**MONTANA \_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT COURT \_\_\_\_\_\_\_\_\_\_\_\_ COUNTY**

|  |  |
| --- | --- |
| In Re the Marriage of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Petitioner ☐Co-Petitioner 1,  and  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Respondent ☐Co-Petitioner 2. | **Case No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**    **Findings of Fact, Conclusions of Law, and**  **Dissolution Decree**  **With Minor Children** |

The Court enters the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Procedural History.

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, the Petition for Dissolution was filed by ☐Petitioner ☐Co-Petitioners jointly.

1. Nature of the Case. *(Choose One)*

☐ The parties filed a joint Petition.

**OR**

☐On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_, Respondent was served with the Petition and Summons.

**AND**

☐Respondent filed an answer or otherwise participated in this case.

**OR**

☐Respondent did not file an answer or otherwise participate in this case. Default was entered on the \_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ 20\_\_\_\_.

1. Hearing. *(Choose One*)

On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_\_ the Court held a:

☐Default hearing.

**OR**

☐Uncontested hearing. The parties agreed to all issues in this case.

**OR**

☐Contested hearing.

**OR**

☐No hearing. The parties have filed joint or individual Affidavits for Entry of a Decree of Dissolution of Marriage without a Hearing.

1. Appearance. *(If a hearing was held choose one)*

Petitioner/Co-Petitioner 1

☐appeared in person ☐without a lawyer ☐with a lawyer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Respondent/Co-Petitioner 2

☐appeared in person ☐without a lawyer ☐with a lawyer \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐did not to appear

1. Jurisdiction over the Parties.

90 days before this case was filed, either Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 was domiciled or was stationed in Montana.

1. Venue.

Venue is proper in this county.

1. Marriage. (*Choose One)*

☐The parties were married on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The marriage license was filed in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_.

**OR**

☐The parties were married at common law as of (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. The parties assumed a marital relationship by mutual consent and agreement. The parties confirmed their marriage by living together and by public knowledge.

**OR**

☐The parties filed a declaration of marriage on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Irretrievable Breakdown. The marriage of the parties is irretrievably broken in that: (*Choose One)*

☐The parties lived separate and apart for at least 180 days before this case was filed.

**OR**

☐There is serious marital discord that adversely affects the attitude of one or both of the parties toward the marriage and there is no reasonable prospect of reconciliation.

1. Declaration of Disclosure.

☐The parties are in compliance with the financial disclosure requirements §§ 40-4-252 through 254, M.C.A.

**OR**

☐(In the event of default), Petitioner has provided financial disclosure and waives any further disclosure from Respondent.

**OR**

☐ The parties have made preliminary disclosure and ask that the preliminary disclosure serve as the final disclosure.

1. Property Distribution. *(Choose One)*

The Court finds the following property distribution is an equitable division of the marital property, assets, and liabilities:

☐ Petitioner’s Proposed Property Distribution ☐ as modified

☐ Respondent’s Proposed Property Distribution ☐ as modified

☐ The Agreed Proposed Property Distribution ☐ as modified

☐ The Court’s Property Distribution

1. There is a/are child(ren) of the marriage who is/are minor(s).
2. Pregnancy

Petitioner/Co-Petitioner 1 ☐is ☐is not pregnant.

The pregnancy ☐is ☐is not a child of the marriage.

Respondent/Co-Petitioner 2 ☐is ☐is not pregnant.

The pregnancy ☐is ☐is not a child of the marriage.

1. Parenting Plan.

Montana is the home state of the child(ren) of the marriage. Jurisdiction for parenting is proper in Montana. *(Choose One)*

☐Co-Petitioners filed a Proposed Parenting Plan and submitted it to the Court for final approval.

**OR**

☐Petitioner/Co-Petitioner 1 filed and served Respondent/Co-Petitioner 2 with a Proposed Parenting Plan. Respondent/Co-Petitioner 2 has not contested or otherwise disputed Petitioner/Co-Petitioner 1’s proposed Parenting Plan.

**OR**

☐Both parties filed a Parenting Plan and sent a copy to the other party.

**OR**

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

1. Child Support *(Choose a. or b.)*

##### **Child Support Amount.**

##### ☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 must pay $\_\_\_\_\_\_\_\_\_ per child per month in child support to the other parent because:

##### *(Choose one)*

##### ☐ This amount is consistent with the attached final Child Support Services Division Order signed by the Administrative Law Judge. *(Attach a copy of the CSSD Order)*

##### **OR**

##### ☐This amount is consistent with the child support calculation prepared by ☐Petitioner/Co-Petitioner 1 ☐Respondent/Co-Petitioner 2 ☐The Court ☐other\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*Attach a copy of the calculation)*

##### **OR**

##### ☐This amount is not consistent with the child support amount prepared by ☐Child Support Services Division ☐Petitioner/Co-Petitioner 1 ☐Respondent/Co-Petitioner 2 ☐The Court or ☐other\_\_\_\_\_\_\_\_\_\_\_\_\_; however, this amount is in the best interest of our child(ren) because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

##### **OR**

##### **Child Support Needs to Be Calculated**

##### ☐ Child Support Services Division, CSSD, has opened a case and the case number is \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. Petitioner/Co-Petitioner 1 and Respondent/Co-Petitioner 2 will cooperate with CSSD to establish a child support order.

