
Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address

Petitioner Co Petitioner 1

Appearing without a lawyer

Name

Mailing Address

City, State Zip Code

Phone Number

E-mail Address

Respondent Co Petitioner 2

Appearing without a lawyer

Provide your contact information so the District Court can contact you. Provide the other parent's information if they are the Co-Petitioner.

TO FILE

Enter the District Court # Here

County Name

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Parenting of:

THE CHILD(REN)'S INITIALS

OR

In re the Marriage of:

If you are the party filing, enter your name as Petitioner

Petitioner Co-Petitioner 1,

and

Fill in the name of your spouse or other parent, called the Respondent.

Respondent Co-Petitioner 2.

Case No: _____

Petitioner's Respondent's

Co-Petitioner 1's Co-Petitioner 2's

Agreed Court Ordered

Proposed Amended

Parenting Plan

Check the box that matches which party you are and what kind of Parenting Plan this is: Proposed or Amended.

1. Identification of the Parties

Insert the information for yourself and the other party here.

a. Petitioner/Co-Petitioner 1's

Name: _____

Address: _____

b. Respondent/Co-Petitioner 2's

Name: _____

Address: _____

2. Identification of the Child(ren)

This parenting plan applies to the following minor child(ren) of the parties:

Child's Initials	Age and Birth Year	State of residence for last 6 months
		This information is important to determine if a Montana court can order this parenting plan.

Keep these goals in mind as you fill out the parenting plan.

3. Objectives of the Parenting Plan

- a. To protect the best interest(s) of the minor child(ren);
- b. To provide for the physical care of the minor child(ren);
- c. To maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to parental conflict;
- d. To provide for the minor child(ren)'s changing needs as they grow and mature;
- e. To set forth the authority and responsibilities of each parent with respect to the minor child(ren);
- f. To help the parents avoid expensive future court battles over the minor child(ren).

4. Residential Schedules for the Child(ren) Paragraphs 4(a) through 4(i) are an example of how to write a parenting plan. You can write your own plan in paragraph 4(j).

a. **Pre-School Schedule** (Choose One): Pre-school age means children

who are not old enough to start kindergarten.

All child(ren) are school age.

or

There are pre-school age child(ren), but the school schedule in paragraph 4(b) applies to all children regardless of their age(s).

or

Before they are old enough to start school, the child(ren) will live mostly with the Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2, except for the following days and times when the other parent will have parenting time with the child(ren):

If the child(ren) are of pre-school age tell the court if a different parenting schedule is required prior to reaching school age.

or

Describe the schedule on what day and time the child(ren) will be with each parent before they are old enough to start school:

b. School Schedule (Choose One).

Applies to child(ren) old enough to be in school.

When they start school, the child(ren) will live mostly with the

Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2, except for the following days and times when the other parent will have parenting time with the child(ren):

Tell the court which parent the child(ren) will primarily live with once they reach school age and what time the other parent will have.

or

Describe the schedule for the minor child(ren):

Tell the court using this space if you want a specific schedule that is different from the options above.

c. Holiday and Special Occasion Schedule

No holiday and special occasion schedule applies. The school schedule in paragraph 4(b) or pre-school schedule in paragraph 4(a) will be followed by

both parents.
or

Here you have a choice to add a special schedule for holidays. If you do not submit a special schedule, the parenting time will default to the schedule listed above.

The schedule for holidays and special occasions is:

or

(Specify Odd or Even Numbered Years)

HOLIDAY	Petitioner/ Co-Petitioner 1	Respondent/ Co-Petitioner 2
Thanksgiving (Wed. 5:30 p.m. – Sun. 7:00 p.m.)		
First Half of Winter Vacation (includes Christmas) (5:30 p.m. day school lets out to noon of half-way mark)		
Second Half of Winter Vacation (includes New Years) (Noon of half-way mark to 7:00 p.m. of last day of break)		
Memorial Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Labor Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Fourth of July (specify times) (Times: _____)		
Halloween (specify times) (Times: _____)		
Mother's Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Father's Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Child(ren)'s Birthday		
Petitioner/Co-Petitioner 1's Birthday		
Respondent/Co-Petitioner 2's Birthday		

Tell the court what kind of holiday schedule in the space above or use this chart provided to specify which parents will get even, odd years, or every year.

