

APPLICATION FOR  
**DISTRICT COURT JUDGESHIP**  
**Seventh Judicial District**

**A. PERSONAL INFORMATION**

1. Full Name: Sally Kay Hickok (Carlsen)
  - a. What name do you commonly go by? Sally K Hickok
2. Birthdate: [REDACTED] Are you a U.S. citizen? Yes
3. Home Address: [REDACTED] [REDACTED]  
Phone: Home [REDACTED] [REDACTED]
4. Office Address: PO Box 375 807 Eynon Avenue Circle, MT 59215  
Phone: 406-939-3932
5. Length of residence in Montana: 57 years
6. Place of residence for the last five years: 2007- 2017-Circle, MT

## B. EDUCATIONAL BACKGROUND

7. List the names and location of schools attended beginning with high school:

<u>Name</u>	<u>Location</u>	<u>Date of Degree</u>	<u>Degree</u>
Glasgow Sr. High School	Glasgow, MT	1976	High School Diploma, Highest Honors
Billings Business College	Billings, MT	None	None, Attended 1976
University of Great Falls	Great Falls, MT	1992	BS Paralegal Studies, Minor, Criminal Justice, Summa Cum Laude
University of Montana School of Law	Missoula MT	1995	Juris Doctor

8. List any scholarships, awards, honors and citations that you have received:

Scholarships: High School: University of Montana Honor Scholarship  
 University: American Association of University Women, Glasgow High School Educational Trust, Buttrey Scholarship  
 University of Montana School of Law: Ethics and Character Scholarship

Awards: High School: University of Montana Silver Key of Journalism  
 University: Westlaw Highest Paralegal Award (shared with Kirsten Pabst, now Missoula County Attorney, as we both had equally attained the qualifications for the award)  
 University of Montana School of Law: Ethics and Character Award

Citations: State Bar of Montana Pro Bono Award, twice in 10 years.

9. Were you a member of the Law Review? If so, provide the title and citation of any article that was published and the subject area of the article.

No

## C. PROFESSIONAL BACKGROUND AND EXPERIENCE

10. List all courts (including state and federal bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case.

<u>Court or Administrative Body</u>	<u>Date of Admission</u>
All Montana Courts	1995
Federal Court, District of Montana	1995
Fort Peck Tribal Court	1996

11. Indicate your present employment. (List professional partners or associates, if any).

Justice of the Peace, McCone County, Circle, MT	2012-Present
City Court Judge, Town of Circle, Circle, MT	2012-Present
Sally K Hickok, Attorney at Law, Circle, MT	1995-Present

12. State the name, dates and addresses of law firms with which you have been associated in practice, governmental agencies or private business organizations in which you have been employed, periods you have practiced as a sole practitioner, and other prior practice:

<u>Employer's Name</u>	<u>Position</u>	<u>Dates</u>
Attorney, Sally K. Hickok, Attorney at Law PO Box 375 – 807 Eynon Avenue, Circle, MT 59215 General Practice-emphasis on Family Law, Social Security, Criminal Defense, Civil Litigation	Self- employed	1995-Present
Office of the State Public Defender Glendive, MT Criminal Defense, Abuse/Neglect Cases	Public Defender / Contract Attorney	2006-2009
Dawson County Domestic Violence, Glendive, MT Civil/Family law cases	Attorney	2005-2007
BAR/BRI Course, Missoula, MT In charge of preparing law students for taking the ethics part of the bar exam in the fall, and the regular bar exam in the summer.		1994-1995
Montana Legal Services Undergraduate Intern, Law School Intern, Attorney, Contract Attorney Wolf Point, MT, Helena, MT		1990-1995 2001-2002
Pro bono civil, family law cases involving domestic violence, consumer, Social Security		

13. If you have not been employed continuously since completion of your formal education, describe what you were doing.  
N/A

Describe the nature of your present law practice, listing the major types of law that you practice and the percentage each constitutes of your total practice.

