**How to file for Joint Dissolution of Marriage With Children**

**DISCLAIMER**

**Information Not Legal Advice.** This document has been prepared for general information purposes only. The information provided is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the law may vary from state to state, so that some information may not be correct for your jurisdiction. Finally, the information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of competent legal counsel licensed in your state.

What is the Process?

**NOTE:** The steps for filing for a dissolution may be slightly different in your judicial district. Always check with the Clerk of District Court in your district to make sure that you are following the right procedures.

**Need Privacy?**

Unless you ask the Court to protect information, everything filed with the court may be viewed by the public. Separate forms may be filed to protect information in your case files from being available for public view. These forms are available in the Privacy Protection Packet, available at www.courts.mt.gocv “Forms,” at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) or by calling or visiting your local Self Help Law Center.

**NEED HELP?** There are resources available to assist you in filling out these forms.

**The Court Help Program.** The Court Help Program provides assistance to people representing themselves in court. There are self help law centers located throughout the state to assist you on a walk in basis and travelling appointments to other courthouses. Self help staff are not lawyers and cannot provide legal advice. Staff are informed about the court process and can answer many questions as well as review your forms for completeness. Find the Court Help services near you: [www.courts.mt.gov/selfhelp](http://www.courts.mt.gov/selfhelp)

**Montana Legal Services Association.** Montana Legal Services Association coordinates volunteer attorney legal resources at a free or reduced cost. If you qualify financially for assistance, Montana Legal Services may connect you with a pro bono attorney, an attorney at a reduced fee, or local attorney resources in your area. Visit [www.montanalawhelp.org](http://www.montanalawhelp.org), [www.mtlsa.org](http://www.mtlsa.org), or call MLSA at 1-800-666-6899.

**State Bar of Montana.** If you are interested in hiring an attorney to advise you or represent you in this matter, the State Bar Lawyer and Information Referral Service is a database of attorneys. You can be connected with attorneys for any place in the state to help your family legal matter. Access the Lawyer Referral and Information Service by visiting [www.montanabar.org](http://www.montanabar.org) or calling 1(406)449-6577.

**STEP ONE: Fill out the forms you need.** Read all of the forms listed in Step two to determine which forms will be most appropriate for your situation. Fill out these forms completely. Be sure to read “Introduction to Family Law in Montana” before you begin filling out the forms. It will highlight the major decisions you will have to make.

**STEP TWO: Work with your spouse.**

In Step Three, you will file documents with the court. Before you are able to do so, you must communicate with your spouse to prepare forms and exchange information.

You and/or your spouse will need to fill out the Joint Petition for Dissolution with Minor Children **MP 116**. Both you and your spouse must agree to and sign the document. You will also need the following parenting documents:

1. Proposed Parenting Plan **MP 300**
2. (If required) Holidays, Vacations, and Special Occasions **MP 300 B**
3. (If required) Limited Parenting Visitation **MP 300 C**.
4. (If required) Description of Existing Medical Coverage MP **300 G**
5. Proposed Property Distribution **MP 500**

 You and your spouse should each complete a Final Declaration of Disclosure of Income, and Expenses, **MP 510**. You must then exchange the documents with each other. In the Joint Petition, you must state that you and your spouse have exchanged these documents.When you file your Joint Petition you will also need to file a Proposed Property Distribution **MP 500**

**STEP THREE: File Documents with the Court**

Court documents for a Joint Dissolution with Children are filed at the Clerk of District Court office in the county where you, your Spouse, or your children are living. After filling out the appropriate forms, make 3 sets of copies (4 sets of forms total) of the forms that start your case. Take all of the copies with you to the Clerk of District Court office.

The original set of forms will be kept by the Clerk of Court. One copy you will keep in a safe place, and the other copies you give to your Spouse and serve on the Department of Health and Human Services in Step three.