**Example:
2020=Even
2021=Odd**

Specify the schedule for the children during breaks from school. You can choose to keep the residential schedule the same or make a specific schedule.

d. Winter Vacation:

Describe the time the child(ren) will spend with each parent over winter vacation if not listed in the table above:

e. Summer Vacation (Choose One):

No summer vacation schedule applies. The school schedule in paragraph 4(b) or pre-school schedule in paragraph 4(a) will be followed by both parents.

or

The child(ren) will live with Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 during summer vacations, except for these days and times when the child(ren) will spend time with the other parent:

or

Describe the time the child(ren) will spend with each parent over summer vacation:

f. Spring Break (Choose One):

No Spring Break schedule applies. The school schedule in paragraph 4(b) or pre-school schedule in paragraph 4(a) will be followed by both parents.

or

The child(ren) will live with the Petitioner/ Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 during Spring Break, except for these days and times when the child(ren) will spend time with the other parent:

or

Describe the time the child(ren) will spend with each parent over spring break:

g. Other Vacations with Parents

Describe the time the child(ren) will spend with each parent for any other vacations:

h. Priorities under the Residential Schedule

School attendance takes priority over the holiday and special occasion schedule. The child(ren) must attend school and then follow the holiday and special occasion schedule.

If the schedules in this Parenting Plan say the child(ren) are with both parents at the same time for a time other than school, to figure out where the child(ren) should be, the parents will: (choose one)

follow the schedules in this order: (1 is most important 4 is least important)

- ___ Holidays and Special Occasion
- ___ Winter/Summer/Spring Break
- ___ Other Vacations with Parents
- ___ Pre School Schedule

or

Other:

i. Supervised and Limited Visitation (Choose One):

The residential schedules listed above are not limited or restricted.

or

(i) The Petitioner/Co-Petitioner 1's Respondent/Co-Petitioner 2's parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

(ii) It is in the best interest(s) of the minor child(ren) that the Petitioner/Co-Petitioner 1's **or** Respondent/Co-Petitioner 2's parenting time be subject to the following conditions:

Tell the court which schedule has priority. Rank the regular residential schedule, holiday, and/or break schedules.

Tell the court if the other parent should have supervised or limited parenting time due to unsafe behavior.

How Often/ For How Long:

Where:

Supervised by Whom:

(iii) The supervised and limited visitation conditions shall take priority over any other terms of the residential schedule above.

(iv) If the Petitioner/Co-Petitioner **or** 1 Respondent/Co-Petitioner 2 has completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 agrees to consider a modification to allow less restricted visitation after _____ months of supervised and limited visitation. (Check All That Apply):

- Alcohol / drug evaluation
- Substance abuse treatment
- Psychological evaluation
- Anger management counseling
- Parenting classes
- Other: _____.
- Other: _____.

j. Other:

5. Benefit Programs and Dependents for Taxes

a. Some state and federal benefit programs require one parent be designated custodian. This doesn't affect parenting rights or responsibilities. It only affects which parent may include the child(ren) when they apply for benefits.

(Choose One)

Tell the court which parent will be the custodial parent. This does not change any rights but does matter for public benefit applications.

For the purposes of state and federal benefit programs that require a designation of custodian the Petitioner/Co-Petitioner **or** 1 Respondent/Co-Petitioner 2 is designated custodian.

or

Other (*specify*): _____

b. Taxes

Petitioner/Co-Petitioner 1 will claim all of our children as dependents on his/her income tax every tax year in odd-numbered tax years in even numbered tax years.

Respondent/Co-Petitioner 2 will claim all of our children as dependents on his/her income tax every tax year in odd-numbered tax years in even-numbered tax years.

Other (*specify*): _____

Each parent will fill out the necessary tax forms to claim our children as dependents for income tax purposes. This arrangement will begin in the tax year our parenting plan is signed by the court.

6. Transportation (Choose All That Apply):

This is how the child(ren) will get from one parent to the other:

Unless both parents agree, the parents will meet to drop off and pick up the child(ren) at this place:

If there is a cost to get the child(ren) from one parent to the other, this is how the cost will be paid:

If a parent is more than _____ minutes late to pick up the child(ren), the parenting time will be canceled.

Tell the court how the parents will transport the children between residences.