Family Law	30%
Criminal Defense	20%
Civil Litigation	20%
Social Security	20%
Wills/Estates	10%

15. List other areas of law in which you have practiced, including teaching, lobbying, etc.

I have given numerous presentations on the topics of Social Security and Domestic Violence to various groups, including college students, senior citizens, Native Americans, and other interested individuals.

16. If you specialize in any field of law, what is your specialty?

I am not certified in any area of the law; no Montana attorney is, but I have spent nearly my whole career handling Family Law, Criminal Defense, Civil Litigation, and Social Security Cases as the main areas of my practice.

17. Do you regularly appear in court? Yes

What percentage of your appearance in the last five years was in:

Federal court	0%
State or local courts of record	80%
Administrative bodies	20%
Other	0%

18. During the last five years, what percentage of your practice has been trial practice? 25%

19. How frequently have you appeared in court? 5 times per month on average.

20. How frequently have you appeared at administrative hearings?  
1 times per month on average.

21. What percentage of your practice involving litigation has been:

Civil	50%
Criminal	40%
Other	10%

22. Have you appeared before the Montana Supreme Court within the last five years? If so, state the number and types of matters handled. Include the case caption, case citation (if any), and names, addresses and phone numbers of all opposing counsel for the five most recent cases.

No

23. State the number of jury trials that you have tried to conclusion in the last ten years. None

24. State the number of non-jury trials that you have tried in the last ten years. Educated Estimate 12

25. State the names, addresses and telephone numbers of adversary counsel against whom you have litigated your primary cases over the last two years. Include the caption, dates of trial, and the name and telephone number of the presiding judge. If your practice does not involve litigation, provide the same information regarding opposing counsel and the nature of the matter.

Marvin L. Howe 4/17/15-2/8/16  
Dawson County Attorney's Office  
121 S. Douglas Ave.  
Glendive, Montana 59330  
Phone: 406-377-2532

<p><b>STATE OF MONTANA,</b> <b>Plaintiff,</b></p> <p><b>v.</b></p> <p><b>STEVEN ROBERT DREYER,</b> <b>Defendant.</b></p>	<p><b>Cause No. DC-15-032</b></p> <p><b>Honorable Richard Simonton</b></p> <p>406-377-2666</p>
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Luke Savage 11/11/16-5/17/17  
The Savage Law Firm  
PO Box 1105  
Sidney, MT 59270

<p>IN RE THE MARRIAGE OF:</p> <p>MELISSA HOBBS f/k/a/ Melissa Anderson ,</p> <p>Petitioner,</p> <p>And</p> <p>WYATT L. ANDERSON, Respondent.</p>	<p>Cause No. DR-46-2008-11301</p> <p><b>Honorable David Cybulski</b> 406-765-3421</p>
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Katherine Delaney Berst  
K.D. BERST, LAW  
2722 Third Ave. N., Ste. 325  
Billings, MT 59101  
Telephone: 406-248-3900

4/21/16-5/21/16

**IN RE THE MARRIAGE OF** )  
)  
**BRIDGET CHASE,** )  
)  
**Petitioner,** )  
)  
**and** )  
**NATHAN CHASE,** )  
)  
**Respondent.** )

**CASE NO. DR-46-2014-14**  
**JUDGE: David Cybulski**  
765-3421

John T. Hrubes  
Attorney at Law  
100 1/2 S. Merrill Ave. #9  
Glendive, MT 59330

3/9/15-9/10/15

**IN RE THE MARRIAGE OF**  
  
**JENNIER EWING PEACOCK, n/k/a,**  
**JENNIFER EWING,**  
  
Petitioner,  
  
vs.  
  
**JEFF PEACOCK,**  
  
Respondent.

