknowledgment to me. For your convenience, I have enclosed a self-addressed stamped envelope.

Please call me if the Department did indeed provide services or you have any questions about the proceeding. Thank you.

Sincerely,

Signature of Petitioner *Pro se* (Address)

(Phone)

cc: _____
(Name of Respondent)

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Parenting of:</p> <p>_____, Initials of Minor Child(ren),</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
- Petition for Establishment of Permanent Parenting Plan
- Petitioner's Proposal for Parenting Plan
- _____
- _____

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 Parenting of:</p> <p>_____, Initials of Minor Child(ren),</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 ESTABLISHMENT OF PERMANENT PARENTING PLAN</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
- Petition for Establishment of Permanent Parenting Plan
- Petitioner's Proposal for Parenting Plan
- _____
- _____

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
- Petition for Establishment of Permanent Parenting Plan
- Petitioner's Proposal for Parenting Plan
- _____

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
- Petition for Establishment of Permanent Parenting Plan
- Petitioner's Proposal for Parenting Plan
- _____
- _____

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

1 _____
Name

2 _____
Address

3 _____
4 City State Zip Code

5 _____
Phone Number

6 _____
Email Address

PETITIONER PRO SE

7
8 **MONTANA FOURTH JUDICIAL DISTRICT COURT,**
9 **MISSOULA COUNTY**

10 In re the Parenting of:

11 _____,
12 Initials of Minor Child(ren),

13 _____,
14 Petitioner,

and

15 _____,
16 Respondent.

Dept. No.:

Cause No.:

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

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

20 1. Parenting Plan (Choose One):

21 _____ Parents disagree

22 _____ Parents agree. Original signed agreement is attached to
23 this Status Report.

24 _____ Parents plan to use a service or mediator or other person
25 to assist them in trying to reach agreement. The parties
are using the following service/person to assist them:

_____ Community Dispute Resolution Service (543-1157)

1 _____ Families First Parenting Consultation (721-7690)
2 _____ (name of private mediator)
3 _____ (other individual or service)

4 2. Child Support (Choose One):

5 _____ Child Support has already been calculated and ordered by
6 Child Support Enforcement Division. A copy of that
7 order is attached to this Status Report.

8 _____ Parents agree that the attached calculations should be
9 adopted by the Court and incorporated into a Final Child
10 Support and Medical Support Order.

11 _____ Parties are not in agreement on child support.

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

14 _____ Community Dispute Resolution Service (543-1157)

15 _____ Families First Parenting Consultation (721-7690)

16 _____ (private mediator)

17 _____ (other individual or service)

18 5. Petitioner asks that the Court not order mediation based on a history of violence
19 and/or intimidation in the relationship.

20 _____ There is a current order of protection in effect

21 _____ There is no current order of protection in effect

22 6. Next step in court process (Choose One):

23 _____ Because the parties cannot agree on one or more significant issue,
24 Petitioner requests that the Court schedule an intervention conference or
25 hearing.

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

DATED this _____ day of _____, 20_____.

Petitioner *Pro Se*

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Status Report to the Court 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*

MONTANA FOURTH JUDICIAL DISTRICT COURT, MISSOULA COUNTY

<p>In re the Parenting of:</p> <p>_____, Initials of Minor Child(ren),</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No. _____ Department No. _____</p> <p>REQUEST FOR HEARING AND ORDER SETTING HEARING ON PETITION FOR PERMANENT PARENTING PLAN</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, MT 59802
406-258-4780
406-258-4899 (fax)

FINDINGS OF FACT

1. The Respondent was served with the Petition and Summons on the _____ day of _____, 20_____.
2. The parties were never married, but were involved in a relationship from (dates) _____ until _____.
3. The Petitioner has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
4. Respondent Petitioner is the Mother (hereinafter referred to as “Mother”)
 Respondent Petitioner is the Father (hereinafter referred to as “Father”)

of the following minor children:

Name (first and last)	Age	State of residence for last 6 months

5. Choose One:
 - The child(ren) has/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.
6. 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.

7. The Mother Father needs financial assistance from the Mother Father to support the minor child(ren).

Choose One:

The Mother Father 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 ____.

8. 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.

9. 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.

(Choose One:)

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.

10. Other Provisions: _____

11. All of the other allegations of the Petitioner’s complaint not inconsistent herewith are true, and the relief requested should be granted.

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

CONCLUSIONS OF LAW

- 1. The Court has jurisdiction over this cause.
- 2. The Petitioner’s Proposed Parenting Plan
 The Respondent’s Proposed Parenting Plan
 The Stipulated Permanent Parenting Plan
 The Court’s Parenting Plan

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

- 3. Choose One:
 The Child Support Order attached hereto as Exhibit _____ is a valid order for the child support of the minor child(ren) of the parties.
or
 The Petitioner Respondent is entitled to \$_____ per month per child as child support to be paid according to the provisions of the final Child Support Order, as stated below.

- 4. 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.

- 5. Other Provisions:

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

DECREE
ESTABLISHING PERMANENT PARENTING PLAN

1. 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."

2. 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."

3. 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."

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE

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):

or

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

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):

or

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

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, Even, or Every)

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		

HOLIDAY	MOTHER	FATHER
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:

_____.

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 Mother will be entitled to claim _____ (name of child) every year for all tax purposes and the Father will be entitled to claim _____ (name of child) every year for all tax purposes.

or

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

or

- Other Provisions:** _____

12. Other Provisions:

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 Mother Father 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.)

- 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.

<p>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.</p>
--

- 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:** _____

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 # 131

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*
Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____
Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____
Spousal Support: (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*
Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

(*list amounts if included in judgment)

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: (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": \$_____

Name

Address

City State Zip Code

Phone Number

Email Address

PETITIONER PRO SE

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY

In re the Parenting of:
Initials of Minor Child(ren),

Petitioner,

and

Respondent.

Cause No.:
Department No.:

STIPULATED PERMANENT PARENTING PLAN

1. Identification of the Parties

- a. Petitioner's Name: Address:
b. Respondent's Name: Address:

2. Identification of the Child(ren)

This parenting plan applies to the following minor child(ren) of the parties:

Name (first and last)	Age	State of residence for last 6 months

3. 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).

4. Residential Schedule for the Child(ren) *The provisions set forth below in Paragraphs 4(a)-(i) are one way to write your residential schedule. 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. If you choose not to use the provisions provided, you may write your own schedule in Paragraph 4(j) below.*

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): _____

or

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

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):

or

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

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:

Following is the customary visitation schedule when children are over 5 years old and parents
 reside less than 200 miles apart. Parents may consult Local Rule 12(f) for further guidance.

(<http://www.montanacourts.org/dcourt/rules/local/4th.pdf>)

(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.)		

HOLIDAY	MOTHER	FATHER
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: _____

_____.

5. 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.

6. 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.

7. 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: _____

_____.

8. 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.

9. 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).

10. 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:

_____.

11. 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.

12. Review of Parenting Plan (Optional)

The parents will review this parenting plan at the following times:

_____.

13. 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.

14. Tax Exemption Choose One:

The Mother will be entitled to claim _____ (name of child) every year for all tax purposes and the Father will be entitled to claim _____ (name of child) every year for all tax purposes.

or

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

or

Other Provisions: _____

15. Other Provisions:

16. Child Support: The parties agree to the proposed child support order attached as Exhibit “B.”

17. Medical Support: The parties agree to the proposed medical support order attached as Exhibit “C.”

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.

DATED this _____ day of _____, 20__.

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 _____

DATED this _____ day of _____, 20__.

Respondent, *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 _____

ATTACHMENT “B” CHILD SUPPORT ORDER

- a. The Mother Father 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.)
- 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: _____

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 ESTABLISHING PERMANENT PARENTING PLAN** 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*

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.