MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY

In re the Parenting of: _____ _____ minor child(ren); _____, Petitioner (*Your Name),* and _____, Respondent (*Other Parent's Name*).	Cause No.: _____ **Findings of Fact, Conclusions of Law and Final Decree Establishing Permanent Parenting Plan**

The Petition for Establishment of Permanent Parenting Plan, filed herein on the _____ day of _____, 20____, came for hearing this ____ day of _____, 20____. The Petitioner appeared pro se. The Respondent did not appear or otherwise respond to the Petition. The Respondent's default was entered on the ____ day of _____, 20___. After considering all evidence and pleadings, the Court finds:

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FINDINGS OF FACT

1. The Respondent was served with the Petition and Summons on the ____ day of _____, 20_____, and has not responded or otherwise appeared.
2. The parties were never married.
3. The Petitioner has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
4. The Petitioner is the [ ] Mother/[ ] Father and the Respondent is the [ ] Mother/[ ] Father of the following minor child(ren):

   Full Name _____ Date of Birth: __/__/__

   Address _____

   Full Name _____ Date of Birth: __/__/__

   Address _____

   Full Name _____ Date of Birth: __/__/__

   Address _____

   Full Name _____ Date of Birth: __/__/__

   Address _____

   Full Name _____ Date of Birth: __/__/__

   Address _____

   If needed, attach additional sheets as Exhibit _____.
5. Choose One:

   [ ] The child(ren) has/have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.

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[ ] Montana was the home state of the child(ren) within six months of the start of this proceeding, and one parent continues to reside in Montana.

[ ] The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.

[ ] The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.

6. The Petitioner has filed a Proposed Parenting Plan that has been served upon the Respondent and presented to this Court for examination and approval.

7. Choose One:

[ ] Child support in the amount of $ _____ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit ___.

or

[ ] The [ ] Petitioner / [ ] Respondent needs financial assistance from the [ ] Petitioner / [ ] Respondent to support the minor child(ren). Child support calculated according to the Montana Child Support Guidelines is $_____ per month per child. A copy of the Montana Child Support Guidelines worksheet is attached hereto as Exhibit ___.

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8. Choose One:

[ ] A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit ___.

or

[ ] Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. Choose All That Apply:

[ ] The child(ren) are presently covered under the following insurance plan:
Carrier Name: _____
Policy No.: _____

[ ] The child(ren) is a/are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).

[ ] The child(ren) is/are not covered under an existing insurance plan.

9. Choose One:

[ ] The Department of Public Health and Human Services is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act.

[ ] The Department of Public Health and Human Services is providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social

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Security Act. The Montana Child Support Enforcement Division and the Office of the Attorney General were served with copies of the Petition in this action. Both offices acknowledged service, copies of which are filed with the Court.

[ ] This action does not establish, enforce, or modify the parties' previously established child support order.

10. Other Provisions:

_____

_____

_____

_____.

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

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

CONCLUSIONS OF LAW

1. The Court has jurisdiction over this cause.
2. The Petitioner's Proposed Parenting Plan, filed separately, is in the best interest(s) of the minor child(ren) and should be incorporated as the Final Parenting Plan into this Decree.
3. Choose One:

[ ] The previously established Child Support Order attached hereto as Exhibit ___ is a valid order for the child support of the minor child(ren) of the parties.

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or

[ ] The [ ] Petitioner / [ ] Respondent is entitled to $_____ per month per child as child support to be paid according to the provisions of the final Child Support Order, as stated below.

4. Choose One:

[ ] The previously established Medical Support Order attached hereto as Exhibit ___ is a valid order for the medical support of the minor child(ren) of the parties.

or

[ ] The best interest(s) of the minor child(ren) require medical coverage according to the provisions of the final Medical Support Order, as stated below.

5. Other Provisions:

_____

_____

_____

_____

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

DECREE ESTABLISHING PERMANENT PARENTING PLAN

1. The Petitioner's Proposed Parenting Plan is adopted by this Court as the Final Parenting Plan and made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Final Parenting Plan.

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2. Choose One:

[ ] The Court acknowledges that a valid Child Support and Medical Support Order has already been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto. (*Skip to Number 3.*)

or

[ ] The Court adopts the following Child Support Order and Medical Support Order for the support of the minor child(ren) of the parties:

Child Support Order

a. The [ ] Petitioner / [ ] Respondent shall pay the [ ] Petitioner / [ ] Respondent $_____ per month per child.

b. The first payment is due the ____ day of _____, 20____.

Payments shall continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

c. On or before the first of every month, payments should be made to (Choose One):

[ ] The Child Support Enforcement Division. Immediate income withholding is appropriate. The [ ] Petitioner's / [ ]Respondent's income is subject to immediate income withholding under M.C.A. Title 40, Chapter 5, Parts 3 and 4.

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[ ] The [ ] Petitioner / [ ] Respondent. This Child Support Order shall be exempt from immediate income withholding because:

_____

_____

_____.

[ ] The Clerk of this Court. This Child Support Order shall be exempt from immediate income withholding because:

_____

_____

_____.

WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.

d. Whenever the case is receiving services under Title IV-D of the Social Security Act, support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.

e. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is

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providing services for enforcement under Title IV-D of the Social Security Act.

f. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.

g. Each party shall promptly inform the Court of any changes in the following information:

(i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and

(ii) Names, addresses, and telephone numbers of current employers.

WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.

Medical Support Order

Existing Coverage

Choose All That Apply:

[ ] The child(ren) are presently covered under the following insurance plan:

Carrier Name: _____

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Policy No.: _____

The [ ] Wife / [ ] Husband shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

[ ] The child(ren) is a/are recipient(s) of medical assistance under Title XIX of the federal Social Security Act (Medicaid).

[ ] The child(ren) is/are not covered under an existing insurance plan.

Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

a. The Petitioner shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

b. The Respondent shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

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c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).

d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.

e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

Duties of the Parties

a. The Petitioner shall be responsible for ____% and the Respondent shall be responsible for _____% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.

b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall

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provide the other party with identification cards or other methods for access to coverage.

c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.

d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.

e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.

f. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.

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g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.

h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.

i. Each party shall promptly inform the Court of any changes in the following information:

   (i) If the child(ren) is/are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;

   (ii) If the child(ren) is not/are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and, if so, whether the employer or other group pays any portion of the coverage premium.

j. A civil penalty not to exceed $25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.

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

3. Other Provisions:

_____

_____

_____

_____

DATED this ____ day of _____, 20____.

_____
DISTRICT COURT JUDGE

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