Cause No.: DR 2015-04

Honorable Katherine Bidegaray  
406-433-5939

Peter L. Helland  
PO Box 512  
311 Klein Avenue  
Glasgow, MT 59230  
406-228-9331

11/20/15- 2/29/16





## **D. PROFESSIONAL AND PUBLIC SERVICE**

28. List all bar associations and legal professional societies of which you are a member. Provide the titles and dates of any office that you have held in such groups and committees to which you belong. These activities are limited to matters related to the legal profession. List the dates of your involvement.

Montana Bar Association	1995-Present
American Bar Association	1992-Present

29. List organizations and clubs, other than bar associations and professional societies, of which you have been a member during the last five years. State the title and date of any office that you have held in each organization. If you held any offices, describe briefly your activities in the organization.

Triangle Homemakers' Club	Member
TOPS 2014-present	Co-leader, Treasurer Conduct Meetings, Manage the treasury, Communicate, file documents with the state and national groups.
Bunco Club	Member

30. Have you ever run for or held public office? If so, provide the details.

I ran unsuccessfully for the position of McCone County Attorney in 2010.

In 2012, I was appointed to fill out the term of the retiring McCone County Justice of the Peace, and I have successfully run for the position and been elected twice since that time.

I have been on the board of the Montana Magistrates' Association as the Representative of District 7, which encompasses McCone, Garfield, Dawson, Wibaux, Richland, and Prairie Counties for two terms, four years. I also sit on the Scholarship Committee and the Judicial Enhancement Committee.

In 2012, I was appointed by the Circle Town Council to be the City Judge when the previous judge retired, and I have held that position since then. This position is appointed, not elected.

31. Explain your philosophy of public involvement and practice of giving your time to community service.

As both an attorney and a judge, I feel there is a fine line to walk when choosing how to do good works. I have often donated anonymously, as I want to avoid the appearance of impropriety. As a member of the Triangle Homemakers' Club, which is primarily a service club in this day and age, I can help out with local community service projects such as giving birthday parties at the nursing home, providing sandwiches and snacks for local Red Cross blood drives and even helping to pick up trash. We also work to donate money to various projects in our community such as the Angel Tree at Christmas time and putting on bingo at the county fair to raise money for McCone County Homemakers' Scholarships.

## **E. PROFESSIONAL CONDUCT AND ETHICS**

32. Have you ever been publicly disciplined for a breach of ethics or unprofessional conduct (including Rule 11 violations) by any court, administrative agency, bar association, or other professional group? If so, provide the details.

No

33. Have you ever been found guilty of contempt of court or sanctioned by any court for any reason? If so, provide the details.

No.

34. Have you ever been arrested or convicted of a violation of any federal law, state law, or county or municipal law, regulation or ordinance? If so, provide the details. Do not include traffic violations unless they also included a jail sentence.

No.

35. Have you ever been found guilty or liable in any civil or criminal proceedings with conduct alleged to have involved moral turpitude, dishonesty and/or unethical conduct? If so, provide the details.

No.

36. Is there any circumstance or event in your personal or professional life that would, if brought to the attention of the Commission, Governor or Montana Supreme Court, affect adversely your qualifications to serve on the court for which you have applied? If so, provide the details.

No.

#### F. BUSINESS AND FINANCIAL INFORMATION

37. Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.

Farm/Ranch with my husband 1985-2007.

Les Carlsen Trucking LLC partners with my husband 2009-present. Business is not currently active.

38. If you are an officer, director, or otherwise engaged in the management of any business, provide the name of the business, its nature, and the nature of your duties. If appointed as a district court judge, state whether you intend to resign such position immediately upon your appointment.

My husband and I are partners in Carlsen Sinclair & Service LLC, Circle, MT, which is our family's business. My husband runs the day to day business; my duties are minimal. I do not intend to resign from the business.

39. State whether during the last five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise or organization. If so, identify the source and the approximate percentage of your total income it constituted over the last five years.

Les Carlsen Trucking LLC	5%
Carlsen Sinclair & Service LLC	55%

Do you have any personal relationships, financial interests, investments or retainers that might conflict with the performance of your judicial duties or that in any manner or for any reason might embarrass you? If so, please explain.

