

**Montana Supreme Court  
Access to Justice Commission  
Large Conference Room, Office of the Court Administrator  
301 S. Park, Third Floor, Helena, MT  
September 14, 2018 ~ 10am-12:00pm**

Agenda

- I. Call to Order and Introductions: Justice Baker (Tab 1)
  - a. Approval of 6/8/18 meeting minutes: Justice Baker (Tab 2)
- II. ATJC Standing Committee Reports:
  - a. Self-Represented Litigants: Ann Goldes and Abby Brown
    - i. Education and Outreach Subcommittee Educational Brochures (Tab 3)
    - ii. Karla M. Gray Equal Justice Award
  - b. Strategic Planning: Niki Zupanic (Tab 4)
- III. Interpreter Services: Derrek Shepherd (Tab 5)
- IV. Legislative update: Justice Baker (Tab 6)
- V. Rural Incubator Project: Hannah Cail
- VI. E-RAMP: Patty Fain (Tab 7)
- VII. Orders of Protection Project: Judge Carter
- VIII. Public Comment, Review 2018 Meeting Dates and Schedule 2019 Meeting Dates
  - a. December 7, 2018 (proposed joint meeting with the Justice Initiatives Committee)
  - b. March 8, 2019
  - c. June 7, 2019
  - d. September 13, 2019
  - e. December 6, 2019

Tab 1

## IN THE SUPREME COURT OF THE STATE OF MONTANA

AF 11-0765

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IN RE THE APPOINTMENT OF MEMBERS OF  
THE ACCESS TO JUSTICE COMMISSIONO R D E R

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On September 30, 2018, seven of the members' terms on the Access to Justice Commission will expire. In addition, Aging Services Bureau Chief Charlie Rehbein retired and has resigned from the Commission. Several members have indicated their willingness to serve for a new, three-year term. The Court extends its sincere thanks to Eighth Judicial District Judge Greg Pinski, Office of Consumer Protection and Victim Services Director Matthew Dale, and retired Aging Services Bureau Chief Charlie Rehbein for their service on the Commission.

With the consent of the appointees,

IT IS HEREBY ORDERED that the following members are appointed to the Commission for a three-year term ending September 30, 2021: Eighth Judicial District Judge John Kutzman and Deputy Attorney General Melissa Schlichting.

IT IS FURTHER ORDERED that the following members are reappointed to the Commission for a three-year term ending September 30, 2021: Supreme Court Justice Beth Baker, Alexander Blewett III School of Law Dean Paul F. Kirgis, Ed Bartlett, and Melanie Reynolds.

IT IS FURTHER ORDERED that Katy Lovell, Legal Services Developer for the Department of Health and Human Services, is appointed to fill the term of Charlie Rehbein, ending September 30, 2019.

FILED


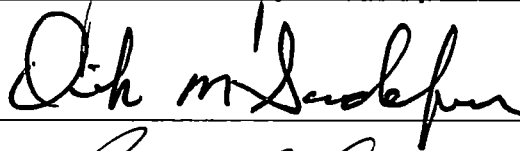
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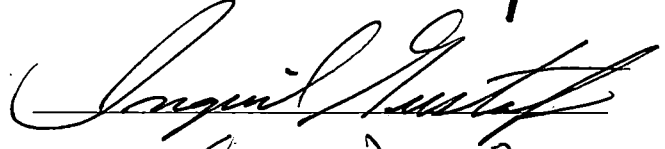

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

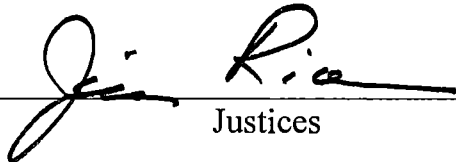
The Clerk is directed to provide copies of this order to each newly-appointed, current, and outgoing member of the ATJC, to the Montana Justice Foundation, and to the State Bar of Montana.

Dated this 21<sup>st</sup> day of September, 2018.

  
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Chief Justice

  
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Justices

# Montana Access to Justice Commission

effective 10/1/2018

Members	
Justice Beth Baker, Chair <i>Montana Supreme Court Justice</i> <i>Expires: 9/30/2021</i>	E-mail: <a href="mailto:bbaker@mt.gov">bbaker@mt.gov</a> Phone: (406) 444-5570
Hon. David A. Carter <i>Court of Limited Jurisdiction Judge</i> <i>Expires: 9/30/2020</i>	E-mail: <a href="mailto:dacarter@co.yellowstone.mt.gov">dacarter@co.yellowstone.mt.gov</a> Phone: (406) 256-2895 (w) (406) 697-6087 (c)
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Georgette Boggio <i>Representative of Native American Communities</i> <i>Expires: 9/30/2019</i>	E-mail: <a href="mailto:gboggio@elkriverlaw.com">gboggio@elkriverlaw.com</a> Phone: (406) 259-8611
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Kevin Cook Montana Law Library	IT Support E-mail: <a href="mailto:kcook@mt.gov">kcook@mt.gov</a> Phone: (406) 444-9285



# Tab 2



**Montana Supreme Court Access to Justice Commission**  
**June 8, 2018**  
**Large Conference Room, Office of the Court Administrator**  
**301 S. Park, Third Floor, Helena, MT**  
**10:00 AM – 12:30 PM**  
**Meeting Minutes**

**Commissioners Present:** Justice Beth Baker, Rep. Kim Dudik (phone), Hon. Leslie Halligan (phone), Sen. Terry Gauthier, Hon. Greg Pinski, Hon. David Carter (phone), Alison Paul, Dan McLean, Melanie Reynolds, and Georgette Boggio (phone).

**Commissioners Absent:** Matthew Dale, Rick Cook, Kyle Nelson, Hon. Winona Tanner, Dean Paul Kirgis, Ed Bartlett, Aimee Grmoljez, and Charlie Rehbein.

**Others Present:** Crystine Miller, Niki Zupanic, Abby Brown, Derrek Shepherd, Ann Goldes-Sheahan, Nolan Harris, Sarah McClain, John Mudd, Debbie Steigerwalt, Patty Fain, Holly Fredrickson, Hannah Cail, Kay Lynn Lee, and Krista Partridge.

**Call to Order:** 10:02 a.m.

Justice Baker asked for comments or corrections on the March meeting minutes. There were no comments or corrections. Alison Paul moved to approve the March minutes and Melanie Reynolds seconded the motion.

**The March minutes were adopted with no objections.**

**Legislative Update**

Justice Baker provided an update on the legislative funding proposal. She reported that the policy committee has met and that a revised bill draft and a draft protocol for administering the civil legal aid funds are contained in Tab 3 of the meeting materials. Changes to the bill draft include: the addition of “persons of limited means” to those eligible to receive civil legal aid; definitions of eligible organizations, including law school clinics and the court-connected mediation program (ERAMP); a new subsection defining how the money cannot be used; a requirement to report on the impact on court efficiencies and caseloads; and a sunset date of June 30, 2025. Justice Baker stressed that we need to be able to demonstrate how the funding is helping the court system. Justice Baker asked for feedback and approval to move forward with the bill as drafted. Sen. Gauthier said that the bill draft looks good, and Rep. Dudik said that the revisions are positive and will help with the bill’s passage. She also noted that it will be important to get the bill through the legislature as early in the session as possible. Dan McLean asked if the term “indigent persons” in Section 1(2)(a) could be changed to “persons of limited means.” Alison Paul responded that this would not present a problem for Montana Legal Services Association’s client eligibility requirements. Dan also asked that the word “justices” in Section 1(2)(c) be changed to “justice.” Justice Baker asked for a motion to approve the bill draft as corrected and to approve the Draft Protocol for Administration of the Montana Civil Legal Aid Account.

**Dan McLean moved that the bill draft as corrected, and the Draft Protocol for Administration of the Montana Civil Legal Aid Account, be approved. Judge Pinski seconded the motion. The motion was approved without objection. Alison Paul abstained.**

### **Law School Partnerships Committee**

Debbie Steigerwalt reported that in addition to the materials provided in the meeting packet, the minutes of the Committee's April meeting will be sent out following today's meeting. She stated that the Committee plans to develop outreach materials and conduct education and outreach to the local bar associations and the legal community over the next year. She added that the law school is interviewing applicants for the AmeriCorps pro bono coordinator position and said that Prof. Jordan Gross will be supervising this position in the fall.

### **Harvard Law School Access to Justice Lab**

Judge Pinski explained that the Harvard Access to Justice Lab identifies court programs that provide access to justice and studies five programs each year to determine which models are the most effective. The Cascade County Drug Treatment Court was selected for the study and the researchers will be comparing outcomes for participants compared to those who don't get into the program. In order to facilitate the study, the selection of participants will be randomized. Judge Pinski noted that it will be challenging to track the non-participant group, but added that he's very interested in the results of the study because the Court invests a significant amount of time and money in the program and he'd like to have the data to gauge whether or not the program is actually effective. Judge Pinski said the study will take place over two years to provide adequate time to generate the data and track outcomes. Justice Baker asked if the researchers planned to incorporate the impact on civil legal issues into the study. Judge Pinski responded that this wasn't discussed, but that he would mention the possibility of tracking the appearance of the study group members in civil legal court proceedings. Melanie Reynolds asked if the researchers would be looking at participation in other programs by the Drug Treatment Court non-participant group. Judge Pinski replied that this would be tracked and that the conditions of probation require everyone to go through a drug treatment program. Alison Paul added that MLSA is working with the Access to Justice Lab on a possible study of individuals who receive non-attorney civil legal assistance compared to those who receive only pro se forms. Justice Baker said that many of these studies could be helpful in making the case for legislative support for civil legal aid funding.

