



# How to Respond When the Other Parent Wants to Change Your Parenting Plan

**Note:** Use these instructions and forms if your child(ren)'s other parent has already filed court papers asking to change your parenting plan and you don't agree with the changes the other parent has asked for.

These instructions and forms may not be right for your case. They cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

Print these forms single-sided, with writing on only one side of the page. Do not change these forms. If you change the forms, you might lose language you need.

## Who Can Use these Forms?

You can use these forms if you:

- were served within the last 20 days with a motion by your child(ren)'s other parent to amend your parenting plan, and
- don't agree with the new parenting plan the other parent wants.



## What Forms Will I Need?

- Response to Motion to Amend Parenting Plan
- Supporting Affidavit
- Proposed Amended Parenting Plan (only if you are asking to make changes to your Parenting Plan that are different from what the other parent has asked for)
- Order on Motion to Amend Parenting Plan
- Affidavit of Inability to Pay (not included in this packet, so ask the clerk of court for this form if you can't afford to pay a filing fee)
- Privacy Rules Packet (separate forms packet available at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov) or at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org))



The **Response to Motion to Amend Parenting Plan** tells the court if you admit or deny the statements in the other parent's motion to amend the parenting plan. It also says what you want to happen with the parenting plan.

The **Supporting Affidavit** is your sworn statement. It tells the court facts that support what you are saying in your motion.

The **Proposed Amended Parenting Plan** outlines the new parenting schedule you want the court to adopt as your new parenting plan. Don't use this form if you want to keep your current parenting plan. Only use it if you want to make changes that are different from what the other parent is asking for.

The **Order on Motion to Amend Parenting Plan** will be filled in by the judge, except for the caption that you will fill in. This order will say whether your current parenting plan will stay in effect, or if there will be a new parenting plan.

The **Affidavit of Inability to Pay** asks the court for permission to file court papers without paying a filing fee. If you can't afford to pay the filing fee, ask the clerk of court for an Affidavit of Inability to Pay. This form may be called something else in your court. The judge will review the affidavit and decide if you can file your papers without paying, or if you need to pay the fee.

The **Privacy Rules Packet** will help you protect private information in your court papers. You have to protect the name of any minor child. Get the packet at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov) or [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).



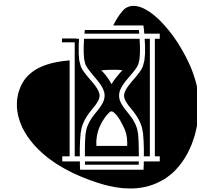
## What Words Do I Need to Know?

A **Petitioner** is someone who files an action in court. If you filed the FIRST court action for divorce or to get the original parenting plan, you are the Petitioner. This is true even if the other parent filed the Motion to Amend.

A **Respondent** is someone who has been filed against in court. If the other parent filed the FIRST action for divorce or to get the original parenting plan, you are the Respondent.

The **Moving Party** is the parent who files a motion to amend the parenting plan.

The **Non-moving Party** is the parent who does not file the motion to make changes to the current parenting plan. If you are using this packet to respond to the other parent's motion, you are the non-moving party.



## How Long Do I Have to Respond?

You have 20 days after you were served with the Motion to Amend Parenting Plan to file your Response to the Motion to Amend Parenting Plan with the clerk of court. If you do not file your Response within 20 days, the court may enter a default judgment. A default judgment orders what the other party asked for, just because you didn't respond in time.

**Note:** If you agree completely with the other parent's motion, you may choose not to file a response. In that situation, the judge may order a default judgment ordering what the other party asked for, just because you didn't respond. It is your choice whether to file a response agreeing with the motion or not.



## Where Do I File My Response?

File your Response at the same court where the other parent filed the Motion to Amend Parenting Plan. The name of the court should be at the top of the other parent's Motion. This should be the same court that ordered your original Parenting Plan.

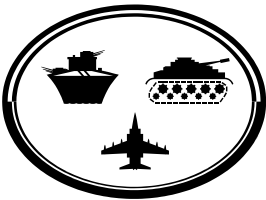
## Can I Ask for My Own Changes to the Parenting Plan?

You can ask the Court to change your Parenting Plan if:

- (1) The child(ren)'s circumstances have changed. The court will decide if circumstances have changed based on facts that the court did not know when it entered the parenting plan, or based on facts that have changed since the original plan; AND
- (2) The change is needed to serve the child(ren)'s best interests.

**Note:** If your child is in immediate danger, you may be able to get a change to your parenting plan faster than this process allows. Do **not** use these forms if there is an emergency. Talk to a lawyer instead.

## What if I Am an Active Duty Servicemember?



If you are an active duty member of the armed forces, the Servicemembers Civil Relief Act may protect you from being sued if it would affect your ability to defend the country. This doesn't mean that the other parent can never ask for changes to the parenting plan while you are in the military. It means that the other parent may have to wait until you are out of harm's way or return home. The forms in this packet can't help you tell the court that you are on active duty. If you are an active duty servicemember, please contact your nearest Armed Forces Legal Assistance (AFLA) office for more information about your rights.

