

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

In re the Marriage of:

_____,
☐Petitioner ☐Co-Petitioner 1,

and

_____,
☐Respondent ☐Co-Petitioner 2.

Case No: _____

**AFFIDAVIT FOR ENTRY OF DECREE
FOR DISSOLUTION OF MARRIAGE
WITHOUT HEARING**

STATE OF MONTANA)
 : ss.
County of _____)

I, the undersigned, under oath and penalty of perjury, swear or affirm as follows:

1. My name is _____. I am the Co-Petitioner 1 /
Petitioner / Respondent /Co-Petitioner 2 (circle one) in the above action. I am _____
years of age. My occupation is _____. My current
residence is _____. I have resided at this resident since _____
_____ (date). I am now married to _____ (name of
your spouse). We were married on _____ (date) in _____
_____ (city and state).

2. For Joint Dissolutions (add Co-Petitioner 2's information):

My name is _____. I am the Respondent/Co-Petitioner 2 in the above action. I am _____ years of age. My occupation is _____. My current residence is _____. I have resided at this residence since _____ (date). I am now married to _____ (name of your spouse). We were married on _____ (date) in _____ (city and state).

3. The initials and year of birth of all living children of the marriage are:

4. (Choose one)

- ☐ Neither party is pregnant.
- ☐ _____ is pregnant.
(Name)

5. Neither I nor my spouse is now or was at any time 30 days prior to the filing of the Petition for Dissolution of Marriage: (a) a member of the Armed Forces of the United States (Army, Air Force, Coast Guard, Marine Corps, or Navy), (b) a member of the National Guard under a call to service for a period of more than 30 consecutive days, (c) a reserve member on active duty, or (d) an active duty commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration.

6. The Petition for Dissolution of Marriage was filed on _____ (date). I and/or my spouse resided in the state of Montana during the 90 days preceding the filing of the Petition and that residence was maintained for 90 days prior to the filing of the Petition for Dissolution of Marriage. *[If Petition for Dissolution was not filed jointly:]* The Petition for Dissolution was served on my spouse (or my spouse acknowledged service of the Petition) on _____ (date). More than 21 days have passed since that date.

7. My marriage is irretrievably broken in that (choose one):

- ☐ My spouse and I have lived separate and apart for a period of more than 180 days prior to the filing of the Petition for Dissolution of Marriage.
- ☐ There is serious marital discord that adversely affects the attitude of me and/or my spouse toward the marriage.

8. There is no reasonable prospect of reconciliation of my marriage to my spouse. The conciliation provisions of the Montana Conciliation Law do not apply. If

applicable, my spouse and I attended the Court's mandatory parenting plan orientation program.

9. My spouse and I complied with the preliminary declaration of disclosure requirements of MCA § 40-4-252 and the financial declaration of disclosure requirements of MCA § 40-4-254. I understand that failure to disclose an asset or liability on the final declaration of disclosure is presumed to be grounds for the Court, without taking into account the equitable division of the marital estate, to award the undisclosed asset to the opposing party or the undisclosed liability to the noncomplying party. I also understand that that in addition to any other civil or criminal remedy available under law for the commission of perjury, the Court may set aside the judgment (decree), or part of the judgment (decree), if the Court discovers, within five years from the date of entry of judgment (decree) that a party has committed perjury in the final declaration of disclosure.

10. My spouse and I have entered into and filed with the Court a written agreement(s) fully resolving (*choose all that apply*):

- ☐ Parenting of our minor child(ren).
- ☐ Child support for our minor child(ren). The child support obligation set forth in our written agreement was/was not (*circle one*) determined by applying the standards set forth in MCA § 40-4-204 and the uniform child support guidelines adopted by the Montana Department of Public Health and Human Services pursuant to MCA § 40-4-209. A copy of the uniform child support guidelines calculation upon which our agreed-upon child support obligation is based has/has not (*circle one*) been filed with the Court.
- ☐ Medical support for our minor child(ren)
- ☐ Disposition of all property and debts of myself and my spouse
- ☐ Maintenance of either spouse or waiver of maintenance claims

11. I/We signed the agreement(s) voluntarily.

12. I/We was/were not harassed, coerced, or threatened by anyone into signing the agreement(s).

13. I/We believe the parenting plan and child and medical support arrangements as set forth in our written agreement filed herein are in our child(ren)'s best interests.

14. I/We believe the disposition of property and debts as set forth in our written agreement filed herein is not unconscionable and constitutes an equitable apportionment of our marital estate.

15. I/We want the Court to adopt the written agreement(s) entered into between me and my spouse and filed herein as part of the final Decree of Dissolution of Marriage.

16. I/We have completed the state case registry and vital statistics reporting form.

17. (Choose one for each Co-Petitioner)

☐ Co-Petitioner 1 is asking that their name be restored to their previous name:

_____ (first, middle, last.)

OR

☐ Co-Petitioner 1 wants to keep their current name.

AND

☐ Co-Petitioner 2 is asking that their name be restored to their previous name:

_____ (first, middle, last.)

OR

☐ Co-Petitioner 2 wants to keep their current name.

18. A proposed Decree of Dissolution of Marriage is presented to the Court with this Affidavit.

19. I/We waive the right to appear personally in Court to present testimony as to any matters and request the Court enter the proposed Decree of Dissolution of Marriage by affidavit in lieu of a hearing before the Court.

20. I/We understand that regardless of this Affidavit, the Court may require a hearing for any reason the Court considers necessary.

21. [If requesting entry of a Decree of Legal Separation rather than a Decree of Dissolution of Marriage:] I/We understand that no earlier than six months after entry of a decree of legal separation, the Court on motion of either party, shall convert the decree to a decree of dissolution of marriage.

NOTE: BOTH PARTIES MUST SIGN IF JOINT AFFIDAVIT

Petitioner / Co-Petitioner 1 Signature

Date

Signed and sworn to (or affirmed) before me on _____ (date) by
_____ (name).

[Signature of notarial officer]

(Seal, if any)

[Name – typed, stamped, or printed]
Notary Public for the state of Montana
Residing at _____
My commission expires _____

Respondent/Co-Petitioner 2 Signature Date

Signed and sworn to (or affirmed) before me on _____ (date) by
_____ (name).

[Signature of notarial officer]

(Seal, if any)

[Name – typed, stamped, or printed]
Notary Public for the state of Montana
Residing at _____
My commission expires _____

NOTE: ATTACH PROPOSED DECREE OF DISSOLUTION

Certificate of Service (Not for Joint Affidavits)

On the ____ day of _____, 20_____, I swear under oath that I
served a copy of this affidavit by ☐hand delivery **OR** ☐mailing a true and correct copy
with postage prepaid and addressed to:

Name

Street

City State Zip Code

Signature

Printed Name