### **Equal Justice Conference Report**

Ann Goldes-Sheahan reported that the Equal Justice Conference in May was very informative and that she will circulate the conference materials as soon as they are made available. Highlights included sessions on messaging for legislative funding requests, how to set up a limited scope referral panel, and how to build a volunteer base. Alison Paul reported that Montana and MLSA were highlighted in three conference sessions. One session focused on MLSA's Justice for Montanans AmeriCorps program as the only legal aid AmeriCorps program in the country that includes outside partners such as the Court Help Program, Office of Consumer Protection, and ABIIL Law School. Another session featured AskKarla, MLSA's new online advice portal. Finally. Alison noted that Bob Carlson, who is from Montana and is the next President of the ABA, spoke at the Access to Justice Commission Chairs meeting and highlighted A2J activities in Montana. Ann added that MontanaLawHelp and MLSA's Community Outreach Assistant, Alex Clark, were mentioned during the Top Tech Tips session for Live Chat innovation. Regarding AskKarla,

Alison added that the portal just launched and has already handled 15 questions with an average response time of two days. MLSA pays the hosting fees for the portal and uses the pro bono client rule for determining conflicts. Dan McLean asked how conflicts are determined if the attorneys are anonymous and Alison responded that MLSA knows who the attorneys are, but they are anonymous to the user who submits a question. Justice Baker said that she will mention AskKarla at CLE seminars and Ann said that the State Bar will post a link to AskKarla on their website. In response to questions, Alison explained that volunteer attorneys log into the site to look for questions, and that MLSA is doing extensive outreach to community groups and social service providers. There are no limits on the question topics, but MLSA will monitor and assess the need for restrictions. Judge Carter suggested that the site could be very helpful to clerks in courts of limited jurisdiction and Alison said that MLSA will send outreach cards to all the courts.

### **DV Civil Working Group Update**

Alison Paul reported that the group is off to a good start and that sub-committees have been formed for Policy, Orders of Protection, Procedural Justice, and Expert Witnesses. The sub-committees are looking for members and anyone is welcome to join. The next meeting of the working group will take place on July 17 in Helena.

### **Incubator Project Update**

Hannah Cail, the Program Coordinator for the Rural Incubator Project for Lawyers (RIPL), provided an overview of the project and an update on the progress so far. Hannah explained that there aren't many examples of incubators in rural states, so this is a new model. The purpose of the incubator is to support new attorneys in developing sustainable businesses in rural communities and to provide services to low and moderate income individuals. The project is a partnership between MLSA, ABIII School of Law, State Bar of Montana, and the Montana Justice Foundation. MJF is funding the salary for the Program Coordinator and providing loan repayment assistance to RIPL Fellows. The goal for the first year of the program is to select 2-4 participants for the inaugural Fellowship class to start in September, and to secure funding for two Fellowship Stipends for the first six months of the program. Fellows will receive business and law practice management training, and skills training in the delivery of limited scope representation and case management. Fellows will also have access to free or low-cost shared office space at MLSA in Helena.

### **ERAMP Update**

Patty Fain reported that the 11<sup>th</sup> Judicial District will be the pilot site for ERAMP and that the case pool was expanded to include dissolutions. She added that both parties in the dissolution must be self-represented and must be approved for a fee waiver. Patty said that she is working on participant training videos and that volunteer training for the 11<sup>th</sup> Judicial District will start in late June. In addition, in-person training will take place in July at Flathead Community College and there are already 30 volunteers signed up. Patty noted that the program has a strong follow-up and evaluation component so that its effectiveness can be analyzed.

### **Strategic Planning Update**

Niki Zupanic thanked the group for their feedback on the draft strategic plan that was presented at the March meeting. Niki reported that the Strategic Planning group met last week and made revisions based on the feedback, adding that some of the suggestions will be incorporated into the

longer term plan. Highlights of the feedback that was incorporated include the addition of core values and a new section containing more information on what has been accomplished thus far. The next step for the group is to work with all the standing committees as strategy leaders on the priority items that were identified. The group will create timelines for strategy leaders to approach the priority items and they will provide more information at the September meeting.

#### **Public Comment and Next Meeting Dates**

Justice Baker asked for public comment. Steven Ray Davies presented public comments through an interpretive device and his comments were read aloud by Derrek Shepherd. Mr. Davies stated that interpreters for the deaf and hard of hearing are not always good and that he wants to make sure that there are reliable ways for everyone to communicate in the justice system. He said that one of the barriers for access to justice is interpretation services and the Access to Justice Commission should be aware of this barrier. Justice Baker thanked Mr. Davies for his comments. Mr. Davies subsequently submitted written comments that are included with these minutes as Attachment A.

Justice Baker informed the group that Crystine Miller is leaving the Montana Justice Foundation and this will be her last meeting. She thanked Crystine for her great work in support of the Access to Justice Commission. Justice Baker reminded the group that the next two meeting dates are September 14 and December 7 and that we will continue with the morning start time. The 2019 meeting dates will be set at the September meeting. The meeting was adjourned at 11:23 a.m.

## **Attachment A**

University of Montana

Social Justice and Inequality

# Bridging the Communication Gap - “Language Inequality”

[How Deaf and Hearing People Can Learn as a Team](#)

Steven Davies

Writing for Sociology 455

Celia Winkler, J.D., Ph.D.

5/11/2018

## Introduction

The thesis of this paper is about visionary leaders that can inspire people by being absolute, and free of realization is easy to see. A very ordinary sense of certainty [self-certain] against extraordinary weights self-certain deprived of unthinkable liberation with the spirit of the body. Should not be a struggle to move in a healthy direction of how Deaf and hearing people work together. Most importantly, the logic itself, self-actualization can be of benefit rather than other self as a status syndrome that results in the alienation of ones' voice.

The purpose of this literature review is to increase knowledge and propose amendments that are necessary to implement beneficial changes in the status quo misconceptions regarding communication methods with the deaf population. U.S. policy and current policy changes are not conducive to eliminating discrimination and adhering to civil right decrees for people with hearing disabilities.

We will look at why U.S. policy and its lack of change are not effective, reasons for hiring difficulties, and general deprivation and appropriation.

Ethnography is set up as a side effect; the hearing hegemony is set up to harm the social status. There are preconceived mindsets in many of us - the kind of condition of ideology or hegemony or false consciousness, which got us here in the first place and has become out of date. These restrict one's social existence.

There are a Deaf bubble and hearing bubble mentality that is not understood. It creates many mistakes with the stereotype and stigmas. Most hearing people do not understand deaf people. Deaf people already have studied our people. We know that a lot of hearing people overlook our cultural and political information. Many hearing people make the deaf culture and community look bad. The current model of social justices is recognizing the language inequality and end oppression. The role of the legal profession for the deaf community has been disappointing, in many cases. While strides in including women and minorities in the legal profession have been successful, representation of the deaf community is lacking. And this is a story about our struggle as a nation “We, the people, in order to form a more perfect Union,” in U.S. Constitution and our next step is betterment for the community. That’s life goals for both deaf and the hearing, rather than culture of hazing in order to take care of ourselves better.

### Literature Review

Meta-analysis/context of the literature review, a systematic effect of equality and what is important about equality and language discrimination. About the journals grouping conservative journals, liberal journals, disability journals and conservative journals tend to that is attuned to audiological philosophy as a hearing mentalist, and the American With Disabilities Act signed by former President Bush, in 1984. That somehow is asked too quickly and easily misunderstood what it is to be a curious person who has limited premature ideas that cause discrimination and anti-social behavior continues to be a problem. While other journalism may provide a better insight as holism is about thinking outside the box. If you want to understand the whole person, than deaf-ism. Here is a sign language community, rather than a disability community. The



liberal journals are more do not tread on me; you have disability ideas says, “coming out,” there is no social status as a deaf person who has seen discrimination.

Color line and The Deaf, how can one anti-something, in a place where the deaf are under hearing authorities, and there is a mixture that has indecisiveness to the deaf dyconciouness: “dyconscious audism or countertransference—can lead to depression or anxiety and contribute to professional burnout,” (Smith, 2007). Gender equality encompasses access to jobs for people of color.

Gender and racial equality laws provide access to jobs, equal rights, and nondiscrimination. It does not provide the same rights for hearing disabled individuals. “Deaf culturists are strong supporters of the Americans with Disabilities Act because they feel that deafness is not a disability that needs fixing “mixture of feelings,” but this is something for which society should compensate by providing special assistance. “These stratifying factors are the delineations between society members according to perceived cultural, socio-economic and, or physiological differences [...]” (Althor et al. 2016; Tucker 1997).

### Introduction to Literature Review

The issues with these literature view.

The Social Network and Status Attainment Hypothesis of “the strength of weak ties” said that weaker ties tend to form bridges that link an individual to other social circles for information that is not likely to be available in their own circles, and such information should be useful to the individual (Nan Lin, 1999). The problem here doesn’t tell me how this is used. The means are

nonspecific, and you don't find this in searches for journals using deaf. This just goes to show a different flux of research that hasn't been conducted enough. Deaf social capital comes up but no information about deaf social ties

### Discussion of Results

Journals of Deafness give me ideas about the extent of which the research needs to shift. It also shows me the extent of government research grants bribing policymakers based on conservative ideas. A journal by Arizona State Law Professor Bonnie Tucker and this journal discuss Americans with Disability Act (ADA) and Deaf Culture conflicts that are ego boosted by policymakers. Bonnie Tucker, in her conclusion, shows how Deaf culturalists raise a question on affirmative actions which claim disability. And other journals about how conservative ideology harms people with disability and the whole liberal ideology such as Bill Clinton and because conservative believes that liberal values lead to dependency. This is another way of putting it out there which is believed to be an interesting gap with Deaf adults.

I can see how other journals may not include weak ties in this search. While paying attention to searches, I began to wonder about Organization Journals and Government sponsored research journals like NIH. I found a pattern of organizational journals discussing different viewpoints than the more traditional journals. I saw a large gap of deaf adults. There is a lot of research. I feel this is an age skewed in a number of research. Very few in adult development. The mean is correct, and everything is an outlier of anti-socialism.

Are there any conflicts of rights and negative rights? What about some global rights like the positive outcomes in the Irish community? This shows the drop from 32 percent unemployment rate in 1996 to 12 percent in 2006. What is going on with this in a political context?

During my research, it became significantly apparent of the lack of internet applications available to deaf adult needs. The majority of applications are focused on beginner or child American Sign Language (ASL) users, excluding information on increasing adult communication and social interaction skills. Like for example, there's lack of video organization applications to keep your sign videos with the writing.

#### Conclusion of the Literature Review

Social justice and language inequality and how the journals interact with each other, and the tension between the different journals 1) conservative ideas have limits 2) liberal ideas may not address all the concerns and 3) disability journals may lead to some provoking ideas of social identity – to help engage in ideas more freely.

#### Paradigm Shift into Prospective Manner

The politics of the word is different in the locality of the hearing and deaf community. Is the definition of what a deaf person wants the same as a hearing person's perspective? Most likely not. The hearing people are always taking words from the deaf. This is about audism discrimination, like language ethnicity discrimination. Language discrimination is very like racism. It stereotypes based on the use of language within an ethnicity. People often think of the word language discrimination; hearing people usually automatically assume that it has to deal

with race or gender. They presume deafness is a sign of weakness. From here, stems the communication problem! Language rights is a civil rights matter.