7. **Passport.** (Choose all that apply).

Our children don't have a passport. Petitioner/Co-Petitioner 1 **or**
 Respondent/Co-Petitioner 2 may apply for a passport for any of our children.
The other parent shall cooperate by consenting to the issuance of this passport.

If our children have a passport, it belongs to them. But Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 will be the custodian of the passport.

Other (*specify*) _____

Tell the court who can apply for a passport for the child and who will hold onto the passport for the child(ren).

8. **Travel with the Child(ren).** (Choose all that apply).

Petitioner/Co-Petitioner 1 Respondent/Co-Petitioner 2 Both parents may travel freely in the State of Montana with our children. This travel must be in keeping with our parenting time schedule.

Both parents must notify the other parent when they are traveling out of the State of Montana with the child(ren) and provide an itinerary.

Other (*specify*) _____

Tell the court how parent(s) can travel with the child(ren) in- and out-of-state.

9. **Telephone Contact** (Choose One):

While the child(ren) are with one parent, the other parent may speak with the child(ren) at reasonable times.

or

While the child(ren) are with one parent, the other parent may only speak with the child(ren) at the following times:

Tell the court when parents can communicate with the child(ren) while they're with the other parent.

10. **Co-Parenting Guidelines** (Choose All That Apply):

Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).

Each parent will notify the other parent at least _____ days in advance if the parent needs to miss or reschedule parenting time. The missed time will be

Select the options that tell the court how you want to co-parent your child(ren).

rescheduled if both parents agree. Both parents are expected to be reasonable in rescheduling parenting time.

- Each parent will supply the appropriate child(ren)'s clothing with them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and will be returned with the child(ren).
- Each parent will provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren), unless mutually agreed to by both parents.
- If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check to see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment is returned with the child(ren).
- Each parent will be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.
- Neither parent will permit the child(ren) to be subjected to:
(Choose All That Apply):
 - Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the abuse of alcohol or the use of illegal drugs by the parent.
 - Smoking environment.
 - Use of profane language.
 - Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
 - Other: _____
 - Other: _____
- Relationships between the child(ren) and relatives and family friends on both sides of the family will be protected and encouraged. The parents will have their child(ren) maintain ties with both the maternal and paternal relatives.

11. Decision Making

- a. Both parents have the right to make emergency decisions affecting the health or safety of our children.
- b. We have the right to make decisions about the day-to-day care and control of our children while they are with us.

Choose any that apply.

Select the options that tell the court how you want to co-parent your child(ren).

Tell the Court who will make decisions for these listed areas.

- c. We will make major decisions about our children’s education together. If we cannot agree, the decision will be made by Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2.
- d. We will make major decisions about our children’s non-emergency health care together. If we cannot agree, the decision will be made by Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2.
- e. We will make major decisions about our children’s spiritual development together. If we cannot agree, the decision will be made by Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 **or** either party during their respective parenting time.
- f. We will make major decisions about our children’s extra-curricular activities together. If we cannot agree, the decision will be made by Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 **or** either party during their respective parenting time.

or

- g. Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 will be the sole decision maker about major decisions for our children’s lives, including education non-emergency health care, spiritual development, and extra-curricular activities. This is in our children’s best interest because:

_____.

Other (specify):

_____.

- h. The consent of both parents shall be required before any minor child(ren) shall be permitted to (Choose All That Apply):

- Get a tattoo
- Pierce any body part
- Marry
- Enlist in the armed services
- Other: _____
- Other: _____
- Other: _____

Emergency Decisions

Regardless of the allocation of decision making in this parenting plan, each parent shall be authorized to make emergency decisions affecting the health or safety of the child(ren).

12. **Access to Information**

As required by M.C.A. § 40-4-225, both parents shall have access to all information relating to their child(ren) including, but not limited to, school records, law enforcement, counseling records, medical and dental records.

As required by M.C.A. § 40-4-204(6)(a), both parents shall update each other and the Court with written notice of changes to the following information:

- (i) Residential and mailing addresses;
- (ii) Telephone number;
- (iii) Social Security number;
- (iv) Driver's license number;
- (v) Name, address, and phone number of employers;
- (vi) Health insurance coverage for the child(ren);
- (vii) Health insurance available through either parent's employer which could cover the minor child(ren).

