**How to File for Joint Dissolution of Marriage Without 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 <http://courts.mt.gov/library> “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: <http://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. To file for a joint dissolution, you and your spouse will need to work together to prepare documents and exchange information. 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 without Minor Children **MP 115**. Both you and your spouse must agree to and sign the document.

You and your spouse need to complete a Final Property Distribution **MP 500**.

Both you and your spouse need to complete a 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.

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

Court documents for a Joint Dissolution without Children are filed at the Clerk of District Court office in the county where you or your Spouse are living. After filling out the appropriate forms, make 2 sets of copies (3 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. You and your spouse will each keep one copy of the documents. Store your copy in a safe place.

Here is a list of the forms you need to complete and file with the Clerk of Court:

1. Joint Petition for Dissolution without Minor Children **MP 115**

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

1. Final Proposed Property Distribution **MP 500**
2. Declaration of Disclosure of Income and Expenses **MP 510**

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

1. Dissolution Decree **MP 713**
2. Request for Hearing **MP 701**
3. Court Order Granting Hearing **MP 714**
4. **Optional:** Consent to Entry of Decree **MP 730** (use this form if your spouse can’t be at the hearing)
5. 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.
6. Final Dissolution Decree No Minor Children **MP 713**

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 <http://courts.mt.gov/library> and at www.MontanaLawHelp.org or by calling or visiting your local Self Help Law Center.

**STEP FOUR: Attend Your Hearing.**

In Step Three, you requested a hearing. If the Judge has received everything he or she needs, a hearing will be scheduled for you.

Attending your hearing is very important. Both you and your spouse should attend the hearing. 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.

The judge will ask you questions about your marriage at the hearing. This is the time for the judge to make a decision on your dissolution. After the judge has made a decision, the Judge will sign the Final Dissolution Decree which you have already completed and filed**.**

**STEP FIVE: File the Signed 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.

Keep your copy of the Decree and Exhibits in a safe place.