Montana law also says that any change the court makes in your parenting plan because of your military service orders is temporary. That means the original parenting plan will go back into effect when your military service is over, unless you agree to keep the changed parenting plan.

## How Do I Use These Forms?

### 1 Fill in and Sign the Forms in This Packet

- Fill in all the blanks on the Response to Motion to Amend Parenting Plan.



- In paragraph 1, admit the parts of the Motion that are true;
- In paragraph 2, deny the parts of the Motion that are not true;
- In paragraph 3, write the parts of the Motion that you don't know about.

**If the paragraphs in the Motion are numbered**, list the paragraph numbers in the blanks. For example, in the blank in paragraph 1 of the Response form, you could list "2, 5, 6, 8," which would tell the court you admit those paragraphs in the Motion are true. If a paragraph is only partly true, write what part you admit and explain why the rest of the paragraph is not true.

**If the paragraphs in the Motion are not numbered**, write out parts of the Motion that you admit, deny, or don't know about. For example, the Motion could say someone in your house committed a crime while the children were living with you, and the other parent has a new job. You might answer "I admit the children have lived with me," "I deny that anyone in my house committed a crime," and "I do not know if the other parent has a new job."

- Sign and date the Response to Motion to Amend Parenting Plan.
- Decide if you want to ask for your own changes to the current Parenting Plan. If you do, fill in the Proposed Amended Parenting Plan. Copy things from your current Parenting Plan that you want to stay the same, and make changes that you want. Sign and date it.
- Fill in only the caption on the Order on Motion to Amend Parenting Plan. The caption looks like this:

<p>In the ____ Judicial District Court of _____ County,          (number) (county where you are filing)</p> <p style="text-align: center;"><b>State of Montana</b></p>	
<p>In re the <input type="checkbox"/> Marriage of/ <input type="checkbox"/> Parenting of:          minor child(ren);          _____,          (name of petitioner) Petitioner,          and          _____,          (name of respondent) Respondent.</p>	<p>Cause No.: _____          Dept. No.: _____          (filled out by court)</p> <p style="text-align: center;"><b>Name of Form</b></p>

- Fill in the blanks on the Proof of Service and Supporting Affidavit. Sign and date both forms in front of a notary public.



## 2 Fill in the Privacy Rules Packet Forms

- Get the Privacy Rules Packet at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov) or at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)
- In the Privacy Rules Packet forms, check the box that says you want to protect a minor child's name. Also check boxes for any other information that you think should be protected. Follow the instructions in the Privacy Rules Packet.

## 3 Make Copies

- Make two copies of each form after you have them filled in. You will need to mail one copy of the forms to the other parent. Keep the other copy in a safe place.

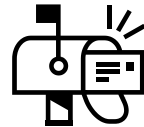


## 4 File the Forms at the Courthouse

- Go to the office of the court where the other parent filed the Motion to Amend Parenting Plan. Bring your original forms and copies.
- If you can't afford the filing fee, ask the clerk of court for an Affidavit of Inability to Pay. This form may be called something different in your court. Fill out the Affidavit and give it back to the clerk so the judge can review it.
- File the original Response to Motion to Amend Parenting Plan and Supporting Affidavit.
- If you are asking for changes to your current Parenting Plan, file the original Proposed Amended Parenting Plan with the clerk.
- File your original Privacy Rules Packet forms. Follow the instructions in that packet for filing those forms.

- Ask the clerk to stamp your copies of the papers you filed as “Filed.” One copy of all the papers is for you to keep. Mail the other copy to the other parent that filed the Motion. Be sure to take your copy with you to your hearing.
- Ask the clerk if you can lodge your original Order on Motion to Amend Parenting Plan form. Lodge means that the clerk won’t file the Order form, but will place it in the file so the judge can see it. If the clerk will not lodge the Order form, keep the Order in a safe place until your hearing.
- If you need witnesses to testify at your hearing, you may need to subpoena them before the hearing. A subpoena orders a person to come to court even if the person doesn’t want to. You can ask the clerk of court for subpoena forms if you need them.

#### **4 Mail Your Response**



- Mail a stamped copy of your Response and Supporting Affidavit to the other parent. If you are asking for changes to your Parenting Plan, send a copy of the Proposed Amended Parenting Plan too. Look at the top left hand corner of the first page of the Motion for the address. If the other parent has a lawyer, this will be the lawyer’s address. It is a good idea to get a Certificate of Mailing from the post office. It will cost more than a regular mailing, but it will prove that you mailed the papers on the correct date. Keep the receipt and bring it to your hearing.
- Mail your Privacy Rules Packet forms as instructed in that packet.

#### **5 Go to Your Hearing**



- About 10 days after you file your Response, you should get an order from the court saying the time and place of your hearing. If you don’t, contact the clerk to find out when the hearing will be.
- Bring your stamped copies of the documents you filed with the court.