Here is a list of the forms you need to file the Clerk of District Court to start the case:

1. Joint Petitionfor Dissolution with Children **MP 116**

**\*Both you and your spouse must agree to and sign the Joint Petition**

1. Proposed Parenting Plan **MP 300**
2. (If required) Holidays, Vacations, and Special Occasions **MP 300 B**
3. (If required) Limited Parenting Visitation **MP 300 C.**
4. (If required) Description of Existing Medical Coverage **MP 300 G**
5. Proposed Property Distribution **MP 500**
6. Declaration of Disclosure of Income and Expenses **MP 510**

**\*Both you and your spouse must complete your own**

1. Dissolution Decree with Children **MP 703**
2. Request for Hearing and Statement of Compliance **MP 701**
3. Order on Hearing on Dissolution with Children **MP 702**
4. Vital Statistics form. You can find this form in the back of the packet or online at dphhs.mt.gov/CSED. File this form with the Clerk of Court when you file your other paperwork.

Instructions for filing a Joint Affidavit for Entry of Decree Without Hearing

Joint Affidavit can be found on courts.mt.gov

**WHEN FILING A JOINT AFFIDAVIT FOR ENTRY OF DECREE:**

1)       Prepay the $45.00 Judgement fee (unless previously waived by the Court).

2)       Provide the Clerk of District Court with pre-addressed stamped envelopes for all parties that are large enough to accommodate the Final Decree and any certified copies you are requesting.

3)       KEEP IN MIND if you need Certified copies of the Final Decree (in dissolution cases where you are changing your name) you should also pre-pay the $2.00 fee per document to save you a trip back to the Justice Center.  You may write one check to the Clerk of District Court to cover all those fees.

There is a charge for filing for dissolution in Montana. If you have financial hardship and cannot afford to pay the court, you may fill out a Form titled “Affidavit of Inability to Pay Filing Fee,” available at www.courts.mt.gocv and at www.MontanaLawHelp.org or by calling or visiting your local Self Help Law Center.

**STEP FOUR: Serve the Department of Health and Human Services (DPHHS).**

1. **Serving the Department of Health and Human Services.**

If you or the other parent receives Title IV-D services, you must serve the Department of Health and Human Services (DPHHS) by mailing or delivering to your nearest Child Support and Enforcement Division (CSED) the following:

1. Notice and Acknowledgement to CSED **MP 404**

**AND** copies of the following documents that you filed with the Court in Step One:

1. Joint Petition for Dissolution with Children **MP 116**
2. Proposed Parenting Plan **MP 300**
3. (If required) Holidays, Vacations, and Special Occasions **MP 300 B**
4. (If required) Limited Parenting Visitation **MP 300 C**
5. (If required) Description of Existing Medical Coverage **MP 300 G**

**Follow these steps:**

Complete the first 3 pages of **MP 404** with your own information.

On page 4, fill out the top portion with the Judicial District, County, names of the parties, and the case number. Also fill in the address for the Clerk of Court on the last page.

When mailing **MP 404** Notice and Acknowledgement to CSED, include a stamped envelope addressed to the Clerk of Court in your county so it can be mailed back to them.

**STEP FIVE: Attend your final hearing.**

Attending your hearing is very important. Both you and your spouse should attend the hearing. The judge will ask you questions about your marriage and your children. This is the time for the judge to make a decision on your dissolution and parenting plan. If your spouse can’t go to the hearing, your spouse will need to complete and sign form **MP 730**, Consent to Entry of Decree. This form lets the judge enter a Final Decree without your spouse being present at the hearing.

After the judge has made a decision, the judge will sign the Decree of Dissolution **MP 703**. The Court will adopt the version of the Proposed Property Distribution **MP 500** and Proposed Parenting Plan **MP 300** that the Court considers fair and in the best interest of your children. The Court will indicate which property distribution and parenting plan are “Court Ordered” by signing the document and listing them as an “Exhibit” to the Final Dissolution Decree with Children.

**STEP SIX: File your Notice and Entry of Decree.**

Immediately after your hearing, you may need to file the signed Final Dissolution Decree with the Clerk of District Court. The judge may give you the signed Decree and tell you to take it to the Clerk of Court to file. The judge may also return the court’s file and the signed Decree to the Clerk of Court for filing. Either way, you and your spouse should each request a copy of the Decree and all Exhibits listed on the Decree.

Keep your copy of the Decree and Exhibits in a safe place. You can make copies of your Decree as you need them.