
Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (*optional*)

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (*optional*)

Co-Petitioners appearing without a lawyer

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Marriage of:

_____,
(*First, Middle, Last*),

and

_____,
(*First, Middle, Last*)

Co-Petitioners.

Case No: _____

(*leave blank, the clerk will write in*)

**Joint Petition for
Dissolution of Marriage
with Parenting Plan for Minor Children**

MP-116 Joint Petition for Dissolution with Minor Children DRAFT

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1. Jurisdiction.

- a. Either spouse meets the residency requirements in §40-4-104, M.C.A. For 90 days before filing this case, either spouse lived or was stationed in Montana.
- b. Our marriage is irretrievably broken because there is serious marital discord which adversely affects the attitude of one of both parties toward the marriage, and there is no reasonable prospect of reconciliation or we lived separate and apart for at least 180 days before this case was filed.
- c. The Montana Conciliation Law (beginning at §40-3-101, M.C.A.) does not apply in this case.

2. First Co- Petitioner Information:

Name First: _____ Middle: _____ Last: _____

E-mail address (optional): _____

Mailing Address: _____

City: _____ State: _____ County: _____

Physical Address: _____

City: _____ State: _____ County: _____

Year of Birth: _____ Age: _____ Occupation: _____

How long has first co-petitioner lived in this county? _____

How long has first co-petitioner lived in Montana? _____

3. Second Co-Petitioner information:

Name First: _____ Middle: _____ Last: _____

E-mail address (optional): _____

Mailing Address: _____

City: _____ State: _____ County: _____

Physical Address: _____

City: _____ State: _____ County: _____

Year of Birth: _____ Age: _____ Occupation: _____

How long has second co-petitioner lived in this county? _____

How long second co-petitioner lived in Montana? _____

4. Your marriage. Choose one.

☐ We were married on (date) _____. We filed our

marriage license in _____ County, State of _____.

OR

- ☐ We were married at common law as of (date) _____.
We assumed a marital relationship by mutual consent and agreement. We confirmed our marriage by living together and by public knowledge.

OR

- ☐ We filed a declaration of marriage on (date) _____
in _____ County, State of _____.

5. Separation. Choose one.

- ☐ We physically separated on (date) _____.

OR

- ☐ We have not yet physically separated.

6. Pregnancy. Choose one.

- ☐ The wife is not pregnant.

OR

- ☐ The wife is pregnant and the husband is the father.

OR

- ☐ The wife is pregnant and is unsure who the father is.

OR

- ☐ The wife is pregnant and the husband is not the father.

Notice: A parenting plan must be filed after the child is born if the wife is pregnant and the husband is the father or the father is not known.

7. All minor children of the marriage, including those born to or adopted by both parties.

Name	Age	Birth Year	Minor primarily lives with:
			☐ Mother ☐ Father ☐ Both ☐ Other
			☐ Mother ☐ Father ☐ Both ☐ Other
			☐ Mother ☐ Father ☐ Both ☐ Other

			Other
			☐ Mother ☐ Father ☐ Both ☐ Other
			☐ Mother ☐ Father ☐ Both ☐ Other

☐ We have more minor children. (Fill out **MP-113-B** and paper clip it to this document)

8. Child(ren) residence(s).

State law requires this information. You can find this law at § 40-7-110, M.C.A. Start with the children's current address. Give the information for the past 5 years. If you don't know the individual's current address, write "not known" next to their name.

Children's Names	Address	Starting MM/YY	Ending MM/YY	List all people living at this location, their relationship with child, and current address
			Still lives here	

☐ There are more residences. (Fill out and paper clip Form **MP-113-C** to this document)

9. Jurisdiction of the children. Choose the most accurate description.

☐ Our child(ren) lived in Montana for at least 6 consecutive months immediately before this case was filed. This makes Montana our child(ren)'s home state. If a child(ren) is less than six months old, the child(ren) lived in Montana since birth.

OR

☐ Montana was the home state of the child(ren) within six months of this case being filed, and one parent continues to reside in Montana.

OR

☐ The child(ren) and one parent have significant connections with Montana and substantial evidence about them is in Montana.

OR

- ☐ The child(ren) are physically present in Montana and have been abandoned, the child(ren) are with a caretaker relative who was given custody, or an emergency exists requiring the child(ren)'s protection.

OR

- ☐ No other state has jurisdiction over the child(ren) or the other state has declined jurisdiction over the children.

10. Other Court Cases. Choose One.

State law requires this information. You can find this law at § 40-7-110, M.C.A.