- Bring any evidence you need to support your side to the hearing. This could be evidence about your child(ren) or people who are around your child(ren). Some examples are:
  - Report cards
  - Attendance records from school/daycare
  - Progress reports from school/daycare
  - Health care provider progress/treatment reports
  - Police reports
  - Child protective services reports
  - Court records of criminal charges/convictions
  - Previous court orders
  - Receipts from expenses spent on the child(ren)
- Arrive at the courthouse at least 15 minutes before your hearing will start. Dress like you were going to an important job interview.
- Ask the clerk to find the right courtroom for your hearing. In some courts, you have to check in with the clerk before going to your courtroom. After you talk with the clerk of court, go to your courtroom and wait for the judge to say your name and case number. Call the judge “Your Honor.”
- Be prepared to tell the judge why your Parenting Plan should not be changed at all, or why the judge should make the changes you want instead of the changes the other parent wants. The judge will expect you to bring all of your witnesses and evidence to the hearing.
- If the clerk wouldn’t let you lodge the Order on Motion to Amend Parenting Plan form, bring it to the hearing. When the judge asks if you are ready, say “Your Honor, I have a proposed order form for your consideration.” Then ask if the judge wants you to hand the form to him or her. It is okay if the judge does not want the form.
- It may take time for the judge to write an Order saying what will happen to the parenting plan. You will get the Order when it is ready.



## Where Can I Get More Information?



The laws of Montana are called the Montana Code Annotated or “MCA.” The laws about changing your Parenting Plan can be found in Title 40, Chapter 4, Part 2. An easier way to write one of those statutes is ‘ 40-4-219, MCA. The symbol ‘ means section. You can find the MCA at your local library or on the Montana State Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Click on the “Laws” option near the top of the page on that website, and then click on “MCA.”



## Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Or you can contact a Reference Librarian at (800) 710-9827 or by email at [mtlawlibrary@mt.gov](mailto:mtlawlibrary@mt.gov).

## Please take a short survey about these forms.

When you are done with the forms, please take our online survey at this address:

[http://www.surveymonkey.com/s.aspx?sm=fCBhbbJj4MdOWw\\_2fjsCjlg\\_3d\\_3d](http://www.surveymonkey.com/s.aspx?sm=fCBhbbJj4MdOWw_2fjsCjlg_3d_3d)



Or you can access the survey on the “Forms” page of the State Law Library website, at [www.lawlibrary.mt.gov](http://www.lawlibrary.mt.gov). Your answers will help make the forms better. Thank you!

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number)

**Petitioner** /  **Respondent** (check one box)

In the \_\_\_\_\_ Judicial District Court of \_\_\_\_\_ County,  
(number) (county where you are filing)

**State of Montana**

In re the  
 Marriage of  
 Parenting of Minor Children of:  
\_\_\_\_\_  
(name of petitioner) Petitioner,  
and  
\_\_\_\_\_  
(name of respondent) Respondent.

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_  
(filled out by court)

**Response to  
Motion to Amend  
Parenting Plan**

(check a box and fill in blanks to match  
the caption on original parenting plan)

I am the (check one box):  Petitioner/ Respondent in this case. This Court entered a final Parenting Plan for our child(ren) on: \_\_\_\_\_. The other parent filed a Motion to Amend Parenting Plan, and this is my response.

1. I admit these parts of the Motion (write the paragraph numbers or the parts of the Motion that are true): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_.

2. I deny these parts of the Motion (*write the paragraph numbers or the parts of the Motion that are not true*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

3. I deny these parts of the Motion because I do not have enough information to admit or deny them (*write the paragraph numbers or the parts of the Motion that you do not know about*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

4. I deny everything I did not admit.

**Facts**

**1. Information about Me**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
(*your full name*) (*your age*)

Address: \_\_\_\_\_  
(*your street address*)

\_\_\_\_\_  
(*city*) (*state*) (*zip*)

**2. Information about the Other Parent**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
(*full name*) (*age*)

Address: \_\_\_\_\_  
(*other parent's street address*)

\_\_\_\_\_  
(*city*) (*state*) (*zip*)

**3. Information about the Child(ren)**

We have these child(ren) younger than 18 years old:

<b>Child's Full Name</b>	<b>Age of Child</b>

**4. Parenting Plan**

This Court entered a final Parenting Plan for us on: \_\_\_\_\_.  
(mm/dd/yyyy)

**Amendment of Parenting Plan** (*check one box*)

Under Montana law in Section 40-4-219, MCA, I claim that the parenting plan should not change because there has not been a change in the child(ren)'s circumstances, or because a change in the parenting plan is not needed to serve the child(ren)'s best interest. If I claim that there has not been a change in the child(ren)'s circumstances, I also claim there are no facts the Court was unaware of when it entered the parenting plan, and there are no new facts since the Court entered the parenting plan. I explain this further in my Supporting Affidavit filed with this Response.

Under Montana law in Section 40-4-219, MCA, I claim that the parenting plan should change because there has been a change in the child(ren)'s circumstances, and a change in the parenting plan is needed to serve the child(ren)'s best interest. There are facts the Court was unaware of when it entered the parenting plan, or there are new facts since the Court

entered the parenting plan. I explain these facts in my Supporting Affidavit filed with this Response.

