

PACKET “I”

Response to Petition for Permanent Parenting Plan

BEGIN BY FILLING OUT SENSITIVE DATA FORM

Form 144.	Affidavit of Inability to Pay
Form 145.	Response to Petition for Establishment of Permanent Parenting Plan
Form 146.	Respondent’s Proposed Parenting Plan
Form 147.	Request for Hearing – Status Report to the Court
Form 148.	Parenting Plan Orientation Order
Form 149.	Consent to Entry of Final Decree

DISCLAIMER

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

INSTRUCTIONS & CHECKLIST PACKET “I” -- RESPONSE TO PETITION FOR 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. THE PARENTING PLAN PROCESS ---- RESPONDING:

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 **the exact same way** on every form.

You, as the “**Respondent**,” have been served with papers to establish a permanent parenting plan for your child(ren). You have a couple of options:

- Respond within 20 days** - by filling out the enclosed documents, sending copies to the co-parent, and filing the original documents with the Clerk of Court. By responding, you will have the opportunity to present your proposals for child custody, visitation, child support and medical support issues to the Court.

- Do nothing. If you agree with what the co-parent has stated and requested in the Petition and you do not wish to object or respond, the Petition will be granted by default. **[IF YOU DO NOTHING, The co-parent MAY BE AWARDED ALL THAT HE/SHE REQUESTED.]** After a default hearing is over, you will be served with a copy of the Final Decree.

STEP 1. -- Accepting Service.

- Form #129 Included with the papers served upon you is Form 129 - Notice and Acknowledgment of Receipt of Summons and Petition. Fill out this form. Complete page 3 and sign before a notary public to verify that you received the documents. **If you fail to sign and return this form to your spouse, the sheriff will need to deliver the same papers to you. You may be required to pay the sheriff's cost for this service. Once you have signed and returned this form, you must file your response in 20 days or a default will be entered against you.**

STEP 2. – 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 #145 Each row corresponds with a paragraph in the Petition that was filed by the co-parent. Fill in every row stating whether you agree or disagree. If you disagree, give your reason. Sign page 3 and 4 in front of a notary public.
- Form #146 Fill in every section. Sign on pages 10 & 11 in front of a notary public. If you need assistance developing a parenting plan, consult 12(f) of the 4th Judicial District Parenting Guidelines on-line at: <http://www.montanacourts.org/dcourt/rules/local/4th.pdf>.

STEP 3. -- Making Copies.

- Make 2 copies of Forms 145 and 146. One copy will be for your own personal records. The others you will need for the following steps.

STEP 4. -- Filing Response With Clerk of Court.

- Bring the originals and two copies of every form filled out in Step 2 to the Clerk of District Court’s Office for filing.
- \$70.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, fill out and submit form 144 “Affidavit of Inability to Pay.” 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 Clerk will issue an Order to attend Mandatory Parenting Plan Orientation, Form 148. 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 separation and divorce.

STEP 5. -- Serving the Co-parent.

You now need to serve the copies of documents you have prepared on the co-parent. Mail or personally deliver the documents to 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 done by mail. You must not personally deliver these documents to the co-parent.**

STEP 6. – Parenting Plan Orientation.

You will receive a Parenting Plan Orientation Order along with the summons. 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. You must attend this orientation.

II. C.S.E.D. NOTIFICATION:

- Petitioner (the co-parent) has filled out the required paperwork for the Child Support Enforcement Division ["CSED"]. You may be contacted by CSED if they require more information.

III. SETTLEMENT OF PARENTING ISSUES:

STEP 7. -- Can you agree??

- Form 136 If you and the co-parent can agree on the parenting issues, work together completing Form #136, Stipulated Permanent Parenting Plan, which the co-parent has in his/her packet. Both parties need to sign page 10 & 11 in front of a notary public. Make 2 copies and file original with the Court.
- If you have reached agreement with the co-parent and filed Form 136 (Stipulated Permanent Parenting Plan), the Court may hold a short hearing on the best interests of the child(ren). You will receive a copy of the Order setting the hearing. When the Court approves the Parenting Plan, you will receive a copy of that Order.

YOU ARE DONE!!!

STEP 8. -- If you don't agree . . .

- Form 147 If you cannot agree on the parenting issues, complete this form stating in what category you have not been able to reach agreement.

Make 2 copies.
File original Form 147 with the Clerk of Court.
Send a copy to the co-parent.

Over half of contested cases are referred to a standing master. Local Rule 9 requires a supervised settlement conference. The Court will issue an Order for a hearing. You will receive a copy.

IV. HEARING ON CONTESTED ISSUES:

If a hearing was requested and the Court has set a date for a hearing on the contested issues, please read the following:

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 be sworn in, take the witness stand, present evidence to the Court and discuss your position.

- The Judge will issue his Findings of Fact, Conclusions of Law, an Permanent Parenting Plan. You will receive a copy.

Name

Address

City State Zip Code

Phone Number

RESPONDENT 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>SENSITIVE DATA FORM "CONFIDENTIAL"</p>
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Pursuant to the Privacy and Access rules of the Montana Supreme Court (AF 06-0377) sensitive data should not be filed or included in a case record, except on this form. **Sensitive data is defined as social security numbers, bank account numbers, credit card numbers, other financial account numbers, and dates of birth 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.