- ☐ We don't know of any other court case that could affect this one.

OR

- ☐ There are other court cases that could affect this one. Here is the list:

The first court case is:

- ☐ Order of Protection ☐ Criminal case ☐ Adoption ☐ Guardianship
☐ Child and Family Services ☐ Other: *(describe)*

Court: _____ Case No: _____

- ☐ I participated as a ☐ party ☐ witness ☐ other: _____

- ☐ I didn't participate.

The second court case is:

- ☐ Order of Protection ☐ Criminal case ☐ Adoption ☐ Guardianship
☐ Child and Family Services ☐ Other: *(describe)*

Court: _____ Case No: _____

- ☐ I participated as a ☐ party ☐ witness ☐ other: _____

- ☐ I didn't participate.

- ☐ There are more court cases. *(Fill out and paper clip Form MP-113-E to this document)*

11. Other people. Choose one:

- ☐ We don't know of any other person who has physical custody or claims to have physical custody or to have visitation rights with a child listed in this petition.

OR

- ☐ Here is a list of people who have physical custody or claim to have physical

custody or visitation rights with a child listed in this petition:

Name	Address	Child's name	Description
			☐ Has physical custody ☐ Claims physical custody ☐ Claims visitation rights
			☐ Has physical custody ☐ Claims physical custody ☐ Claims visitation rights
			☐ Has physical custody ☐ Claims physical custody ☐ Claims visitation rights

☐ We understand we must give notice of this case to anyone on this list. *(Fill out and paper clip a copy of Form **MP-113-D** to this document for each person on this list. Send Form **MP-407** to everyone listed.)*

12. Parenting Plan.

It is in the best interest of our child(ren) that this court adopt our joint proposed parenting plan. This is a document that we filed separately. Our proposed parenting plan includes parenting time, child support, and medical support.

NOTICE: State law requires that a child support calculation using the Montana guidelines be filed with this court. We can find this law at §40-4-204, M.C.A.

13. Preliminary Disclosure. *Choose one:*

☐ We gave each other a description of our income and expenses by using **Form MP-510** before we filed this petition.

OR

☐ Within 60 days of filing this case we will give each other a description of our income and expenses by using **Form MP-510**.

14. Property Distribution. *Choose one.*

We have marital property, including personal property, real property, other assets, liabilities, and/or debts that need to be distributed as we agree or by the court.

☐ We ask the court to distribute our marital property as described in **Form MP-500** Financial Disclosure and Proposed Property Distribution. We filed this document separately.

OR

- ☐ We entered into an agreement prior to getting married. *(Write MP-113-A on a copy of the prenuptial agreement and paper clip it to this document.)*

15. Former Name. Choose one.

- ☐ First Co-Petitioner is asking that their name be restored to their previous name:
_____.

OR

- ☐ First Co-Petitioner wants to keep their current name.

AND

- ☐ Second Co-Petitioner is asking that their name be restored to their previous name: _____.

OR

- ☐ Second Co-Petitioner wants to keep their current name.

16. Maintenance. Choose One.

- ☐ We are not requesting maintenance.

OR

- ☐ We agree Second Co-Petitioner pay First Co-Petitioner \$_____ per month until *(date)*_____ for maintenance. The payment must be made on the _____ of each month directly to First Co-Petitioner.

OR

- ☐ We agree First Co-Petitioner pay Second Co-Petitioner \$_____ per month until *(date)*_____ for maintenance. The payment must be made on the _____ of each month directly to Second Co-Petitioner.

We are requesting maintenance because ☐ First Co-Petitioner ☐ Second Co-Petitioner lacks sufficient property to support themselves and they are unable to gain employment sufficient to support themselves or they need to care for a child with special needs.

17. Other:

We ask the court to take the following action:

1. Enter a decree of dissolution of marriage dissolving our marriage;
2. Adopt our joint proposed parenting plan, including parenting time, child support, and medical support.
3. Grant each party the marital property, including personal property, real property, other assets, liabilities, and/or debts as stated in our Financial Disclosure and Proposed Property Distribution filed separately.
4. If we asked the Court to do so, restore us to our former name.
5. If we asked the Court to do so, enter an order for maintenance.
6. Other:
 - a. _____

 - b. _____

 - c. _____

7. And for any other relief this court decides is just and proper.

We declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. We understand that it is a crime to give false information in this document.

Date: _____ City _____ State _____

First Co-Petitioner Signature:

Date: _____ City _____ State _____

Second Co-Petitioner Signature:
