

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.