No.

41. If appointed by the Governor, are you prepared to disclose the information required under 2-2-106, MCA (i.e., the name, address and type of your business; any present or past employer from which you currently receive benefits; any business or professional entity or trust in which you hold an interest; any entity in which you are an officer or director; and any real property, other than a personal residence, in which you hold an interest)?

Yes.

42. Have you filed appropriate tax returns as required by federal, state, local and other government authorities? Yes

If not, please explain.

N/A

43. Do you have any liens or claims outstanding against you by the Internal Revenue Service (IRS)?

No

If yes, please explain.

N/A

44. Have you ever been found by the IRS to have willfully failed to disclose properly your income during the last five years? If so, provide the details.

No

## G. WRITING SKILLS

45. In the last five years, explain the extent to which you have researched legal issues and drafted briefs. State if associates or others have generally performed your research and the writing of briefs.

I estimate that I spend about 40% of my time researching legal issues and drafting briefs. Of that time, I estimate that I spend 60% researching legal issues and 40% drafting briefs.

In the past five years, only one time has an outside attorney assisted in drafting a brief.

46. If you have engaged in any other types of legal writing in the last five years, such as drafting documents, etc., explain the type and extent of writing that you have done.

Family law involves extensive drafting of many documents, including motions, responses, and researching of the issues, preparation of pleadings, child support guidelines, findings of fact/conclusions of law and orders. I estimate I have spent around 15% of my time here.

Criminal law also involves motions, replies, and legal research. I estimate I have spent about 10% of my time here.

Civil litigation can involve writing pleadings, motions, replies, and many more complicated briefs involving research. I estimate I have spent around 10% of my time here.

Wills/Estates Besides drafting the will itself, probate cases can be fairly simple, with a few document filed, making sure the estate is dispersed, and the closing documents filed. On the other hand, if a will is contested, there might be pleadings to be drafted, motions, briefs and any number of documents to be written after extensive research is completed. I estimate I spent 10% of my time here.

As a judge, I have drafted my own findings of fact and conclusions of law on the criminal side. I have spent many hours the past five years writing these.

47. Attach a writing sample of no more than ten pages that you have written yourself. A portion of a brief or memorandum is acceptable.

Attached

48. What percentage of your practice for the last five years has involved research and legal writing?  
40 %

49. Are you competent in the use of Westlaw and/or Lexis?

Yes, I have been using both since my undergrad, beginning in 1989, although we were also rigorously trained at the time in how to research using only books; by the time I reached law school in 1992, only a cursory overview of book research was shown to us. I used Westlaw exclusively at my own office, originally on CD-Rom, and later on the internet in all my positions. Now, I use FindLaw. I also use Google Scholar. I'm sure I could pick right up on Westlaw or Lexis if needed.



## H. MISCELLANEOUS

50. Briefly describe your hobbies and other interests and activities.

I belong to our library's adult coloring group, and I also enjoy coloring at home when I have time. I also enjoy crafting, and I have made several quilts. I have always been an avid, fast reader, although I always have stacks of unread books and magazines of all different types waiting for me. I prefer to read the old fashioned way; however, I do enjoy listening to audiobooks on long trips. I like watching old movies, and by old I mean from the 1940s through the 1980s.

I like to garden with my husband in the summer, and we like to travel together when we have the time, including going camping in our fifth wheel. We enjoy spending time with our sons, our son-in-law, and our grandsons. I also enjoy getting together with friends and relatives, especially when we can attend the Fort Peck Summer Theatre (or any type of theatre) or a concert.

I enjoy playing old fashioned board, card, and dice games with family and friends. In addition, I have entered sweepstakes and contests since I was a child, winning many prizes, and for the past fourteen years, I have been a member of an online group of sweepstakes hobbyists from throughout the United States and all over the world, through which I have met many friends, both online and in person.