Name _____

Address _____

Telephone _____ Birth date _____ Age _____ SSN _____

Employed: Yes ____ No ____ Self Employed: Yes ____ No ____ Hourly Wage \$ _____

Employer's name and address _____

Type of employment _____ Length of current employment _____

If unemployed:

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

Why did you leave your last employment? _____

Single ____ Married ____ Divorced ____ Separated ____

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

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

Spouse's: name _____

Spouse's: birth date _____ Age _____ SSN _____

Spouse's employer and address _____

Are you sharing expenses with anyone? Yes ____ No ____

If yes, explain _____

Are you sharing income with anyone? Yes ____ No ____

If yes, explain _____

II. INCOME

Income available:

My wages or salary \$ _____ AFDC \$ _____

Other wages or salary \$ _____ SSI \$ _____

Unemployment \$ _____ Worker's Comp \$ _____

Food Stamps \$ _____ Medicaid \$ _____

Pension \$ _____ 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 vehicle(s) paid for? Yes _____ No _____

If not, how much do you or your spouse owe? \$ _____

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? \$ _____

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 and bonds? \$ _____

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

If yes, list total amount \$ _____

Is there money owed to you or your spouse? 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 that belongs to another person? Yes _____ No _____ If yes:

Type of property: _____

Value of property \$ _____

Name of owner of property: _____

Reason the property is in your possession: _____

IV. MONTHLY EXPENSES

List your or your spouse's monthly expenses:

Rent or house payment \$ _____

Clothes \$ _____

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 of \$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 _____, 2007.

(Notary Seal)

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

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

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

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

Dated this _____ day of _____, 20 ____.

DISTRICT COURT JUDGE

Paragraph #	Agree	Disagree	Reason for disagreeing:
4 – Pregnancy			
5 - Children ID			
6 – Jurisdiction			
7 - Children Info			
8 - Parenting Plan			
9 - Child Support			
10 - Medical Support			
11 - Notice to Department of Public Health and Human Services (DPHHS)			
12 – Tax Exemption			
13. Other Provisions			

WHEREFORE, the Respondent prays as follows:

1. That this Court adopt the Respondent’s Proposed Parenting Plan, filed separately from this Response;
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: _____

DATED this _____ day of _____, 20____.

Respondent, *Pro Se*

STATE OF MONTANA)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is the Respondent in the above-entitled proceeding; that he/she has read the foregoing Response 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.

Respondent, *Pro Se*

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

(Notary Seal)

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

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Response to Petition for Establishment of 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 _____
of Petitioner) _____

Signature of Respondent *Pro Se*

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT *PRO SE*

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Parenting of:</p> <p>_____</p> <p style="text-align: center;">Initials of minor child(ren);</p> <p>_____</p> <p style="text-align: right;">Petitioner,</p> <p>and</p> <p>_____</p> <p style="text-align: right;">Respondent.</p>	<p>Cause No.: _____</p> <p>Department No.: _____</p> <p style="text-align: center;">RESPONDENT’S PROPOSAL FOR PARENTING PLAN</p>
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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, 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		

HOLIDAY	MOTHER	FATHER
(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 child(ren), 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 the father and with the maternal relatives during times they are with the 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 Wife will be entitled to claim _____ (name of child) every year for all tax purposes and the Husband will be entitled to claim _____ (name of child) every year for all tax purposes.

or

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

or

Other Provisions: _____

_____.

15. 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____.

Respondent *Pro Se*

STATE OF MONTANA)
) ss.
COUNTY OF _____)

_____, being first duly sworn on oath, says that he/she is the Respondent 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.

Respondent

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 _____

CERTIFICATE OF SERVICE

I, the undersigned, certify that I served the Respondent’s Proposal for 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 _____
of Petitioner) _____

Signature of Respondent

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Parenting of:</p> <p>_____</p> <p style="text-align: center;">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;">STATUS REPORT TO THE COURT AND REQUEST FOR COURT ACTION</p>
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The Respondent, _____, appearing Pro Se, provides this Status Report to the Court regarding issues of the parenting plan, and whether the parties are in agreement or disagreement, as follows:

1. Parenting Plan (choose one):

_____ Parents disagree

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

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

_____ Community Dispute Resolution Service (543-1157)

_____ Families First Parenting Consultation (721-7690)

_____ (name of private mediator)

_____ (other individual or service)

2. Child Support (choose one):

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

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

_____ Parties are not in agreement on child support.

3. Respondent requests that the Court order the parties to participate in mediation to attempt to resolve outstanding issues through the following services:

_____ Community Dispute Resolution Service (543-1157)

_____ Families First Parenting Consultation (721-7690)

_____ (private mediator)

_____ (other individual or service)

4. Respondent asks that the Court not order mediation based on history of violence and/or intimidation in the relationship.

_____ There is a current order of protection in effect

_____ There is no current order of protection in effect

5. Next step in court process (choose one):

_____ Because the parties cannot agree on one or more significant issue, Respondent requests that the Court schedule an intervention conference or 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____.

Respondent 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 _____
of Petitioner) _____

Respondent Pro Se

Name

Address

City State Zip Code

Phone Number

Email Address

RESPONDENT PRO SE

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

<p>In re the Parenting of: _____ _____ Initials of minor child(ren); _____, Petitioner, and _____, Respondent.</p>	<p>Cause No.: _____ Department No.: _____ CONSENT TO ENTRY OF FINAL DECREE</p>
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The Mother Father hereby consents to the entry of a Final Decree Establishing Permanent Parenting Plan in the above-entitled case and waives his/her right to appear and testify at the final hearing on this matter. All outstanding issues between the parties have been resolved.

DATE

 WIFE

 HUSBAND

State of Montana)
 :ss
County of _____)

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

(Seal)

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

TIPS FOR YOUR DAY IN COURT

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

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

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

THE PAPERWORK

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

1. Summons and Petition

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

2. Response

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

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

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

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

5. Final Divorce Document

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

GOING TO COURT

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

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

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