

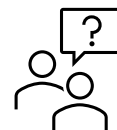
How to File a Joint Petition for Parenting

Information Not Legal Advice

How to File a Joint Petition for Parenting is information only. The information is not legal advice. This information is written based on Montana Law and only applies to Parenting Plans 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 have children, are not married, and agree on parenting arrangements.

What is the Process?

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

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

If you are not married, have children from the relationship, and agree on everything, this is the right packet for you. Your completed forms are also called “court documents.” Court documents for a Joint Parenting Plan are filed with the Clerk of District Court in the county where you or your children 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 Court Help Program or Clerk of District Court for that information.
- ☐ **Joint Petition for Parenting MP-123.** This is the formal request for the Court to order a parenting plan for your children.
- ☐ **Request for a Final Hearing on Parenting Plan MP-123.1**
- ☐ **Court Order on Final Hearing for Parenting Plan MP-123.2** (You will fill out only the header and the rest will be filled out by the Court)
- ☐ **Joint Proposed Parenting Plan MP-320.** This is your proposal for parenting time for the Court to review.
- ☐ **Montana Vital Statistics Form**
- ☐ **Decree of Joint Parenting Plan MP-723.** You will fill out only the header and leave the rest for the Court to complete.



Once the forms are completed, make three sets of copies, four in total. Take the original forms to the Clerk of District Court office. The original set of forms will be kept by the Clerk of Court. One copy you will send to the Department of Public Health and Human Services in Step Two. One copy you will keep for yourself and the other copy is for the other parent. If you have to provide notice to other parties you will need additional copies.

STEP TWO: Serve the Department of Health and Human Services.

If you or the other parent receives Title IV-D services (aka Temporary Assistance to Needy Families (TANF)) or have a case with the Child Support Services Division (CSSD), you must serve the Department of Health and Human Services (DPHHS) by mailing or delivering to the nearest Child Support Services Division office these documents:

- ☐ Joint Petition for Parenting **MP-123**
- ☐ Joint Proposed Parenting Plan **MP-320**
- ☐ Notice and Acknowledgement to CSSD **MP-430**

Complete the first 2 pages of **MP-430** with your own information. Page 3 is mostly completed by the Department. 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. Either Petitioner can mail this document and fill out the Certificate of Service.

- ☐ An envelope with a stamp, addressed to the local Clerk of District Court.



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**. The Court will indicate that the proposed parenting plan is final by signing the bottom of the forms.

Ask the Clerk of Court's office for a copy of your final Parenting Decree and Court Ordered Parenting Plan. You can make extra copies of your Parenting Plan for day care providers, schools, and law enforcement.