**I respectfully ask this Court to:**

1. Deny the Parenting Plan changes asked for by the other parent;
2. (*check one box*):
  - Keep our current final Parenting Plan
  - Change our final Parenting Plan and adopt my Proposed Amended Parenting Plan, filed with this Response; and
3. Order any other relief the Court deems just and proper.

Date: \_\_\_\_\_ Signature: \_\_\_\_\_  
(*mm/dd/yyyy*) (*sign your name*)

Printed Name: \_\_\_\_\_  
(*print your name*)

**Proof of Service**

*(to be filled out and signed in front of a notary public)*

STATE OF MONTANA

:SS

County of \_\_\_\_\_

I state that I sent, or am sending as soon as the papers are filed, a full and complete copy of my Response to Motion to Amend Parenting Plan and Supporting Affidavit to the other parent by first class mail, postage prepaid on

\_\_\_\_\_  
*(mm/dd/yyyy)*

If I am asking for changes to the Parenting Plan, I have also mailed, or will mail as soon as it is filed, a full and complete copy of my Proposed Amended Parenting Plan to the other parent.

I used this address for the other parent:

Name: \_\_\_\_\_  
*(name of person you mailed your papers to)*

Address: \_\_\_\_\_  
*(address)*

\_\_\_\_\_  
*(city) (state) (zip)*

Signature: \_\_\_\_\_  
*(sign your name)*

Printed Name: \_\_\_\_\_  
*(print your name)*

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Name *(printed)*: \_\_\_\_\_  
Notary Public for the State of Montana.  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number)

**Petitioner** /  **Respondent** (check box next to your side)

In the \_\_\_\_ Judicial District Court of \_\_\_\_\_ County,  
(number) (county where you are filing)

**State of Montana**

In re the  
 Marriage of  
 Parenting of Minor Children of:  
\_\_\_\_\_  
(name of petitioner) Petitioner,  
and  
\_\_\_\_\_  
(name of respondent) Respondent.

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_  
(filled in by court)

**Petitioner's/**  
 **Respondent's**  
(check box next to your side)  
**Supporting**  
**Affidavit**

(check a box and fill in blanks to match  
the caption on original parenting plan)

(To be signed in front of a notary public)

STATE OF MONTANA : ss

County of \_\_\_\_\_

\_\_\_\_\_ says that:  
(write your name)

1. This affidavit is in support of my Response to Motion to Amend Parenting Plan.

2. (Check all boxes that are true.)

- I have not done anything to keep the other parent from seeing our child(ren).
- I am still living.
- No one living in my household has been convicted of any of the following crimes:
  - Deliberate homicide
  - Mitigated deliberate homicide
  - Sexual assault
  - Sexual intercourse without consent
  - Deviate sexual conduct with an animal
  - Incest
  - Aggravated promotion of prostitution of a child
  - Endangering the welfare of children
  - Partner or family member assault
  - Sexual abuse of children

3. The other parent's Motion to Amend Parenting Plan (*check one box*):

did /  did not list changes in the child(ren)'s circumstances.

4. If the other parent's Motion to Amend Parenting Plan lists changes in the child(ren)'s circumstances, those changes (*check one box that is true, and fill in blanks if you check the second box*):

Did not happen;

**OR**

Should not change our Parenting Plan because (*explain why it would not be in the child(ren)'s best interest to change the Parenting Plan, even though there have been changes in your child(ren)'s lives*): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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**OR**

Should change our Parenting Plan by adopting my Proposed Amended Parenting Plan instead of the other parent's proposed amended parenting plan.

5. If I am asking the Court to adopt my Proposed Amended Parenting Plan, that plan would be in the child(ren)'s best interest because of these changes in our lives (*explain changes in your lives that make your Proposed Amended Parenting Plan necessary, or skip this paragraph if you are not asking that the court approve your own Proposed Amended Parenting Plan*): \_\_\_\_\_

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6. Other facts (*check all boxes that are true*):

The other parent has not allowed me to see our child(ren) or has tried to keep me from seeing our child(ren). Montana law says that it is not in the child(ren)'s best interests when one parent does not allow the other parent to see the child(ren) or tries to keep the other parent from seeing the child(ren). (Section 40-2-219(3), MCA)

The other parent has died. Montana law says that a Parenting Plan can be changed if one of the parents had died. (Sections 40-4-219(6) and 40-4-221, MCA)

The other parent or someone living in the other parent's household

was convicted of the following crime(s) (*check all boxes that are true*):

- Deliberate homicide
- Mitigated deliberate homicide
- Sexual assault
- Sexual intercourse without consent
- Deviate sexual conduct with an animal
- Incest
- Aggravated promotion of prostitution of a child
- Endangering the welfare of children
- Partner of family member assault
- Sexual abuse of children

Montana law says that it is not in the child(ren)'s best interests if one of the parents or someone living with one of the parents is convicted of any of these crimes. (Sections 40-4-219(3) and (8), MCA.)

7. I believe the child(ren)'s best interests are served by (*check one box*):

- Keeping our current Parenting Plan;
- Adopting my Proposed Amended Parenting Plan.

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Signature: \_\_\_\_\_  
(sign your name)

Printed Name: \_\_\_\_\_  
(print your name)

SIGNED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ by \_\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Name (*printed*): \_\_\_\_\_  
Notary Public for the State of Montana.  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

\_\_\_\_\_  
(your name)

\_\_\_\_\_  
(your mailing address)

\_\_\_\_\_  
(city) (state) (zip)

\_\_\_\_\_  
(your phone number)

**Petitioner** /  **Respondent** (check one box)

In the \_\_\_\_ Judicial District Court of \_\_\_\_\_ County,  
(number) (county where you are filing)

**State of Montana**

<p>In re the</p> <p><input type="checkbox"/> Marriage of</p> <p><input type="checkbox"/> Parenting of Minor Children of:</p> <p>_____, (name of petitioner) Petitioner,</p> <p>and</p> <p>_____, (name of respondent) Respondent.</p> <p>(check a box and fill in blanks to match the caption on original parenting plan)</p>	<p>Cause No.: _____</p> <p>Dept. No.: _____ (filled out by court)</p> <p><input type="checkbox"/> <b>Petitioner's/</b></p> <p><input type="checkbox"/> <b>Respondent's</b></p> <p>(check box next to your side)</p> <p><b>Proposed</b></p> <p><b>Amended</b></p> <p><b>Parenting Plan</b></p>
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I am the (check **one** box):  Petitioner /  Respondent in this case. I propose this amended parenting plan. This request is allowed under Sections 40-4-219 and 40-4-208, MCA.

**1 The Parents**

My Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

Other Parent's Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

## 2 The Child(ren)

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

Child's Name	Age	Where child lived the last six months

## 3 Prior Parenting Plan

This Court entered a final parenting plan for the child(ren) on: \_\_\_\_\_.  
(mm/dd/yyyy)

## 4 Objectives of the Parenting Plan

- a. Protect the best interests of the child(ren);
- b. Provide for the physical care of the child(ren);
- c. Maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to conflict between the parents;
- d. Provide for the minor child(ren)'s changing needs as they grow and mature;
- e. Set forth the authority and duties of each parent with respect to the child(ren);
- f. Help the parents avoid expensive future court battles over the child(ren).

**5 Residential Schedule for the Child(ren)** *(Paragraphs 5(a)-(i) are one way to write your residential schedule. This schedule should provide for the child(ren)=s changing needs as they grow and mature. The schedule shows when the child(ren) live with each parent, including holidays, vacations, and other special occasions. If you choose not to use this schedule, you may write your own schedule in Paragraph 5(j).)*

**a. Schedule Before School Enrollment** *(check one box and fill in blanks):*

- There are no child(ren) under school age.
- There are child(ren) under school age, but the school schedule in 5(b) below will apply to the child(ren) before they attend school.
- Before enrollment in school, the child(ren) will live primarily with the *(check one):*  Mother /  Father. The other parent will have time with the child(ren) on the following days and times *(list days and times other parent will see the child(ren), such as "Mondays, Wednesdays, and Thursdays at 3:00-7:00 p.m.")*:

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- Before enrollment in school, the child(ren)'s schedule will be *(describe the child(ren)'s schedule before school enrollment, such as "Sunday 9:00 a.m. through Wednesday 7:00 p.m. with Mother, and Wednesday 7:00 p.m. through Sunday 9:00 a.m. with Father")*:

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**b. School Schedule** (check one box and fill in the blanks):

- Once in school, the child(ren) will live with the (check one):  Mother /  Father. The other parent will have time with the child(ren) on these days and times (list the days and times the other parent will have time with the child(ren), such as "Mondays and Wednesdays 3:00-8:00 p.m."): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- Once in school, the child(ren)'s schedule will be (describe the child(ren)'s schedule when enrolled in school, such as "Sunday 9:00 a.m. through Wednesday 7:00 p.m. with Mother, and Wednesday 7:00 p.m. through Sunday 9:00 a.m. with Father"): \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**c. Holiday and Special Occasion Schedule** (check one box and fill in the blanks if you choose the second box):

- No holiday and special occasion schedule will apply. The Schedule Before School Enrollment or School Schedule will always apply.
- This is the schedule for holidays and special occasions (fill in chart to show when the child(ren) will be with each parent):

<b>Holiday/Special Occasion</b>	<b>With Mother</b> (write odd, even, or every year, or leave blank)	<b>With Father</b> (write odd, even, or every year, or leave blank)
New Year's Day		
Martin Luther King Day*		
Presidents' Day*		

Easter		
Mother's Day		
Memorial Day*		
Father's Day		
4 <sup>th</sup> of July		
Labor Day*		
Halloween		
Veterans' Day*		
Thanksgiving		
Christmas Eve		
Christmas Day		
Mother's Birthday		
Father's Birthday		
Child(ren)'s Birthday(s)		
Other:		
Other:		

Conditions of special occasions (*check all boxes and fill in all blanks that apply to you*):

- Unless stated differently below, holidays and special occasions will begin at \_\_\_\_\_ a.m. and end at \_\_\_\_\_ p.m.
- Holidays that fall on a Friday or a Monday and are considered three-day holidays as noted by an asterisk (\*) in the chart above (*check one*):
  - will /  will not include the Saturday and Sunday directly before or after the holiday.
- Thanksgiving will:
  - o Begin on \_\_\_\_\_; and  
(*write day and time*)
  - o Last until \_\_\_\_\_.  
(*write day and time*)

- Christmas Eve will:
  - Begin on \_\_\_\_\_; and  
(write day and time)
  - Last until \_\_\_\_\_.  
(write day and time)
- Christmas Day will:
  - Begin on \_\_\_\_\_; and  
(write day and time)
  - Last until \_\_\_\_\_.  
(write day and time)
- The child(ren)=s school attendance will take priority over the holiday and special day schedule. The child(ren) will not miss school because of the holiday and special occasion schedule.

**d. Winter Vacation** (check **one** of the first two boxes, and check more boxes and fill in blanks that apply if you choose the second box):

- No winter vacation schedule will apply. The school year or schedule before school enrollment will apply.

- This winter vacation schedule will apply (check all boxes and fill in all blanks that apply):

- The parent with the child(ren) on Christmas Eve will have the following additional time with the child(ren) over winter vacation (list all the time the parent will have the child(ren) over winter vacation):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.

- The parent with the child(ren) on Christmas Day will have the following additional time with the child(ren) over winter vacation (list all the time the parent will have the child(ren) over winter vacation):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_.



The child(ren)'s winter vacation schedule will be (*describe the winter vacation schedule of the child(ren)*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**e. Summer Vacation** (*check one box and fill in blanks*):

No summer vacation schedule will apply. The school year or schedule before school enrollment will apply.

The child(ren) will live with the (*check one*):  Mother /  Father during summer vacations. The other parent will have time with the child(ren) on the following days and times (*list the times the other parent will have the child(ren) over summer vacation*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

The child(ren)'s summer vacation schedule will be (*describe the summer vacation schedule for the child(ren)*):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**f. Spring Break** (*check one box and fill in blanks*):

No Spring Break schedule will apply. The school year or schedule before school enrollment will apply.

The child(ren) will live with the (*check one*):  Mother /  Father during Spring Break. The other parent will have time with the child(ren) on the following days and times (*list the times the other parent will have the child(ren) over spring break*): \_\_\_\_\_

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- The child(ren)'s schedule for Spring Break will be (*describe the spring break schedule for the child(ren)*): \_\_\_\_\_

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### **g. Other Vacations with Parents**

The child(ren)'s schedule for vacations with parents will be (*describe any other vacation schedules for the child(ren)*): \_\_\_\_\_

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### **h. Priorities under the Residential Schedule**

If the residential schedule results in a conflict where the child(ren) are scheduled to be with both parents at the same time, the conflict will be resolved as follows (*check **one** box and fill in blanks*):

- The schedules will be followed in this order (*write numbers 1, 2, 3 and 4 in front of each schedule, with 1 being the schedule you will follow above all others and 4 being the last schedule you will follow if there is a conflict or overlap*):

\_\_\_\_\_ School Schedule/Schedule Before School Enrollment

\_\_\_\_\_ Holidays/Special Occasions

\_\_\_\_\_ Winter/Summer/Spring Break Schedules

\_\_\_\_\_ Other Vacations with Parents

- Other (*describe how you want to deal with any times the schedules overlap so that both parents are scheduled to have the child(ren) at the same time*): \_\_\_\_\_

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**i. Supervised and Limited Visitation** (*check one box on the far left and fill in the rest of the blanks if you choose the second box*):

- There are no additional restrictions or limitations on parenting time.
- The (*check one*):  Mother=s /  Father=s parenting time will be supervised or limited because he or she has acted in these ways that are not in the child(ren)'s best interests (*describe why the parent should have supervised or limited visitation*): \_\_\_\_\_

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The (*check one*):  Mother=s /  Father=s parenting will be limited in these ways:

- Supervised by: \_\_\_\_\_  
(*write who will supervise the parenting time*)
- Located at: \_\_\_\_\_  
(*write where the parenting time will be*)
- At these days and times (*example: Mondays at 2:00-4:00 p.m.*):  
\_\_\_\_\_  
(*write when the parenting time will be*)

The supervised and limited visitation conditions will take priority over the residential schedule.

After (*write number*) \_\_\_\_\_ months of supervised and limited visitation, the parents may agree to consider allowing less restricted visitation if the parent with limited or supervised visitation completes the checked item(s) below and follows through with any and all recommendations by an evaluator, treatment counselor, or other professional (*check all boxes and fill in blanks that apply*):

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

**j. Other** (*describe any other schedule you need in your Parenting Plan*):

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**6 Designation of Custodian**

For laws that require a finding of custody, the (*check one*):  Mother /  Father will be named the custodian. This will not affect either parents' rights or responsibilities under this parenting plan.