Language discrimination: Audism is prejudice towards and oppression of deaf people because of audiocentric assumptions and attitudes. Eckert describes audiocentrism from Harriet Martineau's (1877) autobiography, "it is reasonable to conclude that Martineau considered Deaf children's inability to assimilate into an audiocentric civil society as something that could be attributed to familial dysfunctions. From Martineau's view, hearing parents of Deaf children were disabling their children and thereby blocking assimilation and the proper teaching of morals and manners. Although Martineau did distinguish different needs for congenitally Deaf children from adventitious" (Eckert and Rowley 2013; Kusters 2016). There is a thing as progressive audism. It can be practiced overtly, covertly and aversively, according to Eckert. He describes audism as "the theory and practice of audiocentric privilege is an example of an audism such as mocking or devaluing someone because of their deafness or use of sign language" (Eckert and Rowley 2013; Kusters 2016). Audism is one side, too. One suffers of low self-esteem tends not voice, brainwashed into audism discrimination to benefit oneself.

Audism seeks to recast stereotypes, as science, victimized the community to obscure the failing and self-interest and are so one-sidedness. Same depth of audism with abused some deaf fellow use it. Realizing same depth of 'homophobia', how abused gay men use this as well as sign language interpreters. Cultural deprivation is discussed often in the Deaf community due to the problems with audist interpreter and capitalism idealism.

Self-advocacy can lead to exhaustion. When trying to break down of types of people, it takes severe time and activism and there is a prevailing sense of democracy and losing it.

Identity politics and paradox. ASL and talks codes. i.e., say talk hearing codes “sounds good” modified idioms, i.e., It is nuts when researchers use the expression “fall on deaf ears,” it is not researched, it does not describe well either. The choice of expression shows that the researcher is exclusive. Alternatively, the expression: “Smoke coming out of your ears,” or “play it by eye” instead of “play it by ear,” these are called idiom modifiers.

Social construct and social ties and social capital. Enough information. Schools and teachers for the deaf need to assume greater responsibility for providing social capital to deaf adolescents than they would if they were working with hearing adolescents. According to Linguistic Capital Yosso linguistic capital as the “intellectual and social skills attained through communication experiences” and continues, “However, the specific factors that may serve as “protective” may vary across communities and cultures. Young, Green, and Rogers state that caution is necessary when defining resilience as a response to risk or adversity because it could lead to the assumption that deafness is adversity (Wilkins and Hehir 2018). Lin defines social resources as those resources that are accessible to individuals ‘through one’s direct and indirect ties’ (Lin 1999: 468). Like Granovetter, Lin suggests that ‘weak’ social ties are more important for job recruitment and high-status job attainment than stronger ties. Additionally, Lin proposes an extensity of ties proposition, theorizing that the size of one’s social network is significantly related to ‘richness or diversity in social resources’ (Lin 1999: 483). This might be due to a lack of theoretical commensurability between the operationalized network variables and Lin’s social

resource theory, for instance, trust is sometimes equated as a source of social capital, a form of social capital, or a collective asset resulting from social capital” (Lin 1999).

Some thoughts, I have had about peer review and what are the benefits of peer review and how peer review is organized. How to improve their research with feedback. Hearing people can be an outlier to the means of the deaf society. You can see how society affects you and sweet talk with hands off and you catch them. Moreover, how hearing people fetish on deaf people and their perspective on disability. Deaf social identity and how hearing people’s diminutive just keeps going. Diminutive reduces respect for another culture. What does deaf social identity look like? Let’s take strict father and organic father into perspective. The deaf community has a deaf militant group, which is like ‘deaf power.’ The organic deaf is vanilla, described by their own, tend to be more educated, healthier and liberal ideas, it’s what is the opposite of what cultural deprivation is “Vanilla Deaf” (Antia 2004) tend to be more of an education group. What is misunderstood about militant deaf, i.e., the same misperception of black power? However, when audiologist uses this, it is to justify groups of deaf same. In our culture, we do not say vanilla black, or that is racism.

Deaf centrism (Erting and Kuntze 2017a) on Deaf narratives “Deaf identities through Deaf life stories illustrates the challenges inherent in employing ethno cultural models for understanding Deaf identity especially as these relate to center vs. periphery analyses (in terms of degree of deafness, with more Deaf at the center and less Deaf at the margins, an increasingly problematic model)” (Erting and Kuntze 2017b). Hearing narratives and Deaf narratives, the problem with binary thinking that needs to change. “Sign languages have been stigmatized historically and

Deaf communities have been oppressed, marginalized, and some would argue, colonized by non-Deaf majorities” (Erting and Kuntz 20017b cited Ladd, 2003; Markowicz and Woodward, 1978).

How is deafness defined? A deficit, a disease, or lack of hearing? According to Tom Humphries, audism is defined as “the notion that one is superior based on one’s ability to hear or to behave in the manner of one who hears.” Audism is discrimination, just like sexism and racism; audism is explicitly targeted to the ability of a deaf individual or the deaf community. Audism includes negative expectations towards those who do not speak. Ignoring or not providing accommodations for deaf people, viewing the hearing culture as superior to the deaf culture, not allowing deaf individuals to have a say or input. Deafness is defined with attributed to an affecting attitude (Lee and Pott 2018 cited Bauman & Murray, [2014](#) Bauman, H. D. L., & Murray, J. J., 2014, Brightman, [2013](#) Brightman, B., 2013, [1999](#) , Lane, H. L. 1999) According to Lee, there are two major perspectives on deafness are discussed above. “Negative attitudes among hearing people towards deafness exist when deaf people or Deaf culture is viewed through the pathological perspective because deafness is not considered normal”. Lee continues, “The relationship between attitudes and perspectives of American sign language university students towards deaf people. Defining and discussing these two perspectives is essential, as they can affect how hearing individuals perceive deaf people and may inform future trajectories of the interactions between deaf and hearing individuals” (Lee and Pott, 2018).

Do moral high grounds make sure that people’s voices are heard? “The medical-scientific establishment continues to dominate the public discourse about Deaf people as disabled and damaged, and genetic modification to eliminate Deaf offspring is now regarded as inevitable

(Erting and Kuntze 2017a cited Johnston, 2004; Ladd, 2003; Padden and Humphries, 2005). The challenge for Deaf communities and their ethnographers remains—to overcome the power imbalance, challenge the privileged “voices” in the debate which are never Deaf “voices” (Erting and Kuntze 2017a cited Padden and Humphries, 2005), and to contest the prevailing medical-scientific discourse on “deafness” with a discourse of Deafhood, the process whereby Deaf people struggle to come to an understanding of what it means to become and to be a Deaf person in a Deaf community (Erting and Kuntze 2017a cited Ladd, 2003).

Are the character flaws in the Deaf community or the society? In my literature review, we are talking about audism as language inequality.

What is social justice?

Access to social justices requires leveling the playing fields. Unequal communication access, how audists take advantage of the resources through oppression. To walk on people. “While questions remain to be answered about the status of women and minorities in the professions of law, for my purposes here I would like to turn this question around and point to a small, but important, body of perhaps not surprisingly, the legal profession has been the subject of a significant body of scholarship” (Levitsky et al. 2015). An important thread in this work has focused on, for example, the changing gender and racial composition of the legal profession and attendant mobility patterns. While questions remain to be answered about the status of women and minorities in the professions of law, for my purposes here, I would like to turn this question around and point to a small, but important, body of emerging work that has asked, what are the



consequences of affirmative action for social justice? Among those who examine racial disparities in sentencing, there has been contentious debate about whether and to what extent the racial and ethnic composition of the state or county in which the case is decided is a significant factor. Borrowing from research on workplace stratification that shows that, among other factors, wage gaps decrease as the proportion of women increases, King and coworkers ask whether disparities in sentencing may be a function of the proportion of available minority attorneys in a community. After controlling for a range of typical factors in sentencing scholarship, their findings show rather unequivocally that “racial diversity in the bar results in less racial disparity in criminal sentencing” and lends support to the claim that “substantive representation—having more persons of color making decisions in criminal courts (the justice system)—can minimize racial disparities in criminal courts” (p. 26). How does “leveling the playing field affect those who are subject to the coercive power of the state,” in, for example, sentencing outcomes? (King et al. 2010: 27)” (Seron 2016).

That is having equal access to social justice helps reduce the unemployment within the Deaf community, for example, in the Irish community (Conama 2013). Problems with conflict of conservative ideas to fails to help. “Liberal policies, which tend to encourage dependency, appear in direct conflict with the independent living philosophy. The Americans with Disabilities Act is examined as a disability policy that is largely consistent with conservative principles” (1997). If you have federalist ideas, how people are perceived as a deficit rather than to help them mobilize in the culture.

Problems with conflict of conservative ideas to fails to help. In 10 years unemployment rates dropped by 10 percent within Deaf Irish Community. “To understand the way in which a more radical model of equality,” (Smith 2017), Buttering their bread on both sides? “Planning from a ‘language as a problem’ approach largely used by educators and policymakers to date. Sign Language Peoples (SLPs) from a medical perspective has led to confusion about the meaning of linguistic rights for them and led governments to treat sign language planning differently than that for spoken languages. Political participation is hindered by recognition being offered by governments without substantial commitments to financial resources, changes in government practices or greater inclusion” (Meulder and Murray 2017). If you have federalist ideas, how people are perceived as a deficit rather than to help them mobilize in the culture.

What about the problems with reasonable accommodations that the deaf require?

Problem with the A.D.A. with the Deaf community is if accommodation is provided. The interpreters are certified, but not qualified, due to the pattern in errors in behavior. Once you have accommodated, accessibility has been made. That is the limits of A.D.A.

Example of low accommodation with Deaf parents and Deaf child in mainstream interpreters (IEP programs in public schools). The interpreter’s one-sidedness to others is ill perceived – like hearing perception of the Deaf person by blocking the communication – just like what happens in racism. A.D.A. does not care for appropriate accommodation because access was provided, that is it. Are they also insensitive to social cues?

The idea of people who are audist like to take the idea of fetishizing off people identity, just like how an interpreter blocks access to communication, just because they can abuse it, and justify harm to the deaf person. This creates the audist establishment that comes from conservative stances or ideas. “Many deaf persons who are linguistically and adjudicative incompetent may not be aware of these protections...” (Tucker 1997).

Problem with conservatism is that it is consumer based. Stagnation of appropriate and professional conduction is wildly noticed in the community that affects the family of working Deaf people every day like students at a University.