I like to junk, antique, flea market, auction, second hand store, and yard sale. I have a collection of Coca-Cola, Barbie Dolls, Cookie Jars, and Creamer and Sugar sets.

I'm a University of Montana Griz Football Fan, and my best friend and I make a point of travelling to Missoula at least once each season to attend a home game. We always attend the Cat/Griz game when it is in Missoula.

51. Describe the jobs that you have held during your lifetime.

Glasgow, MT 1966-1979

1966-76	Markles	Office Clerk
1974-78	Survant/West Drive In	Concessionaire
1974-76	Buttrety Foods	Carry Out/Produce Assistant
1974-76	A&W	Carhop
1976-78	Valley View Home	Dietary Assistant
1978-79	FMD Hospital	Receptionist

Other

1979-1984	Self Employed	Avon Representative
1981-1984	Self Employed	Friendly Home Parties
1982-1983	The Roundup	Newspaper Assistant
1984-1986	State Farm Insurance	Office Assistant
1986-1988	National Family Farm Coalition	Administrative Assistant
1988	Morrison/Waller for Governor	Campaign Assistant
1988-1989	Northern Plains Resource Council	Organizer
1991-92	State of Montana	Driver Examiner Assistant

1991-92	Advantage Line	Catalog Order Taker
1991-92	Duane Mitchell Insurance	Appointment Maker
1985-2007	Carlsen Ranch	Typical family ranch operation work
2009-2012	Les Carlsen Trucking LLC	Partner in family owned trucking company
2013-present	Carlsen Sinclair & Service LLC	Partner in family owned service station & shop

52. Identify the nature and extent of any pro bono work that you have personally performed during the last five years.

My pro bono work in recent years has consisted of encouraging both people in need and others in the legal profession/arena to send me people for free consults. These are people of modest means who would not be able to hire me, and might have a difficult time finding resources to help. I will often meet with them on the phone or in person and find them resources of all types to help them. I often talk to the people more than one time. I estimate donating 250 hours in the previous five years using this method of helping others.

53. In the space provided, explain how and why any event or person has influenced the way that you view our system of justice.

In my undergraduate Constitutional Law class, we re-heard the case of *Korematsu v. United States*, 323 U.S. 214, the landmark United States Supreme Court case concerning the constitutionality of Executive Order 9066, which ordered Japanese Americans into internment camps during World War II regardless of citizenship.

I was surprised to find that our classroom court's decision was the same as the United States Supreme Court's decision from 1944. I wondered if, in spite of the fact that civil rights laws were now in effect, that such a decision might be made in the future. I recall how our class didn't believe this would ever happen again.

The law is not black and white. The Court is often called upon to make difficult decisions based upon complicated contexts. I began to see the law not as two sided, but as a crystal with many different facets.

54. In the space provided, explain the qualities that you believe to be most important in a good district court judge.

Many qualities are important in a good district judge. At the top of the list is empathy; a judge should be able to put herself in the shoes of those who appear before her. Next in importance is good character and the integrity that goes along with it. It is important to be a good listener. A judge needs to be a strong communicator, including everyone in the courtroom, with the staff, other elected officials, and the public. The judge must be courteous, respectful, level headed, and remain as absolutely calm as possible. The judge must be intelligent. She must have the ability to comprehend what she reads and what she hears. She needs to write effectively. The judge must possess legal skills and knowledge.

The judge must have a high sense of responsibility, including a high standard of ethical conduct, honesty, and punctuality. The judge should be self-aware. The judge should be committed to her duties and her profession. The judge must be unbiased and fair to everyone. The judge needs to realize that every case stands on its own. The judge must be flexible, meaning plans are meant to be changed. The

judge must not mind being called upon any time day or night when the court requires her services. The judge must manage stress in a positive way.

The judge must have the skills to deal with people from all walks of life, and people who are unrepresented by attorneys as well. The judge should have many years of education and experience. The judge should enjoy learning.