- It is appropriate that the personal information of the Petitioner/Co-Petitioner 1 **or** Respondent/Co-Petitioner 2 shall remain confidential and shall not be provided to the other parent because:

13. **Residential Changes:** If either parent's change of residence will significantly affect the children's contact with the other parent, the parties shall follow the procedure outlined by §40-4-217, MCA, specifically:

- a. A parent who intends to change residence shall provide written notice to the other parent.
- b. If a parent's change in residence will significantly affect the children's contact with the other parent, the parent who intends to change residence shall, file a motion for amendment of the residential schedule and a proposed revised residential schedule with the court that adopted the residential schedule or the court to which jurisdiction or venue over the children has been transferred. The motion must be served personally or by certified mail on the other parent and served pursuant to the Montana Rules of Civil Procedure on the parent's attorney of record, if the parent has an attorney of record, not less than 30 days before the proposed change in residence.

The notice pursuant to this subsection 13b is not sufficient unless it contains the following statement: "*The relocation of the children may be permitted and the proposed revised residential schedule may be ordered by the court without*

Tell the court if parents will share their basic information or if one parent's information needs to be confidential.

further proceedings unless within 21 days you file a response and alternate revised residential schedule with the court and serve your response on the person proposing the move and all other persons entitled by the court order to residential time or visitation with the children."

c. The parent who receives service of a motion to amend the parenting plan pursuant to this section has 21 days after service of the motion to file a response. If the parent receiving notice objects to the proposed revised residential schedule, the responding parent shall include an alternate proposed revised residential schedule with the response. The response must be served as provided for by the Montana Rules of Civil Procedure on the parent proposing to change residence or on the parent's attorney of record if the parent has an attorney of record.

d. If a parent is properly served with a motion to amend the parenting plan pursuant to this section, failure to file a response within the 21-day period constitutes acceptance of the proposed revised residential schedule.

e. A person entitled to file an objection to the proposed relocation of the children may file the objection regardless of whether the person has received proper notice.

14. Review of Parenting Plan

As children grow and develop, what the children need from each parent changes. What is appropriate for a child at one age is not appropriate at another. It is in the best interest of the child(ren) for the parents to: (Choose One)

Review and amend this parenting plan at the following time(s):

_____ **Tell the court how you will decide when a review of the parenting plan would occur and if it needs any changes.**

or

Review and amend this parenting plan only if there is a change in the circumstances of the child(ren).

15. Dispute Resolution

We will review this parenting plan with each other when there is a significant change of circumstance. When we disagree about this parenting plan, we will act in the best interest of our children. **Choose One:**

We will:

- Step 1: Try to resolve our issues through informal discussion;
- Step 2: If possible, we will take our issues to a professional mediator.

Tell the court how parenting plan disagreements will be handled in the future.

We agree our first-choice of mediator will be _____

We agree that Father will pay _____% and Mother will pay _____% of the cost of the mediator.

- Step 3: If we are unable to resolve our issues, we will file a formal motion and ask the court to decide.

or

Mediation is not appropriate because there is reason to suspect domestic violence and we will ask the judge to decide our issues through a formal motion.

16. Child Support. (Choose One)

a. Child Support Amount.

Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 must pay \$_____ per child per month in child support to the other parent because:

(Choose one)

This amount is consistent with the attached final Child Support Enforcement Division Order signed by the Administrative Law Judge. (Attach a copy of the CSED Order)

or

This amount is consistent with the child support calculation prepared by Petitioner/Co-Petitioner 1 Respondent/Co-Petitioner 2 The Court other _____ (Attach a copy of the calculation)

or

This amount is not consistent with the child support amount prepared by Child Support Enforcement Division Petitioner/Co-Petitioner 1 Respondent/Co-Petitioner 2 The Court or other _____; however, this amount is in the best interest of our child because:

_____.

or

b. Child Support Needs to Be Calculated

Child Support Enforcement Division, CSED, has opened a case and the case number is _____. Petitioner/Co-Petitioner 1

Parenting Plan

Montana Supreme Court and Montana Legal Services Association

may be used for non-commercial purposes only

4 of 18

The State of Montana has guidelines to help determine child support amounts.

Select the option that tells the court how your child support amount was calculated.