Interpreters take advantage of Deaf people’s culture and reasoning. What is a human provider versus consumerism? Moreover, which one comes first? Social identity comes first. The framework creates ideology dominates how one fits and feed each other. Human provider more of ‘context-content’, than consumer because what and how they interpret what Deaf says, perception and interpretation, objectively, or failure of communication ‘in one ear, and out the other.’ Sometimes, they do not know what subtle overt discrimination looks like for someone who completely depends on visual communications and not target on education equality for students.

Conflict and animosity with culturalist idea and disability, i.e., deficit v. mobility “that disability dollar must be divided among different programs (such as special education and vocational rehabilitation) and different populations of people with disabilities (for example, blind versus deaf versus mobility limitations versus cognitive deficits versus affective disorders). Depending

upon their specific functional limitations, support networks, skills, and personal resources, different people with disabilities have different potentials for employment and independent living. Finally, determinations must be made as to how to achieve the objectives of selected programs according to specific efficiency and equity criteria” (Tavia 1997). How much money does a deaf person need for a job, re-accommodation as opposed to someone else who does not have it to be productive, how do we distinguish between deaf disability and other people’s disability with only one pile of money? This is no beauty contest. It is disability discrimination and harassment, no matter how hard one works against categorization.

Qualify for the job? Interpreter needs. And job satisfaction with accommodation. The irony of a Deaf person without an interpreter. Those who did not request for accommodation had lower job satisfaction than those who did and those who did not request for accommodation had lower job satisfaction than those who did. More importantly, requests and uses of workplace accommodations are associated with higher levels of job satisfaction and job performance. “Rehabilitation professionals should work with individuals with sensory disabilities in holistic ways in the process of workplace accommodation to enhance the employment rates and job satisfaction” (Dong and Guerette 2013).

Homogeneity ad hoc fallacy with how interpreters get away with barriers block is horrendous and I have seen how audist government, i.e., such idea audist establishment takes control for the greater evil of torturing the community with inappropriate and mean, messy, criticism and blocking students access to people. This happens everywhere.

Governmentality is worse than racism. Progressive and nature with flawed biopower and bioethics. Biology is a private matter. It is nobody else business. It is called 'life' as a language. People who exploit are anti-matter. Remember, one man's exploitation is another man's fetish. No, that is called having power over another or a group. To treat people as others is clearly prejudice and to have power over their language and culture is called biopower. Those who come out on top, always rewrite the story for their control of internal stories and cultural myths. At the heart of audism is the religious belief that Deaf people will hear in heaven. It is a lame assertion, mocking and insulting.

Deaf implicit and explicit with interpreters and the problem with faulty interpreters who do not remain neutral. Audist tends to spy and take advantage of the community. What about hearing researchers? Even with white researchers on black research, we must think twice. This makes double jeopardy and creates burn out from self-advocating. Why is it essential for everyone to have access to social justice? How do people use communication as a weapon? Interpreters. What about music? Do people use guitars as weapons? Sure.

Political satire of the Deaf, Deaf news and Deaf music with rappers helps improve the community insights. I.e., eight worst interpreters drag comedian. This is sad that there is no research on this topic, recent journals. However, very popular connections. Social ties, though social medias Deaf took the gain of video technology, to create their own. Why no research?

Audist is color blind to Deaf, just as a worthless myth. Injustice with technology only benefits the majority, not a privilege of the minority. Turn to deaf ear; anti-social is not the problem.

Why, can't you keep your hands in your pocket, i.e., scapegoating.

This challenges information on misperception, cutting the line with the Deaf movement and echo chambers. There are an overwhelming number of stories about looking to cure people, trying to equate. This does not relate to the living. No wonder we cannot leap into views, like not listening to what is felt that is understood. It must be not being equal in being alongside with others, but not for brown-nosers, it belongs to the crab theory -- pathological thinking which results in a negative stigma towards anyone like saying "loner," but liars, cheats, thieves, and snobs are trash. Brown-nosers make themselves popular with the Deaf Community, usually in a position of authority, an example of hearing authorities, especially by flattering. Jealousy and envy -- some people want the types of people who are very talented and successful and whom they are jealous of to be destroyed. Those are stories that explains a lot of scapegoating throughout the centuries.

Deaf intersectionality with audism, or interpreters who spy and take advantage of the community. Interpreters who poison the community -- intersects with political errors to cognitive errors (re: behaviors). Deconstruction and people's language and other. Moreover, how to change that perception of disempowerment, attitude, and deliberated power to ensure communication is not disempowered but is working to support.

Why do people cooperate? Viability to society. Respect for boundaries. Complying with rules is distinguished from deference by the expectation that people who defer to rules will do so even in

the absence of external losses (sanctions). Similarly, extra-role behaviors are enacted without the anticipation of external gains (incentives). People engage in such behaviors even when they do not anticipate that others will know whether they have done so. ““The myth of self-interest” to capture this idea—that people’s own image of their motivation is skewed in the direction of viewing themselves and others as more strongly motivated by self-interest than is actually the case” (Tyler 1999 cited see Miller 1999; Ratner and Miller 2001).

Birthright to the social imagination of a deaf person, because of child and adult development, gives them a birthright to be deaf. There is a perception of shame or parent-child, are they going to be a part of mainstream or are they going to be a culture of school for the deaf and ethnic problem of classes, including native American. We were all in lower classism of education “pervasive negative attitudes toward the indigenous or natural sign language (ASL) and culture of Deaf.” “Bagga-Gupta’s (1999–2000) ethnographic research in Swedish high school classrooms for Deaf students challenged the educational policy of strict separation of the Swedish Sign Language and Swedish. Taking a sociocultural approach to her exploration of everyday life in these classrooms, she explored the ways in which teachers and students co-constructed visual literacy events through interaction using the cultural tools available to them. Deaf and hearing actors in these visually organized settings chained and mixed the two languages in dynamic, complex, patterned ways that helped make written Swedish more fully accessible to Deaf students” (Erting and Kuntze 2017b).

This lack of human social/capital, the racialization of poverty, “Childhood communication barriers may also risk later food insecurity” (Kushalnagar et al. 2018) and dealt with lack of social cues audism.

Why isn't the government doing enough? What are the problems with representation? What are the issues with Deaf leaders? Deaf leaders are essential, and they offer perspective as a deaf gain rather than loss, which is harmful. Essential to have Deaf diversity leaders, there is not enough, and then there are not enough diverse deaf leaders. Deaf mono identity is not enough, and the closes to role model are educational leaders, “For example, it was found that in school contexts, minority students performed better academically if they were taught by minority teachers” (Cawthon et al. 2016 cites Meier & Stewart, 1992). Why aren't the governors of the states taking actions? Why is the political echo chamber so greedy and sneaky?

The conclusion is I am trying to bring peace to the Deaf community. First, hearing people and deaf people must get along with each other or they are never going to do it on their own. The lack of teamwork has lead to faulty organization. We need people to turn towards each other, and then things do not look so overwhelming. The crisis of the story can either escalate or deescalate that can help the deaf community move forward. It is important for the deaf community to show the society why it is beneficial to them, with teamwork. Inequality issues have proven that teamwork results in a positive outcome for the deaf community and its organizations. We must look to the future to solve our problem in a positive way. It's important to be passionate about communicating with people, and not looking down on people. Compassion is an important tool in working towards our goals.



## References

- Althor, Glenn, Madeleine McKinnon, Samantha Cheng, Carissa Klein, and James Watson. 2016. "Does the Social Equitability of Community and Incentive Based Conservation Interventions in Non-OECD Countries, Affect Human Well-Being? A Systematic Review Protocol." *Environmental Evidence* 5(1):26.
- Antia, Shirin. 2004. "We Are All the Same, We Are All Different. Meadow-Orlans, K., Mertens, D. M., & Sass-Lehrer, M. (2003). *Parents and Their Deaf Children: The Early Years*. Washington DC: Gallaudet University Press. 272 Pages. Hardcover. \$49.95." *The Journal of Deaf Studies and Deaf Education* 9(3):346–346.
- Cawthon, Stephanie, Paige Johnson, Carrie Garberoglio, and Sarah Schoffstall. 2016. "Role Models as Facilitators of Social Capital for Deaf Individuals: A Research Synthesis." *American Annals of the Deaf* 161(2):115–27.
- Conama. 2013. "Situating the Socioeconomic Position of Irish Deaf Community in the Equality Framework." *Equality, Diversity and Inclusion: An International Journal* Volume 32(Issue 2):173–94.
- Dong, Shengli and Amy Guerette. 2013. "Workplace Accommodations, Job Performance and Job Satisfaction Among Individuals with Sensory Disabilities." *The Australian Journal of Rehabilitation Counselling* 19(1):1–20.
- Eckert, Richard and Amy Rowley. 2013. "Audism - A Theory and Practice of Audiocentric Privilege." *Humanity & Society* 37(2):101–30.
- Erting, Carol and Marlon Kuntze. 2017b. "Language Socialization." 383–96.
- Kushalnagar, Poorna, Christopher Moreland, Abbi Simons, and Tara Holcomb. 2018. "Communication Barrier in Family Linked to Increased Risks for Food Insecurity among Deaf People Who Use American Sign Language." *Public Health Nutrition* 21(5):1–5.
- Kusters, Annelies. 2016. "Autogestion and Competing Hierarchies: Deaf and Other Perspectives on Diversity and the Right to Occupy Space in the Mumbai Suburban Trains." *Social & Cultural Geography* 1–23.
- Lee, Chong Min and Scot Pott. 2018. "University Students' Attitudes towards Deaf People: Educational Implications for the Future\*." *Deafness & Education International* 1–20.
- Lin, Nan. 1999. "SOCIAL NETWORKS AND STATUS ATTAINMENT." *Annual Review of Sociology* 25(1):467–87.

Meulder, Maartje and Joseph Murray. 2017. "Buttering Their Bread on Both Sides?" *Language Problems and Language Planning* 41(2):136–58.

Seron. 2016. "The Two Faces of Law and Inequality: From Critique to the Promise of Situated, Pragmatic Policy." *Law & Society Review* 50(1):9–33.

Smith, Kendra. 2017. "Self-Care Practices and the Professional Self." *Journal of Social Work in Disability & Rehabilitation*.

Tavia, ANDREW. 1997. "Ideology and Independent Living: Will Conservatism Harm People with Disabilities?" *The ANNALS of the American Academy of Political and Social Science* 549(1):10–23.