The judge should contribute to the community and the legal profession in ways that align with judicial ethics and the law.

55. In the space provided, explain how a court should reach the appropriate balance between establishment of a body of precedent and necessary flexibility in the law.

The courts look to precedent for guidance and stability in the cases that come forward to the bar. However, the case before the court will not have exactly the same facts as the previous cases although theoretically it will have the same legal issue. The law is not static. Both the United States Constitution and the Montana Constitution are living instruments. Our legislature meets bi-annually to repeal statutes, change statutes, and add new statutes. Administrative laws are constantly changing. So, although courts should generally follow precedent, the court will be presented with persuasive authority which it can use to distinguish the case at bar from the precedent.

And, when the court decides a new case with a new outcome, that case then becomes precedent. Perhaps an older case is overruled and is no longer precedent. Much like our Constitutions, the law is also a living instrument, always changing based not only on what came before, but based upon new situations that arise.

56. In the space provided, state the reasons why you are seeking office as a district court judge.

At this point in my career, I am ready to advance and use my expertise as both attorney and judge to benefit the greater community and to take on new challenges. I feel I am exceptionally well qualified and eager to serve in this position.

When I learned the position became available, I immediately began to gather my resources for application. I thought this might be my only opportunity to apply for such a District Court Judgeship.

57. What items or events in your career have distinguished you or of which you are most proud?

Shortly after opening my law office, I helped secure justice for a client disabled in an accident. He suffered from many injuries, including a brain injury, and his elderly relatives approached me for help when the insurance offered him a small settlement. I obtained a high six figure settlement for him, which enabled him to live a much better life. I learned from this case that I was more than capable of handling personal injury cases.

Social Security Disability cases are my favorite type of cases. As an intern at Montana Legal Service, my first case was a homeless man with a disability. Even with research I had performed previously at Montana Legal Services in Wolf Point, I had doubts about my ability to actually advocate for a client. I overcame my

doubts and obtained benefits for my client, who was able to move to an apartment soon after. I went on to successfully represent many disabled clients.

I had no criminal law experience when I was assigned my first felony public defender case by Judge Cybulski. The young man was charged with felony theft of thousands of dollars and was facing prison time. By negotiating with the prosecutor after evaluating the evidence and researching the possibilities, my client was sentenced to restitution and a deferred imposition of sentence. The young man joined the US Military. After that first case, I have represented hundreds clients in criminal matters, both misdemeanor and felony, in many different Montana courts.

58. Provide any pertinent information reflecting positively or adversely on you that you believe should be disclosed to the Judicial Nomination Commission.

The record reflects my dedication to public service throughout my career. I spent many years at Montana Legal Association, Domestic Violence, Montana Public Defender, and my current position as Justice of the Peace/City Court Judge.

59. Is there any comment that you would like to make that might differentiate you from other applicants or that is unique to you that would make you the best district court judge applicant?

While at the University of Montana Law School, I started the partnership between the University of Montana Public Interest Coalition and Habitat for Humanity which continues today. Law students volunteer to help build homes with Habitat. While growing up in Glasgow, Montana, my parents taught me that helping others and volunteering your time and your money was essential to the community. They instilled in me a strong work ethic and the importance of responsibility.

In addition, I have attended 10 Judge's Conferences in the past five years, from which I have acquired over 170 Continuing Legal Education credits, which is more than the 75 required by the State Bar of Montana. I have also attended several Domestic Violence Trainings and several Public Defender Trainings.

**CERTIFICATE OF APPLICANT**

I understand that the submission of this application expresses my willingness to accept appointment as District Court Judge for the 7th Judicial District, if tendered by the Governor, and further, my willingness to abide by the rules of the Judicial Nomination Commission with respect to my application and the Montana Code of Judicial Conduct, if appointed.

