

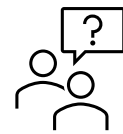
How to File a Joint Petition for Dissolution of Marriage without Children

Information Not Legal Advice

How to File a Joint Petition for Dissolution of Marriage without Children is information only. The information is not legal advice. This information is written based on Montana law and only applies to Dissolutions in Montana. The information is not guaranteed to be up to date. The information can't replace advice from an attorney.

NEED HELP? There are resources available.

The Court Help Program. The Court Help Program assists people representing themselves in court. There are Court Help Centers (sometimes called Self-Help Law Centers) located throughout the state to assist you on a walk-in basis and remote appointments are available if your local courthouse does not have a Court Help Center. Court Help staff are not lawyers and cannot provide legal advice. Staff are informed about the court process and can answer questions as well as review your forms for completeness. Find Court Help services near you: <https://courts.mt.gov/SelfHelp/> or call 406-444-9300.



Montana Legal Services Association. Montana Legal Services Association provides free civil legal assistance to low-income Montanans. If you qualify, Montana Legal Services Association may be able to connect you with a variety of services. Visit www.MontanaLawHelp.org or call MLSA at 1-800-666-6899.

State Bar of Montana. If you are interested in hiring an attorney to advise or represent you, the State Bar Lawyer Referral Service has a list of attorneys all over Montana. The Lawyer Referral Service is available at www.montanabar.org.

Are these forms right for me?

These forms are the right forms for you if you are married, do not have minor children from the marriage, and you agree on how your property should be divided.

What is the Process?

NOTE: The steps for filing for a dissolution may be slightly different in your judicial district. Check with the Clerk of District Court at your county courthouse for local requirements.

STEP ONE: Exchange financial information.

Each spouse must exchange the **Disclosure of Income and Expenses MP-520**. This is required by law. If you do not exchange this information, the Court may refuse to finalize your divorce. Or you could be forced to give your spouse anything that you failed to disclose.

When you start this case, an Automatic Economic Restraining goes into effect. This order limits what either person can do with money and property until the divorce is complete. The full rules for this law can be found in Montanan Code Annotated, §40-4-126.

STEP TWO: File your completed forms at the Clerk of District Court.

Your completed forms are also called “court documents.” Court documents for a Dissolution are filed with the Clerk of District Court in the county where you or your spouse live.

Here is a list of the forms you complete and file with the Clerk of District Court to start your case. Together, these may be referred to as a “completed forms packet.”

Forms Checklist for the Clerk of District Court:

- ☐ **Statement of Inability to Pay Court Costs and Fees MP-001.** Use this form if you can't afford to pay the court fees. This form may be different based on your local Court preferences, and you can contact a local Self-Help Law Center or Clerk of District Court for that information.
- ☐ **Joint Petition for Dissolution MP-122.** This is the formal request for the Court to dissolve your marriage.
- ☐ **Request for a Final Hearing on Joint Dissolution MP-122.1.**
- ☐ **Court Order on Hearing for Joint Dissolution MP-122.2.** (You will fill out only the header and the rest will be filled out by the Court)
- ☐ **Joint Proposed Property Distribution MP-521.** This is your proposal for dividing up your marital property. You and your spouse may have divided property already or have shared understanding on how things will be divided. All existing assets (land, vehicles, bank accounts, personal property, debts, etc.) must be approved by the Court.



- **Decree of Joint Dissolution MP-722.** You will only fill out three parts: the header, K. Spousal Maintenance, and L. Previous Names. Leave the rest for the Court to complete once your marriage is dissolved.

Additional forms you need to complete and exchange between the spouses (but DO NOT file with the Court at this stage) are the **Joint Disclosure of Income and Expenses MP-520.**



Once the forms are completed, you can make copies of the full list of forms. Take the original forms to the Clerk of District Court office. The original set of forms will be kept by the Clerk of Court. You may keep official copies in a safe place. **DO NOT FILE** the **Disclosure of Income & Expenses MP-520.** Only exchange the **MP-520** Disclosure with your spouse.

STEP THREE: Attend your final hearing.

You should receive a scheduling order within 120 days of filing with the Clerk of District Court. Attending your hearing is very important. This is when the Judge will make decisions on your case. If either party is unable to attend the hearing, they may file a *notarized* **MP-130 Consent to Entry of Decree.** If you requested to waive your hearing, you will want to obtain a copy of your final signed Decree of Dissolution **MP-722** from the Court. The Court will indicate that the proposed property distribution is final by signing the bottom of the forms.

Ask the Clerk of Court's office for a copy of your final Dissolution Decree and Property Distribution. You can make extra copies of your Decree and Property Distribution for banks and other uses as needed.