Tyler, T. R. (1999). Why people cooperate with organizations: An identity-based perspective. In R. I. Sutton & B. M. Staw (Eds.), *Research in organizational behavior*, Vol. 21, pp. 201-246). US: Elsevier Science/JAI Press.

Tucker, Bonnie. 1997. "The ADA and Deaf Culture: Contrasting Precepts, Conflicting Results." *The ANNALS of the American Academy of Political and Social Science* 549(1):24–36.

Wilkins, Christian and Thomas Hehir. 2018. "Deaf Education and Bridging Social Capital: A Theoretical Approach." *American Annals of the Deaf* 153(3):275–84.

# Tab 3



## Why Can't They Just Tell Me?!

Montana's Clerks of Court and their staff represent the court; an impartial, neutral body. They are responsible for maintaining court records according to the law.

Court staff are prohibited by law from providing legal advice. They cannot recommend specific actions for individual situations.

What can court staff help with?

- In most situations, court staff can assist court users in accessing files.
- Court Staff can provide information on court procedures and rules.
- Court staff can give general information about community resources for legal information and representation, such as the Court Help Program.

## Where can I get legal assistance?

### **The Court Help (Self-Help) Program**

Free assistance on common civil legal problems, including general help with forms.

[www.courts.mt.gov/selfhelp](http://www.courts.mt.gov/selfhelp)

(406) 841-2975

### **Montana Legal Services Association**

Free civil, noncriminal legal help • Brochures

[www.mtlsa.org](http://www.mtlsa.org)

1 (800) 666-6899

### **MontanaLawHelp.org**

Free Legal Information and Forms • Self-Help  
Landing Page

[www.montanalawhelp.org](http://www.montanalawhelp.org)

### **State Bar of Montana**

Attorney Referral Service (406) 449-6577  
Legal Resources and FAQs

[www.montanabar.org/page/ResourcesandFAQs](http://www.montanabar.org/page/ResourcesandFAQs)

### **State Law Library of Montana**

Civil Guidance and Forms • Legal Research

[www.courts.mt.gov/library](http://www.courts.mt.gov/library)

### **AskKarla.org**

Free Online, Legal Advice • Income Based

[www.AskKarla.org](http://www.AskKarla.org)



### **Important Note:**

This informational brochure is intended to help court users understand the legal process; it is not meant to be legal advice. For legal advice, consult an attorney.

## What Information Can Court Staff Provide?



Navigating laws, court forms and legal procedures can be incredibly frustrating.

Montana's Clerks of Court and their staff can help, but with important limits. Court employees work according to the law and under the principles of:

**EQUALITY,  
IMPARTIALITY, &  
OPENNESS.**

This brochure brought to you by the SCSRL—  
Education and Outreach Subcommittee, of the  
*Access to Justice Commission.*

## LEGAL INFORMATION

Court staff **can** assist the public and court users through neutral statements of law or legal procedure.

(Think in terms of a “how to” answer.)

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### FREQUENTLY ASKED

#### **When can I request a default judgment on my dissolution of marriage?**

Depending on the type of case, court staff may be able recite the corresponding law or rule for requesting a default judgment. For dissolution of marriage (divorce), a request for default judgment may be made 22 days after service was made. You will need to count that out on a calendar.

#### **How can I ask for a hearing?**

If you are a party to a pending court case, a hearing may be requested by filing a motion.

#### **How do I annul my marriage?**

In Montana, the law does not refer to annulment but rather a Declaration of Invalidity. You will have to refer to the requirements of the statutes to determine if you qualify. You can get a copy of the statute and the forms, if needed, from a self help law center.

**TO BROWSE MORE LEGAL TOPICS AND FAQs, VISIT [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org).**

## WHERE CAN I FIND MONTANA’S LAWS?

Montana’s laws, called the Montana Code Annotated (MCA), are available online at [www.leg.mt.gov/bills/mca](http://www.leg.mt.gov/bills/mca).

The MCA is organized by Title, Chapter, Part and Sections or Rules (e.g. MCA 1-1-101).

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### FREQUENTLY REQUESTED

#### **MCA Title 40. Family Law**

[40-4-212. Best interest of child.](#)

[40-4-213. Interim parenting plan.](#)

[40-4-220. Affidavit practice.](#)

[40-4-217. Notice of intent to move.](#)

[40-4-219. Amendment of parenting plan — mediation.](#)

[40-4-234. Final parenting plan criteria.](#)

[40-1-Part 4. Validity of Marriages — Declaration of Invalidity](#)

[42-2-Part 6. Petition to Terminate Parental Rights](#)

#### **MCA Title 25. Civil Procedure**

[Rule 4. Persons Subject to Jurisdiction; Process; Service.](#)

[Rule 6. Computing and Extending Time; Time for Motion Papers.](#)

[Rule 12. Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing.](#)

## LEGAL ADVICE

Court staff **cannot** guide or direct court users by predicting an outcome or recommending a specific course of action based on an individual’s specific circumstances.

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### FREQUENTLY ASKED

#### **What should I file next?**

Clerks cannot tell you what to file next. You can contact an attorney for legal representation, or visit a Self Help Center for general assistance including forms and instructions.

#### **If my spouse does not respond will I get what I asked for in my divorce?**

Clerks cannot tell you what the judge will decide for your case. You will have to wait until your hearing to find out.

#### **Do I need to send these forms by certified mail?**

Because this question depends on the specifics of your legal situation, clerks cannot provide an answer. Refer to the Montana Rules of Civil Procedure, including Rule 4 regarding Service, or consult with an attorney.

**TO LEARN MORE ABOUT THE ROLE OF COURT STAFF, VISIT [www.courts.mt.gov/courts/dcourt/clerks](http://www.courts.mt.gov/courts/dcourt/clerks).**

## Terms and Forms Referred to in this Brochure:

**Petition for Parenting Plan** asks the court to order a plan for the custody and care of minor children.

**Proposed Parenting Plan** outlines the parenting schedule and related parental responsibilities you want the court to adopt.

**Motion to Amend Parenting Plan** asks the court to make changes to your current Parenting Plan.

**Proposed Amended Parenting Plan** outlines the new parenting schedule you want the court to adopt.

A **Motion** is the name of a paper that you must file to ask a judge to make a ruling or to take some other action for you once you have started a lawsuit.

Common types of Motions include Motion for a Continuance, Motion for an Interim Order, and Motion for Expedited Consideration.

**Statement of Inability to Pay/ Request for Fee Waiver** asks the court to waive filing fees in your case.

## Find Forms and Guides:

MontanaLawHelp.org

[www.montanalawhelp.org](http://www.montanalawhelp.org)

State Law Library of Montana

[www.courts.mt.gov/library](http://www.courts.mt.gov/library)

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## Emergency Parenting Actions under Montana Law

(NOTE: This brochure  
does **not** cover Orders  
of Protection)



Montana's courts use **parenting plans** to determine the custody of minor children, including when and where each parent will be with and responsible for each child and other matters such as decision-making and financial responsibilities.

After a judge orders a parenting plan, changes may be requested to reflect any changes in the family situation, through a process called **amending a parenting plan**.

Parenting plan actions can take several months or longer to process through the court system.

In emergency situations, Montana courts may be able to order a **temporary (or "interim") parenting plan or similar order, to protect the safety of the child and parties** while the long-term plan proceeds through the court system.

## 1. Does my Parenting Situation Qualify as an Emergency?

Montana's courts determine parenting matters based on the **Best Interests of the Child**. See the factors outlined in [MCA 40-4-212](#), which include:

- The mental and physical health of all individuals involved;
- Any physical abuse or threat of physical abuse by one parent against the other parent or the child;
- Any chemical dependency, or chemical abuse on the part of either parent;
- The continuity and stability of care; and
- The developmental needs of the child.

Judges may consider **any other relevant factors** such as:

- Whether one parent is refusing to allow the child to have any contact with the other parent;
- Whether a parent or other person residing in that parent's household has been convicted of certain serious crimes; and
- Any situation of physical, sexual, or emotional abuse or threat of physical, sexual, or emotional abuse by one parent against the other parent or the child.

## 2. I have an Emergency Parenting Situation and need a Court Order as Soon as Possible.

(Choose the statement below that most closely describes your situation.)

I don't have a parenting plan and neither parent has filed for one.

I have a parenting plan case pending with the court but I am still waiting on the final order.

I have a parenting plan in place.

I have a parenting plan, but it is from a different state.

My situation does not fit in any of the above categories.

## 3. Potential Options (IMPORTANT: Information Not Legal Advice.)

This brochure has been prepared for general information purposes only. The information provided is not legal advice and cannot replace the advice of an attorney. Legal advice is dependent upon the specific circumstances of each situation and the current laws and rules of your jurisdiction.

You may be able to petition for a parent plan along with a motion for a temporary emergency parenting plan.

You may be able to file a motion for an emergency interim parenting plan.

You may be able to file a motion to amend your parenting plan, along with a motion for an emergency interim parenting plan.

**You should consult with Montana Legal Services Association (MLSA) or a private attorney, or contact a Self-Help Center in your area.**

**Please see the reverse page for contact information.**

# Tab 4



## **Justice for All Project Strategic Action Planning Letter of Intent**

### ***1) Overview of the Montana Justice for All Project***

The Montana Justice for All Project is a collaborative effort of the Montana access to justice community, led by the Montana Supreme Court Access to Justice Commission (MT ATJ Commission) and supported by a diverse and committed contingent of access to justice stakeholders, including the Montana Supreme Court (MT Supreme Court), the Montana Justice Foundation, the State Bar of Montana (MT Bar), Montana Legal Services Association (MT Legal Aid), and the Montana Supreme Court Office of Court Administrator (MT Courts). Over the years, as the MT ATJ Commission has identified gaps and weaknesses in Montana's justice system, the access to justice community has studied, planned, and directed various efforts towards the ultimate goal of achieving a meaningful continuum of information and services to meet the legal needs of all Montanans.

Since submitting our initial Justice for All proposal in October 2016, Montana's access to justice community has continued to catalog legal assistance resources and update the strategic plan to address identified gaps using the Justice for All guidance materials. Without dedicated staff time and professional facilitation, however, these ongoing efforts lack the critical focus that will lead to an informed, strategic process. The inventory assessment, strategic action planning, and implementation steps included in this Project proposal will expand preliminary efforts and firmly ground them in the Justice for All methods.