May 28, 2017



\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Applicant)

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A signed original **and** an electronic copy of your application and writing sample must be submitted by  
***5:00 p.m. on Sunday, May 28, 2017.***

**Mail the signed original to:**

**Office of Court Administrator  
c/o Lois Menzies  
P.O. Box 203005  
Helena, MT 59620-3005**

**Send the electronic copy to: [mtsupremecourt@mt.gov](mailto:mtsupremecourt@mt.gov)**

#### 47. Writing Sample

Comes Now the Petitioner, Travis by and through his attorney, Sally K. Hickok, and replies to the Respondent's Motion and Brief to Modify Child Support and moves the Court for an order adopting the Petitioner's proposed child support as follows:

This Court previously ordered Travis to pay Christi \$400 a month for the child's support, and Travis also claimed the child as a dependent on his tax returns. Travis disagrees with amount of support that Christi is requesting, \$200, and maintains that the amount should be \$119, based upon the Montana Child Support Guidelines, Worksheet A. In addition, he wishes to continue to claim the child as a tax exemption each year. Finally, Travis will pay \$80 monthly on the \$8,400 in arrears until they are paid in full. He is requesting that the Court's Order be effective the first of the month following the date of the Order.

Travis agrees with Christi that the current amount is unconscionable and not in accordance with the child support guidelines, but his reasoning is not in agreement with hers:

1. Travis did not have equal parenting time with his daughter since birth, but when the parenting plan was equalized, Travis requested his child support obligation be reduced. He withdrew his request when Christi told him she would lose her home if she didn't have that income. Under the amended parenting plan, the child will reside mainly with Christi, but that does not mean Travis' child support obligation would be higher than it is now.
2. Both parties' incomes have substantially changed since the original parenting plan. Travis has been unable to find employment at his former salary, which was much higher than the \$12 an hour he is making now. Christi will be making more teaching in Glendive than she did in Glasgow. Worksheet A of the child support guidelines takes these facts into consideration.
3. Travis should continue to claim the child on his income taxes, as it will enable him to pay the current and past child support, and child support for his other daughter. Prior to December 2011, Travis had faithfully paid the \$400 a month in child support. As a result of medical issues, he was terminated from his job, and was unable to find work until recently, and only at a much lower salary. Travis will be paying current support as of the date of this order, and he will make payments to Christi on the amount of the \$8,400 in arrears from December 2011 through August 31, 2013, at the rate of \$80 monthly until paid in full.
4. In preparing the child support worksheet, Travis used actual figures from his work. Travis does support his other child without a court order. Both he and Christi, as she also has a child for which she is not ordered to pay child support (but who does live with her) and for whom she receives no support from the father of that child, are allowed by law to deduct an amount certain for each of those children according

to the child support guidelines. Travis does not qualify for the Earned Income Credit, as neither daughter lives with him, and his income is above the \$14,000 limit for which he could receive it for himself.

#### BRIEF

Christi is correct that a court may modify a child support order upon a showing of a change of circumstances so substantial and continuing as to make the terms unconscionable or upon the written consent of the parties. §40-4-208, MCA, and she is correct that the original support order was part of the amended parenting plan as shown in the Court's written orders filed June 24, 2013 and July 17, 2013.

Christi expects that Travis will not be paying any support in the future, based on the past; however, Travis did, in fact, pay \$400 a month in child support until December 2011, when health issues caused him problems, and resulted in the loss of his job. Travis is now back on track, working full time, and he is able to pay \$119 monthly in current support and \$80 to the back support due since December 2011. His loss of income was not due to "his own actions" as Christi claims, but due to medical issues which led to him being terminated from his long time employment.

Christi moving from Glasgow to Glendive, Travis working at a smaller wage, Christi working at a higher wage, and the change in the parenting plan is a substantial change of circumstances, which allows the court to issue an order modifying the child support.

Therefore, Travis requests the Court issue an order modifying the child support so that Travis will pay \$119 monthly to current support, \$80 monthly to back support, and allow Travis to continue to take the child as a dependent on his taxes.