**7 Transportation Arrangements** (*check all boxes and fill in all blanks that apply*):

Transportation arrangements for the child(ren) between parents will be (*describe how the child(ren) will get from one parent to the other*):

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Unless both parents agree upon a different meeting place, the exchange of the child(ren) will be at *(list the place where you will pick up and drop off your child(ren))*: \_\_\_\_\_.

Transportation costs will be divided as follows *(describe who will pay for what costs of exchanging the child(ren))*: \_\_\_\_\_

\_\_\_\_\_

If the *(check one)*:  Mother /  Father is more than *(write number)* \_\_\_\_\_ minutes late to pick the child(ren) up for a visit, that visit will be canceled.

## **8 Co-Parenting Guidelines** *(check all boxes and fill in blanks that apply):*

Each parent will promote a healthy relationship between the child(ren) and the other parent. Neither parent will speak out in any way that could damage the relationship between the other parent and the child(ren).

Each parent will notify the other parent at least *(write number)* \_\_\_\_\_ days in advance when a parenting time will not be exercised. The missed parenting time will not be replaced, unless both parents agree. The parents will be fair and modify parenting times when there are reasonable family needs, sickness, or other commitments. The parent asking to modify a parenting time will act in good faith and give as much notice as the situation allows.

Each parent will ensure that the child(ren) will have proper clothing at the other parent's home for the scheduled parenting time. Only one set of clothing is needed. The clothing is considered the child(ren)'s clothing. Each parent will return the clothing with the child(ren) to take the clothing to the other parent's home.

Each parent will provide separate clothing for the child(ren) at that parent's home, unless both parents agree to something else. In the cold months of the year, both parents must have adequate boots, gloves, hats, and jackets for the child(ren).

- If a parent plans an activity that requires clothing or items that are usually kept in the other parent's home, the parent may ask that the clothing or items travel with the child(ren). The parent must make sure that the clothing or items are returned in a reasonable condition.
- Each parent will make sure the child(ren) attend(s) regularly scheduled activities while the child(ren) stay(s) with that parent. These activities include, but are not limited to, sports and other extracurricular activities.
- The parents will encourage their child(ren) to maintain relationships with both the mother's and father's relatives and family friends. Usually, the child(ren) will visit with the father's relatives and family friends during times the child(ren) are with their father. And usually, the child(ren) will visit the mother's relatives and family friends during times they are with their mother. Both parents are aware that in Montana, grandparents have a legal right to request a court order for reasonable visitation with their grandchild(ren), if it is in the child(ren)'s best interests.
- Neither parent will subject the children to (*choose all boxes and fill in blanks that apply*):
  - Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the parent's abuse of alcohol or use of illegal drugs.
  - A smoking environment.
  - Use of profane language.
  - Removal of the child(ren) from Montana, except as authorized by the Court or agreed to by both parents.
  - Other: \_\_\_\_\_
  - Other: \_\_\_\_\_
- Any violation of the terms in this paragraph beginning with "Neither parent" will result in the immediate termination of the violating parent's contact with the child(ren).

**9 Telephone Contact** (*check one box and fill in blanks*):

- While the child(ren) stay with one parent, the other parent will be allowed to speak with the child(ren) at reasonable times.
- While the child(ren) stay with one parent, the other parent will be allowed to speak with the child(ren) only at the following times (*describe the times the other parent can speak to the child(ren) on the telephone*):

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**10 Decision Making**

(*Check all boxes that apply, and fill in the blanks for any boxes you check.*)

- The (*check one*):  Mother/  Father will have sole power to make all decisions, no matter where the child stays, because (*describe the reasons that only one parent should have the power to make decisions for the child(ren)*):

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- Each parent will make decisions about the day-to-day care of the child(ren) while the child(ren) stays with that parent.
- Each parent is authorized to make emergency decisions affecting the health or safety of the child(ren).
- Major decisions concerning the child(ren)=s education will be made by (*check one*):  Mother only /  Father only /  both parents jointly.
- Major decisions concerning the non-emergency health care of the child(ren) will be made by (*check one*):  Mother only /  Father only /  both parents jointly.

- Major decisions about the child(ren)'s spiritual development will be made by (*check one*):  Mother only /  Father only /  both parents jointly.
- Both parents must consent before the minor child(ren) will (*check all boxes and fill in blanks that apply*):
- Get a tattoo
  - Pierce any body part
  - Marry
  - Enlist in the armed service
  - Other: \_\_\_\_\_.
  - Other: \_\_\_\_\_.

## 11 Access to Information

- a. The law says both parents will have access to all information relating to their child(ren) including, but not limited to, school records, counseling records, medical, and dental records. (Section 40-4-225, MCA.)
- b. The law says both parents will update each other and the Court with written notice of changes to the following information (Section 40-4-204(6)(a), MCA):
  - (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 that could cover the minor child(ren).