### ***2) Grant Recipient, Project Leaders, Stakeholders, and Roles***

The Montana Justice Foundation (MJF) submits this application on behalf of Montana's access to justice community and will administer the requested grant funds. MJF is a 501(c)(3) nonprofit organization working to achieve equal access to justice for all Montanans through funding and statewide leadership. MJF was founded in 1979 by the State Bar of Montana to serve as the charitable arm of Montana's legal community and was designated by the Montana Supreme Court in 1986 to collect and distribute IOLTA funds. MJF has the project management experience and statewide relationships necessary to bring this project to successful fruition. An MJF board member serves on the MT ATJC Commission, the MJF executive director chairs the MT ATJ Commission Strategic Planning Committee, and MJF has provided primary staff support to the MT ATJ Commission for several years. With its strong ties to MT Bar, MT Courts, and MT Legal Aid, MJF has the exceptional ability to bring together diverse stakeholders to address the needs and challenges of justice system users.

MJF Executive Director Niki Zupanic will be the lead staff for the Project and responsible for overseeing the inventory assessment, strategic action planning, and evaluation and reporting efforts. Niki joined MJF in 2015 after nearly 15 years in civil rights advocacy, state government, and private practice. Niki was the public policy director for the ACLU of Montana, where she oversaw several successful multi-year grant projects. In 2017, Niki became the chair of the MT ATJ Commission Strategic Planning Committee and



has led the process of reviewing the Commission's mission and goals and developing a set of recommended mid-range strategies and actions.

The Project will be facilitated by consultant Tara Veazey. Tara started her career as an attorney at MT Legal Aid, where she founded and implemented a self-help law program. She coordinated state legislative efforts to secure funding for the MT Supreme Court's self-help law program. She has served on the Commission on Self-Represented Litigants, the Access to Justice Committee (precursor to MT ATJ Commission), the Public Defender Commission, and the MT Legal Aid Board of Directors. Tara also served as the senior health policy advisor to Governor Steve Bullock and was instrumental in the passage and implementation of Medicaid expansion. Tara brings a wealth of project management experience, a deep and holistic understanding of the needs of justice system users, an excellent reputation, and long-standing working relationships with the access to justice and other service provider communities.

The Project actively involves numerous stakeholders across Montana. The MT ATJ Commission Strategic Planning Committee (Strategic Planning Committee) will be the principal entity involved with the inventory assessment and strategic action planning. The Strategic Planning Committee currently includes the following members: MT ATJ Commission Chair and Supreme Court Justice Beth Baker; MJF Executive Director Niki Zupanec; MT Legal Aid Executive Director Alison Paul; former Lewis & Clark County Public Health Officer Melanie Reynolds; Yellowstone County Justice of the Peace David Carter; Law School Partnerships Committee Chair Debra Steigerwalt; and MT Bar Equal Justice Coordinator Ann Goldes-Sheahan. Additionally, MT Courts Administrator Beth McLaughlin and staff have collaborated in building the Project and will continue contributions as the Project moves forward.

The Project's strategic action planning will engage all stakeholders in the access to justice community, many of whom are already active participants with the MT ATJ Commission and its committees. The Project will actively seek participation from organizations and agencies whose primary mission involves the justice system, such as the Montana Coalition Against Domestic and Sexual Violence, American Indian Tribal Courts, the Montana Attorney General's Office, the Montana Justice Department's Office of Consumer Protection and Victim Services, the ACLU of Montana, local pro bono groups, local modest means legal service providers, the Legal Services Developer Program of the Montana Aging Services Bureau, the University of Montana School of Law, the Montana Board of Crime Control, and the Montana Department of Corrections.

The Project will also seek the expertise and viewpoints of local, state, and national organizations and agencies who serve Montana's vulnerable populations. These stakeholders will include the Area Agencies on Aging, the Montana United Indian Association, NAMI Montana, district Human Resource Development Councils, the Montana Primary Care Association (and member community health centers), the Montana Board of Housing, local public housing programs, the Montana Department of Public Health and Human Services, the Montana Office of Public Instruction, the Governor's Office of Indian Affairs, individual Tribal Nation governments, local job services organizations, Health Care Navigator Planned Parenthood of Montana, the Montana Health Network, Disability Rights Montana, Montana Association of Churches, Montana Chamber of Commerce, and the Montana-Wyoming Tribal Leaders Council.



The Strategic Planning Committee is committed to collaborating with these diverse stakeholders to provide the Planning Team with meaningful input in the inventory assessment and strategic action planning. Project leaders will expend significant effort to listen to unique viewpoints and incorporate them into a collaborative strategic action plan reflective of the diverse users of Montana's justice system.

### ***3) Description of Montana's Approach, Vision, and Previous Efforts***

The Justice for All Strategic Action Planning grant opportunity comes at a critical time for Montana. The MT ATJ Commission and its individual partners have been proactive in progressing towards the goal of meaningful access to justice for all Montanans. Each partner is strongly committed to take further action and wants to base that action on actual data to strategically serve the highest needs of system users. Despite successful initial efforts, the Montana access to justice community has lacked a unified methodological approach to conduct a complete inventory assessment and strategic plan and lacks the financial capacity to dedicate necessary staff time. This grant opportunity thus fits hand in glove with the current status of Montana's access to justice movement: we have all committed to this Project and are ready to work together on a comprehensive inventory assessment of Montana's justice system, to create a strategic action plan grounded in this inventory, and to move forward on action driven by that plan.

The MT ATJ Commission created a Strategic Planning Report with the help of a national consultant in 2013, with the vision to "exercise a forward-looking, active role to improve the capacity of the justice system in Montana to meet the needs of its citizens, particularly those who are low income or disadvantaged." This strategic planning process helped coalesce the MT ATJ Commission members around a common, articulated goal and identified multiple strategies for meeting that goal. This document and the Justice for All guidelines have served as the basis for the Strategic Planning Committee's work to create an updated set of goals, recommend strategies, and take initial actions. But there is an acute need for dedicated staffing to spearhead a complete inventory of access to justice in Montana and perform a thorough strategic planning process rooted in the Justice for All components.

Through its initial planning efforts, the MT ATJ Commission has identified priority areas that flow into the Justice for All Project's methodology:

1. Dedicating staff time to complete and maintain a consistent, accurate, and understandable inventory of legal forms and information for self-represented litigants;
2. Maintaining a consistent training and education program for court staff, volunteers, and lawyers on the forms and information available and the difference between providing legal information and legal advice;
3. Developing a web-based platform for connecting pro bono and modest means lawyers with low- and moderate-income Montanans to assist with resolving their legal needs;
4. Developing and implementing court-based pro bono mediation programs for family and self-represented litigant cases; and
5. Increasing resources for providing direct representation to those most in need of legal services who are unable to handle their own needs.



These priority areas were selected based on the MT ATJ Commission's vision to accomplish the "big, audacious goal" of being an "agent for change" of the Montana justice system and to provide real, meaningful access to that system, especially for those Montanans most likely to experience barriers.

Through this initial work, the MT ATJ Commission and its members are poised to take full advantage of a Justice for All Strategic Action Planning grant to reach a common vision of every system user having complete access in each component of the civil justice system. Each member of the MT ATJ Commission has fully committed to dedicate time and resources to help achieve this vision.

These MT ATJ Commission members have sustained collaboration efforts since the Commission's inception by attending quarterly meetings and serving on several active committees: Law School Partnerships; Policy and Resources; Communications and Outreach; and Self-Represented Litigants. Each committee meets regularly and has produced action toward identified access strategies: development of legal forms and instructions for self-represented litigants; training for clerks; completion of a legal needs and barriers assessment; monitoring legislative activity and making recommendations; helping secure permanent state funding for the Court Help Program; successfully proposing a court rule allocating at least 50% of class action residual funds to an access to justice organization; sponsoring an Economic Impact Report of civil legal aid in Montana; successfully developing a system for bar applicants to voluntarily report pro bono activities; and holding public forums throughout the state to both inform strategic efforts and build awareness of access to justice needs.

Recently, the MT ATJ Commission has sustained coordinated efforts to expand its educational campaign, to secure state funding for civil legal aid programs, and to build a court-based mediation project. With the MT ATJ Commission's support, many individual members have also embarked on other collaborative projects. For example, MT Legal Aid, MT Bar, the University of Montana School of Law, and MJF recently launched the Rural Incubator Project for Lawyers, which empowers recent law school graduates to establish innovative law practices that serve underserved low- and moderate-income populations in rural Montana. MT Legal Aid, the MT Courts, and the Montana Department of Justice collaborate to administer a State AmeriCorps project that engages approximately 20 AmeriCorps members each year to increase access to the justice system. This Justice for Montanans project also provides the groundwork for the Commission's data-gathering activities. Other examples of sustained collaborative projects include MT Courts and MT Legal Aid working together to provide staffed Self-Help Centers and kiosks across the state, and the Montana Department of Justice and MT Legal Aid coordinating to provide legal assistance to domestic violence survivors. These collaborative examples demonstrate the deep and lasting connectedness of justice stakeholders in Montana – we all truly believe in our vision and work together to achieve that vision.

#### *Model for Other States*

Montana is an ideal model for other under-resourced states with moderate-size urban communities surrounded by large rural areas. The state of Montana encompasses 145,545 square miles – it takes as long to drive from one end of Montana to the other as it does from Chicago to Washington, D.C. The average population is 6.8 persons per square mile, compared to the national average of 87.4. According to the 2010 U.S. Census, the state ranks fourth in size but 44th in population, with the third lowest population density in the United States. There are seven federally recognized Indian Reservations,



comprising over 8,000,000 acres; each is a sovereign nation with a distinct government and legal system. By 2025, 30% of the population in 42 of Montana's 56 counties will be people age 60 and older—a population with growing legal needs, spread far and wide in a rural state.

The results of this Project will be particularly relevant to other rural states that are struggling to allocate scarce resources to address the urban-rural divide, especially those with American Indian reservations. Like many other rural states, Montana has low IOLTA revenue and limited state funding. Yet Montana has other resources that are either present or replicable in other states: an established Access to Justice Commission with a history of expanding access to justice, a well-regarded legal aid program, a centralized court system, a unified bar association, and a supportive private bar. These assets make Montana's Project a valuable proving ground for the Justice for All Strategic Action Planning methodology and create a successful model for other rural or under-funded states.

Montana can also be a model for other states that have made some progress and are poised to take more steps to increase access to justice efforts. Like many states, Montana has developed some pieces of a well-integrated and highly functioning civil justice system, but has not yet fully catalogued what resources are available where, and how to address the remaining gaps. Montana's Project will be a model to other states that have created various patches and are now ready to pull those patches into a quilt.