Tip: You can find information for CSED on the agency's website:

<https://dphhs.mt.gov/CSED>.

Tell the court if you have not yet calculated the child support and need the court or CSED to help you.

Respondent/Co-Petitioner 2 will file the CSED Order along with the Request for a Hearing on the Dissolution/Parenting Plan proceeding.

or

Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 will open a case with CSED within 30 days of signing this Parenting Plan. The Court will order the parties to comply with opening a CSED case and submitting the necessary documents for CSED to determine child support. **Your Court may not allow this option.**

Other: _____

c. Child Support Payments. (Choose One).

On or before the first of every month, Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 must make payments to Child Support Enforcement Division. Payments must be made to CSED if a party is receiving Title IV-A Benefits (TANF, Family Medicaid), or Title IV-D benefit (if there is an active case with CSED). We can find this law at § 40-5-909, M.C.A.

or

Petitioner/Co-Petitioner 1's Respondent/Co-Petitioner 2's income is subject to immediate income withholding. We can find this law beginning at §40-5-315, M.C.A.

or

On or before the _____ day of each month, Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 must make payments directly to Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2. The child support order is exempt from immediate income withholding because:

or

On or before the first of each month, Petitioner/Co-Petitioner 1 or Respondent/Co-Petitioner 2 must make payments to the Clerk of District Court.

d. Child Support Termination. Child support payments must continue until:

(Choose One).

Tell the court how child support payments will be made.

Each child turns 18 or graduates from high school, whichever occurs later but no later than when the child turns 19.

or

Respondent/Co-Petitioner 1 or Petitioner/Co-Petitioner 2 agrees to continue to pay child support for _____ (initials of child) who is disabled past the age of majority because the child will continue to be financially dependent on Respondent/Co-Petitioner 1 or Petitioner/Co-Petitioner 2. Child support will be paid until: _____ (month and year.)

17. Medical Support. (Choose One).

The medical support order is included in the attached Child Support Order

or

The medical support order is separate, and I am attaching it.

or

The minor children need their medical and dental expenses to be covered. There is no medical support order and the court should adopt the attached medical support order.

Our responsibilities:

- a. We will fill out, sign, and deliver all necessary documents to the insurance company to make sure our children are continuously covered under the plan.
- b. We will timely submit claims to the insurance company for processing.
- c. We will give each other insurance cards or other methods for access to coverage.
- d. If the insurance company reimburses a parent who didn't pay the bill, that parent will immediately pay the parent who did pay the bill.
- e. If one of us is responsible for paying medical costs and expenses and we don't pay, the court may enter a judgment against us for unpaid support. The Court may hold that parent in contempt for non-payment of support.
- f. If we are responsible for paying the insurance premium and we don't, the other parent, the Department of Public Health and Human Services, or other responsible party, may pay the premium. The court may enter a judgment against the nonpaying parent for unpaid support. The Court may hold that parent in contempt for non-payment.

Tell the court how medical support/health care costs will be covered for the child(ren).

NOTICE: The court may impose civil penalties for intentionally violating the medical support order. You can find this law at §40-5-821, M.C.A.

18. **Other Provisions:**

_____ **Use this space to ask the Court for anything that was not addressed in the Parenting Plan.** _____

19. **Request for Parenting Plan be Ordered by the Court.**

Petitioner/Co-Petitioner 1 Respondent/ Co-Petitioner 2 request(s) the Court adopt this Parenting Plan as the final and enforceable Parenting Plan.

WARNING: One parent's failure to comply with a provision of the parenting plan will not affect the other parent's obligation to comply with the parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to \$500 or imprisonment in the county jail.

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

DATED this _____ day of _____, 20____.

Sign and date here. By signing, you are swearing that the information you provided is true.

Petitioner / Co-Petitioner 1

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

DATED this _____ day of _____, 20____.

Sign and date here. By signing, you are swearing that the information you provided is true.

Respondent/ Co-Petitioner 2

(Leave the following section blank. It is for the Judge to use.)

ORDER BY THE COURT

IT IS ORDERED, ADJUDGED, AND DECREED that the Parenting Plan set forth above is adopted and approved as an Order of this Court.

DATED this ____ day of _____, 20__.

 DISTRICT COURT JUDGE STANDING MASTER

NOT TO FILE