*(Check box below and fill in other boxes and blanks if this applies to you.)*



The personal information of the (*check one*):  Mother /  Father will remain private and will not be given to the other parent because (*check one box*):

the latest parenting plan adopted by this Court ordered that the information would be private; OR

there is a reason the information should be kept private (*describe why the parent cannot have the other parent's personal information*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## 12 Residential Changes

The law says a parent who moves must give written notice and a new residential schedule to the other parent if the move will affect the other parent's visits. The notice and new schedule must be personally served or sent by certified mail to the other parent at least 30 days before the move. Proof of service must be filed with the court that adopted the parenting plan. If the parent who is not moving does not respond or seek to amend the new residential schedule within 30 days, the proposed schedule is accepted. (Section 40-4-217, MCA).

**13 Other Provisions** (*describe any other information that you need in your Parenting Plan*): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

**Warning: The duties of each parent under this plan are independent. If one parent disobeys the plan, the other parent must still obey the plan. A parent who knowingly disobeys this plan may be held in contempt of court. Disobeying the plan may be a crime under Sections 45-5-631 or 45-7-309, MCA and may be punished by arrest, a fine of up to \$500, or imprisonment.**

Date: \_\_\_\_\_  
(mm/dd/yyyy)

Signature: \_\_\_\_\_  
(sign your name)

Printed Name: \_\_\_\_\_  
(print your name)

In the \_\_\_\_ Judicial District Court of \_\_\_\_\_ County,  
(number) (county of the court where you are filing)

**State of Montana**

In re the  
 Marriage of  
 Parenting of Minor Children of:  
\_\_\_\_\_,  
(name of petitioner) Petitioner,  
and  
\_\_\_\_\_,  
(name of respondent)  
Respondent.

Cause No.: \_\_\_\_\_

Dept. No.: \_\_\_\_\_  
(filled out by court)

**Order on Motion to Amend Parenting Plan**

(check the box and fill in the blanks to match the caption on your original parenting plan)

(Rest of form to be filled out by judge.)

A Motion to Amend Parenting Plan was filed with this court on \_\_\_\_\_.  
(mm/dd/yyyy)

The matter came for hearing on \_\_\_\_\_. The non-moving party was  
(mm/dd/yyyy)

served on \_\_\_\_\_ with the Order to Show Cause. The non-moving  
(mm/dd/yyyy)

Party filed a Supporting Affidavit on \_\_\_\_\_. The non-moving party  
(mm/dd/yyyy)

appeared at the hearing pro se. Based on the parties' affidavits and the evidence, the Court makes the following:

## Findings of Fact

### 1 Mother's Information

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

### 2 Father's Information

Name: \_\_\_\_\_ Age: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_

### 3 Children's Information

The parties have these child(ren) younger than 18 years old:

Child's Full Name	Age of Child

### 4 Parenting Plan

This court entered the parties' final parenting plan on: \_\_\_\_\_.  
(mm/dd/yyyy)

## 5 Change in Circumstances and Child(ren)'s Best Interests

Circumstances:

- changed since the court entered the parties' final parenting plan.
- did not change since the court entered the parties' final parenting plan.

The adoption of a new Amended Parenting Plan:

- is in the best interests of the child(ren).
- is not in the best interests of the child(ren).

## Conclusions of Law

### 1 Jurisdiction

This Court ordered a final parenting plan in this action. This Court has exclusive and continuing jurisdiction under Section 40-7-202, MCA.

### 2 Amendment of Parenting Plan

This court finds that (*choose all that apply*):

- There has not been a sufficient change in circumstances to justify the amendment of the prior parenting plan. It is in the best interests of the child(ren) that the current parenting plan remain in effect. Section 40-4-219(1), MCA.
- A change in circumstances occurred since the prior parenting plan was entered. The  Petitioner's/  Respondent=s Proposed Amended Parenting Plan is necessary to serve the best interests of the child(ren). Section 40-4-219(1), MCA.
- The Parenting Plan must be changed because one of the parent's has died. Sections 40-4-219(6) and 40-4-221, MCA.
- The  Petitioner/  Respondent acted against the child(ren)'s best interests by not allowing the other parent to see the child(ren) or trying

to keep the other parent from seeing the child(ren). Sections 40-4-219(3), MCA.

- The  Petitioner /  Respondent, or someone living in the household, acted against the child(ren)'s best interests by being convicted of one or more of the following crimes: deliberate homicide, mitigated deliberate homicide, sexual assault, sexual intercourse without consent, deviate sexual conduct with an animal, incest, aggravated promotion of prostitution of a child, endangering the welfare of children, partner or family member assault, or sexual abuse of children. Sections 40-4-219(3) and (8), MCA.

**Order**

This Court orders that (*choose all that apply*):

- The Motion to Amend Parenting Plan is denied. The parties= current parenting plan will remain in force.
- The Respondent's Proposed Parenting Plan is adopted by this Court as the Final Amended Parenting Plan. The Court orders the parties to follow the terms of the Final Amended Parenting Plan.
- The Petitioner's Proposed Parenting Plan is adopted by this Court as the Final Amended Parenting Plan. The Court orders the parties to follow the terms of the Final Amended Parenting Plan.
- Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
District Court Judge