**OR**

☐ Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 will open a case with CSSD within 30 days of signing this Parenting Plan. The Court will order the parties to comply with opening a CSSD case and submitting the necessary documents for CSSD to determine child support. **Your Court may not allow this option.**

**OR**

##### ☐Other:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

##### **Child Support Payments.** *(Choose One)*

##### ☐ On or before the first of every month, ☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 must make payments to Child Support Services Division. Payments shall start on the first day of \_\_\_\_\_\_\_\_\_\_\_\_(month), 20\_\_. Payments must be made to CSSD if a party is receiving Title IV-A Benefits (TANF, Family Medicaid), or Title IV-D benefit (if there is an active case with CSSD). We can find this law at § 40-5-909, M.C.A.

##### **OR**

##### ☐ Petitioner/Co-Petitioner 1’s ☐ Respondent/Co-Petitioner 2’s income is subject to immediate income withholding. We can find this law beginning at § 40-5-315, M.C.A.

**OR**

☐On or before the \_\_\_\_\_ day of each month, ☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 must make payments directly to ☐ Petitioner/Co-Petitioner 1 **OR** ☐ Respondent/Co-Petitioner 2. ☐The child support order is exempt from immediate income withholding because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**OR**

☐On or before the first of each month, ☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 must make payments to the Clerk of District Court.

1. **Child Support Termination.**

Child support payments must continue until: *(Choose One)*

##### ☐ Each child turns 18 or graduates from high school, if in high school, whichever occurs later but no later than when the child turns 19.

##### **OR**

☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2 agrees to continue to pay child support for \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_(*initials of child*) who is disabled past the age of 18 because the child will continue to be financially dependent on ☐Petitioner/Co-Petitioner 1 **OR** ☐Respondent/Co-Petitioner 2. Child support will be paid until: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*month and year*).

1. Medical Support*.* *(Choose One)*

☐ The medical support order is included in the attached Child Support Order.

**OR**

☐ The medical support order is separate, and I am attaching it.

**OR**

☐ The minor child(ren) need their medical and dental expenses to be covered. There is no medical support order and the court should adopt the attached medical support order.

1. Spousal Maintenance. *(Choose One**)*

☐Spousal maintenance was not requested by either party.

**OR**

☐Spousal maintenance is necessary because the requesting party lacks sufficient property to provide his/her reasonable needs; and is unable to be self-supporting through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

**OR**

☐Spousal maintenance is not appropriate because: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

1. Previous Names. *(Choose One)*

☐Petitioner/Co-Petitioner 1 ☐Respondent/Co-Petitioner 2 request restoration of a previous name.

**OR**

☐Neither party requests restoration of a previous name.

1. Additional Findings.

☐The Court makes additional findings of fact as follows: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐Additional Findings of Fact and Conclusions of Law attached hereto.

From the above Findings of Fact and Conclusion of Law, the Court orders the following:

**DECREE OF DISSOLUTION OF MARRIAGE**

1. The Court has jurisdiction over the parties and this cause of action.
2. The Court dissolves the marriage between the parties.
3. If applicable, the Court dissolves the Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3), M.C.A.
4. The Court has signed and adopts and incorporates by reference the approved Property Distribution. The Court orders the parties to follow the Property Distribution.
5. Each party is ordered to take any action necessary to carry out the terms and conditions of this Decree, Property Distribution, and Parenting Plan including the signing and transfer of titles, deeds, or other documents within \_\_\_\_\_\_\_\_\_\_\_\_\_\_ number of days from the date of this Decree or as more specifically provided in the Property Distribution and Parenting Plan.
6. Parenting Plan

The Parenting Plan is in the best interest of the child(ren). The Court has signed and adopts the Parenting Plan, filed separately. The Court orders the parties to follow the terms of the Parenting Plan.

1. Child Support. *(Choose all that apply)*

☐ Child Support has been established by CSSD. The Court acknowledges the CSSD Order.

**OR**

☐ Petitioner/Co-Petitioner 1 andRespondent/Co-Petitioner 2 have an open a case with CSSD. Both Parties are Ordered to cooperate with CSSD to establish a Child Support Order. The CSSD child support administrative order shall be filed with this Court no later than 6 months from the date of this Decree. Failure to cooperate with CSSD or to provide a written agreement on child support within 6 months from the date of this Decree may result in contempt of Court.

**OR**

☐ Starting on the first day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (*month*) 20\_\_, ☐ Petitioner/Co-Petitioner 1 **OR** ☐ Respondent/Co-Petitioner 2 shall pay child support in the amount of $\_\_\_\_\_\_\_\_ per month per child for a total monthly child support payment of $\_\_\_\_\_\_\_\_\_\_\_ . The child support obligation continues for each child until each child reaches the age of 18 or graduates from high school, if in high school, whichever is later but in no event past the age of 19.

**OR**

☐ The child \_\_\_\_\_\_\_\_\_\_\_ (*child’s initials*) is disabled and child support shall continue until \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

1. Medical Support. (*Choose One)*

☐ Medical support for the child(ren) shall comply with what has been or will be established by the CSSD.

**OR**

☐ The Medical Support Order is separate, and attached to this Decree.

1. Spousal Maintenance. (*Choose One*)

☐ No spousal maintenance is awarded in this case.

**OR**

☐ Petitioner/Co-Petitioner 1 ☐ Respondent/Co-Petitioner 2 shall pay $\_\_\_\_\_\_\_\_ per month commencing on the \_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_\_ until *(date of last payment)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in spousal support. The payment must be made on the \_\_\_\_ of each month directly to ☐ Petitioner/Co-Petitioner 1 ☐ Respondent/Co-Petitioner 2.

**OR**

☐ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Names of the Parties

Petitioner’s/Co-Petitioner 1’s name will ☐not change ☐be restored to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (First, Middle and Last)

Respondent’s/Co-Petitioner 2’s name will ☐not change ☐be restored to: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (First, Middle and Last)

1. Other Provisions: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐ DISTRICT COURT JUDGE / ☐ STANDING MASTER