#### ***4) Proposed Planning Efforts, Deliverables, and Time-table***

The overall Project goal is to provide meaningful access to justice to all people in Montana through (1) an assessment of Montana's progress on implementing each of the 16 components identified by the Justice for All Expert Working Group's Strategic Planning Guidance Materials as present in a well-integrated, comprehensive justice system, and (2) planning strategic actions the access to justice community will take to move the needle on each of those components. The Project planning efforts will proceed in three organized segments: inventory assessment, strategic action planning, and preparing for implementation.

The Project's first segment will take a renewed, in-depth look at the full spectrum of services offered and resources available across the entire state of Montana. Guided by the Project staff and our consultant, the Strategic Planning Committee will conduct this inventory assessment by utilizing the Justice for All Expert Working Group's Strategic Planning Guidance Materials assessment tools. The inventory assessment will entail a complete review of Montana's progress on deploying the key elements for each component. The inventory process will be tailored to meet the needs of a remote, rural, and large state. The Strategic Planning Committee has committed to take a leadership role in improving access to justice in Montana, and understands that a successful inventory requires consultation with affected populations and end users. The Strategic Planning Committee will take steps to actively involve people with these viewpoints in a meaningful way that honors their capacity to participate.

The Strategic Planning Committee and consultant will build on the planning and assessment efforts already engaged in by the MT ATJ Commission. The MT ATJ Commission created a "Gaps & Barriers" Report in 2014, which detailed civil legal aid available and barriers to accessing that aid. The MT Courts staff has also undertaken a review and compilation of the local resources available in each county. But neither of these efforts were a complete and strategically focused inventory that follows the Justice for All process. The Justice for All grant will provide the committed capacity and methodology to create an



inventory of Montana's specific resources for each component of an integrated access to justice system. At the end of this six-month process, the Project will have a comprehensive inventory reflecting the true status of our access to justice system, organized and clustered by the Justice for All Expert Working Group's Strategic Planning Guidance Material components.

The Project's second segment will focus on planning strategic action steps to move the needle on each of those components. This planning will be firmly based in the realities revealed in the inventory, and prioritized by what is possible in Montana – taking into account regional politics, available leadership, and capacity. The inventory will be analyzed to identify where justice gaps occur in Montana's justice system. The strategic action planning process will involve a larger group of stakeholders, as identified above and detailed below. This larger Planning Team will actively seek the viewpoints of the ultimate justice system users, in particular those without the means to access justice through a private attorney. For example, the Planning Team will conduct electronic surveys of end users, seeking opinions which will be incorporated into the strategic action plan to address on-the-ground concerns.

The Planning Team's strategic action planning efforts will be facilitated by the consultant, who will keep the project strategically focused using the Justice for All Working Group's Strategic Planning Guidance Materials. The strategic action plan will focus on coordinating and integrating actions to fill gaps identified in the analysis of the inventory assessment. The Planning Team will review each of the 16 components in the inventory, determine its priority in the larger picture of Montana's access to justice efforts, develop measurable outcomes for improving efforts on each component, and plan individual, concrete steps that will move Montana's access to justice system toward the ultimate goal of meaningful access to justice for all. At the conclusion of the strategic action planning segment, the Planning Team will have developed a specific plan and timeline for each component, identified the responsible stakeholders for each item, and created detailed benchmarks to assess progress. The result will be a concrete plan for the Project Working Group, the MT ATJ Commission, and other stakeholders who have agreed to accomplish specific, identified tasks. The Planning Team will prioritize strategic actions that fill gaps identified in the analysis of the inventory assessment. We expect this segment to take nine months.

The Project's third and final segment will be taking actual steps to implement priority items from the strategic action plan created in the Project's second segment. In order to build momentum and cement leadership roles, the Project will conclude the grant-supported portion of the Project by taking initial steps identified in the strategic plan. Positive movement towards the measurable outcomes identified will be critical to set the stage for further implementation. This segment will also focus on finalizing deliverable reports – the inventory and the strategic plan – as well as completing evaluations and grant reporting.

Ultimately, the Project anticipates creating (and beginning steps of implementing) the foundation of real change to positively impact access to justice in Montana. Based on recent needs assessments, current resources in Montana can help only 1 in 10 Montanans under 200% of the federal poverty level with their civil legal needs. These needs are exacerbated by extremely rural and remote geography. The Project will work to fill this justice gap by thoughtfully identifying and strategically planning actions that will actually help meet the legal needs of Montanans accessing the justice system.

*Time-table for Grant Activities, with Responsible Parties and Deliverables:*

<b>Dates</b>	<b>Responsible Parties</b>	<b>Task(s)</b>	<b>Anticipated Product(s)</b>
First 30 days	MJF; Strategic Planning Committee	Retain Project Consultant	Executed contract and Scope of Work with Project Consultant
First 30 days	MJF; Strategic Planning Committee; Consultant	Hold preliminary communications and first Project meetings; identify and invite nontraditional interested parties with leadership capacity to join Strategic Planning Committee	Calendar of future Strategic Planning Committee meetings and calls; membership of Strategic Planning Committee expanded
Entire grant term (Months 1-18)	MJF	Maintain grant records, including financial data, and communicate with NCSC as appropriate	Quarterly grant reports
Entire grant term (Months 1-18)	MJF; Strategic Planning Committee; Consultant	Participate in meetings or calls as scheduled; exchange information as requested or as appropriate to Project	-
Months 1-6	MJF; Strategic Planning Committee; Consultant; Interested Parties involved at their capacity level	Agree on assessment strategy; tailor NCSC assessment criteria; conduct individual component assessments; draft and finalize inventory assessment report	Inventory Assessment Report
Months 7-15	MJF; Planning Team; Consultant; Interested Parties involved at their capacity level	Establish strategic planning process informed by NCSC guidance; prioritize and stage components; plan individual components	Strategic Action Plan
Months 16-18	Strategic Planning Committee; MT ATJ Commission; Stakeholders committed to individual action items	Prepare for implementation; begin implementation on identified priority items	Tangible progress toward and/or completed implementation of identified priority items
Month 18	MJF; Strategic Planning Committee; Consultant	Evaluate Project effectiveness; debrief on process and evaluation findings; finalize specific details for continued Project implementation	Evaluation Report and Recommendations



Month 18 and post-grant	MJF	Complete all necessary NCSC grant reports, project summaries, outcomes and financial reviews	Final grant report
Phase 2 – post grant	MJF; MT ATJ Commission; Strategic Planning Committee	Implement strategic plan	Implementation of specific components of strategic plan

##### 5) *Amount Requested and Budget*

The Montana Justice Foundation requests \$74,371 in support of this Project. Below is a detailed Project budget and narrative.

<b>Budget Category</b>	<b>Amount</b>
Personnel	\$13,275
Consultants	\$50,000
Travel	\$6,930
Materials	\$2,000
In-kind Contributions	\$15,000
Indirect	\$2,166 (3% of direct costs)
<b>Total Project Budget</b>	<b>\$89,371</b>
<b>Amount Requested</b>	<b>\$74,371</b>

*Personnel:* MJF Executive Director: 0.1 FTE over 18 months to coordinate and oversee the Project and supervise and guide the consultant. The MJF Executive Director will act as the MJF liaison for the Project and will be responsible for ultimate oversight of the project, ensuring appropriate program design, and preparation of grant progress reports. The personnel amount includes both salary and standard MJF fringe benefits.

*Consultant:* MJF has not finalized a consultant contract with Tara Veazey, but has sought her participation in the planning process. The budgeted amount for the consultant's services represents an estimated 400 hours of planning, facilitation, analysis, and drafting, at a rate of \$125 per hour. This hourly rate is the standard rate of qualified consultants in Montana for similar projects. The consultant's scope of services will include facilitating the Strategic Planning Committee and Planning Team, coordinating meetings of stakeholders, guiding and conducting the inventory analysis, guiding and conducting the strategic planning process, compiling data and contributing to evaluation reports, and drafting the inventory and strategic plan reports.

*Travel:* The Project Consultant and MJF Executive Director will travel for collaboration of statewide stakeholders and to create a true inventory of the Montana access to justice system. Travel to meetings is required to coordinate the project partners and implement the project over the remote, rural state of Montana. Most travel will be day trips, although occasionally an overnight stay is required because of the size of Montana (over 600 miles to cross the state). The estimated travel costs also include providing mileage reimbursement to Project participants who would otherwise be unable to travel to and attend Project meetings, helping to ensure meaningful participation from underserved communities.



Budgeted travel costs include:

- Lodging at \$100 per night at 5 nights for 2 people: \$1,000
- Meal Per Diem at \$42 per day at 20 days for 2 people: \$1,680
- Mileage at 7,500 miles at \$.54 per mile: \$4,050
- Incidentals (e.g., parking) at \$100 per 2 people: \$200

*Materials:* MJF anticipates costs for printing and postage for the guidance materials, evaluation tools, and reports. This line item also includes supplies for Project meetings and stakeholder convening.

*In-Kind Contributions:* Members of the Strategic Planning Committee and partner organization staff expect to contribute at least \$15,000 worth of in-kind time and support to the Project. This amount includes administrative staff support from MJF and MT Legal Aid, and time contributed by Strategic Planning Committee members.

*Indirect Costs:* MJF has included an indirect cost rate of 3% of the Project's direct costs.

#### **6) Documentation, Evaluation, and Reporting**

With assistance from the Consultant, the MJF Executive Director will evaluate and report on Project progress and results. MJF will internally evaluate Project progress by preparing and submitting quarterly written assessments of advancement towards the Project goals, completion of the benchmarks identified in the Project timeline, and any challenges encountered or other observations about the Project.

In addition to evaluating Project progress within the grant term, the Strategic Planning Committee will include a similar evaluation process within the strategic action plan itself. Following the strategic planning guidance materials, the individual component planning will include creating outcome measures for tracking component progress, and a specific timeline identifying responsible parties for deploying the action plan steps. Expected Project outcomes will include: completion of the inventory assessment; final strategic plan; successful completion of strategic actions to fill justice gaps; improved ability to navigate legal system noted in surveys of Montanans accessing the justice system; and improved knowledge of resources available to help access justice noted in surveys of Montanans accessing the justice system. Ongoing evaluation of the plan's implementation – both during the grant period and thereafter -- will be conducted by MJF, as lead support staff for the MT ATJ Commission. A clear timeline and benchmarks for documentation and reporting of that evaluation process will be included in the strategic action plan.

The evaluation process will include formative and summative approaches, and qualitative and quantitative methods of analysis. Formative evaluation will examine and assist in improving the action plan's early implementation. Summative evaluation will determine whether plan objectives are achieved on pace with the action plan's timeline. Project evaluations will be based on both qualitative and quantitative data and will include interviews and surveys of justice system users and stakeholders about the effectiveness of implemented strategies and the usability, usefulness, and accuracy of any innovations. Strategic Planning Committee members, such as MT Courts and MT Legal Aid, will provide evaluation data regarding justice system users and their experiences.

## COMMITMENT TO SUPPORT

1. The signatories agree to collaborate to provide meaningful access to justice to all people in Montana through (1) an assessment of Montana's progress on implementing each of the 16 components identified by the Justice for All Expert Working Group Strategic Planning Guidance Materials as present in a well-integrated, comprehensive justice system, and (2) planning strategic actions the access to justice community will take to move the needle on each of those components as most relevant in Montana.
2. We, the undersigned, have read and support this proposed grant Project.

BY: 

**Mike McGrath, Chief Justice**  
Montana Supreme Court  
215 North Sanders  
Helena, MT 59620

BY: 

**Beth McLaughlin, Court Administrator**  
Montana Supreme Court  
Office of Court Administrator  
301 South Park Ave, Room 328  
Helena, MT 59601

BY: 

**Beth Baker, Montana Supreme Court Justice**  
Montana Supreme Court Access to Justice Commission Chair  
215 North Sanders  
Helena, MT 59601

## AWARD RECIPIENT

BY: 

**Niki Zupanic, Executive Director**  
Montana Justice Foundation  
PO Box 1917  
Helena, MT 59624

# Montana Access to Justice Commission

## [DRAFT] Priority Strategies and Activities

Access		
Objective Statement	Strategies and Activities	Lead Committee
Develop and advocate for adequate support and resources for people to have their legal issues fully resolved in a fair, timely, and appropriate manner	1. Create a mechanism for the ongoing development, review, and updating of standardized, plain-language forms and instructions for use by self-represented litigants	Self-Represented Litigants Committee
	2. Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community  <i>(see also under Coordination)</i>	Self-Represented Litigants Committee
	3. Research and make recommendations to streamline and simplify court procedures, rules, and processes in areas of law with a high volume of self-represented litigants	Policy and Resources Committee

## Coordination

Objective Statement	Strategies and Activities	Lead Committee
Coordinate legal assistance providers, the law school, the bar, and other entities to foster an effective and efficient statewide, integrated civil legal services delivery system that addresses the relationships between civil legal needs and non-legal issues	1. Support innovative programs among other stakeholders, such as incubator programs and expanding statewide pro bono and limited scope opportunities for law students	Law School Partnerships Committee
	2. Develop and maintain mechanisms for linking Montanans who have legal problems with the programs, attorneys, and service providers who may be able to assist with their particular issues in their community  <i>(see also under Access)</i>	Self-Represented Litigants Committee

## Education

Objective Statement	Strategies and Activities	Lead Committee
Increase support for improving access to justice, recognizing the value of a strong, adequately-funded civil legal services delivery system, and addressing the relationships between civil legal needs and non-legal issues	1. Create a library of educational materials promoting access to justice programs, with up-to-date and relevant statistics and information, and develop a mechanism for regularly updating and disseminating those materials on a variety of platforms	Education and Outreach Committee
	2. Develop and seek publication of news articles, opinion-editorials, and informational pieces on the importance of legal aid, pro bono service, and access to justice	Education and Outreach Committee



## Resource Development

Objective Statement	Strategies and Activities	Strategy Leader
Secure adequate, sustainable funding to create and maintain an effective continuum of services for resolving civil legal problems, both in and out of court, and to increase the capacity and infrastructure available to support those services	1. Advocate to the legislature for civil legal aid funding	Policy and Resources Committee

# Tab 5

# Guidance for Interpreter Services

NOTE: This guidance covers interpreter services for non-English language interpreters and sign language interpreters.

## NOTIFICATION:

1. It is not necessary for a person to make a specific request for interpreter services when the need is obvious. If a person is unable to clearly understand English or has a hearing impairment, they should be asked if they need an interpreter to assist them.
2. If a person requests an interpreter, make plans to provide that interpreter regardless of your understanding or belief of the person making the request. Do NOT rely on your observations to make a determination as to whether a person really needs an interpreter.
3. Derrek Shepherd, the Court Services Director, is available to assist with questions or to provide guidance ([DShepherd3@mt.gov](mailto:DShepherd3@mt.gov) or (406) 841-2982).

## PROCESS:

1. When a person requests an interpreter, I recommend asking them if they have any preferences as to a particular person, company, or technology to be used. If possible, use the person, company, or technology that the person requests. First preference must be given to the accommodation requested.
2. It is also necessary to make sure the person, company, or technology is certified to provide translations for that particular situation. If the situation is legal action, the person, company, or technology should be certified to provide interpretations in courtrooms and for testimonies because legal terminology can be difficult to interpret.
3. Do NOT recommend or suggest the person use a family member for translation services. If the person asks to use their own family member, suggest the use of another service to ensure certification and proper communication. Technical and legal terminology can be difficult for interpretation and should not be left to uncertified individuals.



4. It is our responsibility to pay for the interpreter services. We are required to find an effective method of communication for the individual. If the individual requests a service that is very expensive, we can use an alternate method as **long as we ensure "effective" communication.**

#### METHODS/TECHNOLOGY OPTIONS FOR INTERPRETATION:

There are various methods for interpretation:

1. For individuals who have a hearing impairment, there are sign language interpreters, Video Relay Interpreters (VRI), and Communication Access Realtime Translation (CART). Each of these come with their own limitations. For example:
  - a. Sign language interpreters are not available in every city in Montana. Additionally, they can only work for about 20-30 minutes before they need a break. Interpretation services lasting over an hour will need at least two interpreters.
  - b. VRI requires fast internet connections, but they provide the interpreter with the ability to see evidence or objects that are being referenced.
  - c. CART might also need to ensure video access to the interpreter to see evidence or objects referenced. Contact the company to see how they manage those situations.
2. For individuals who need language interpreters, there are companies that provide interpretation services for a wide range of languages. Again, we would need to work with those organizations to determine if video would be provided to the interpreter so they can see who is talking or what is being referenced.
  - a. Unfortunately, most cities in Montana will not have access to an in-person interpreter.
  - b. If you do have access to an in-person interpreter, ensure they are certified to translate in a legal setting.
3. I strongly recommend having someone monitor the interpretation service during the process to ensure proper communication. The interpreter needs to be able to hear what is going on, keep up with the conversation, and interpret everything to the individual. The individual needs to be able to notify someone if there is something he/she does not understand and the interpreter needs to have the ability to notify someone if there is a connection problem or a procedural issue such as people talking over one another or people standing too far from the microphone.

# Tab 6

**Montana Access to Justice Commission**  
***Civil Legal Aid Account***  
**Approved by Montana Access to Justice Commission 6/8/2018**

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING THE CIVIL LEGAL AID ACCOUNT; INCREASING FEES FOR CERTAIN FILINGS IN DISTRICT COURT; PROVIDING A STATUTORY APPROPRIATION FOR COSTS OF PROVIDING CIVIL LEGAL AID TO PERSONS OF LIMITED MEANS; AMENDING SECTIONS 3-1-702, 3-2-714, 17-7-502, 25-1-201, 25-9-506, AND 44-7-202, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Civil legal aid account.** (1) There is a civil legal aid account in the state special revenue fund. The revenue in the account must be used solely to provide legal assistance or alternative dispute resolution to persons of limited means in civil legal matters. Programs funded by the account are intended to improve court efficiency, reduce delays, and help all court users save time and money by resolving their disputes more quickly.

Explains primary purpose of the bill: funding for civil legal aid to help Montanans have a fair day in court and to improve court efficiency for everyone.

(2) The supreme court administrator shall establish procedures for the distribution and accountability of money in the account. To be eligible to receive funds from the account, a service provider must be a tax-exempt organization and be one of the following:

(a) A 501(c)(3) non-profit organization in operation for at least one year that ordinarily renders or finances legal services to persons of limited means in civil matters or has a primary focus of coordinating volunteer or reduced-fee legal services to provide attorney representation to Montanans of limited means;

(b) A legal aid clinic of an accredited law school operating exclusively in Montana; or

(c) A court-connected mediation program attached to a district court or a justice court.

Funding recipients must be not-for-profit, with focus on helping Montanans of limited means with civil legal problems, or court-based mediation programs for civil cases.

(3) Money disbursed from the account cannot be used to bring a suit against the State of Montana or other governmental entity; acquire land or buildings; provide legal advice or representation on criminal matters; support lobbying, as defined by § 5-7-102(11), MCA; or pay attorneys employed in private law firms.

Prohibits use of grant funds to sue the government, hire private lawyers, lobby, or represent criminal defendants.

(4) Money in this account is statutorily appropriated, as provided in 17-7-502, to the office of the court administrator for purposes provided in subsection (1).

**Section 2.** Section 3-1-702, MCA, is amended to read:

**3-1-702. Duties.** The court administrator is the administrative officer of the court. Under the direction of the supreme court, the court administrator shall:

(1) prepare and present judicial budget requests to the legislature, including the costs of the state-funded district court program;

(2) collect, compile, and report statistical and other data relating to the business transacted by the courts and provide the information to the legislature on request;

(3) to the extent possible, provide that current and future information technology applications are coordinated and compatible with the standards and goals of the executive branch as expressed in the state strategic information technology plan provided for in **2-17-521**;

(4) recommend to the supreme court improvements in the judiciary;

(5) administer legal assistance for indigent victims of domestic violence, as provided in **3-2-714**;

**(6) administer civil legal assistance for persons of limited means, as provided in [section 1];**

Supreme Court Administrator will administer the new account; Access to Justice Commission has adopted guidelines for administration of the funds.

~~(6)~~(7) administer state funding for district courts, as provided in chapter 5, part 9;

~~(7)~~(8) administer and report on the child abuse and neglect court diversion pilot project provided in **41-3-305**;

~~(8)~~(9) administer the pretrial program provided for in **3-1-708**;

~~(9)~~(10) administer the judicial branch personnel plan; and

~~(10)~~(11) perform other duties that the supreme court may assign.

**Section 3. Section 17-7-502, MCA, is amended to read:**

The civil legal aid account will be statutorily appropriated to the Court Administrator

**"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: **2-17-105; [section 1]; 5-11-120; 5-11-407; 5-13-403; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-3-1304; 10-4-301; [10-4-304;] 15-1-121; 15-1-218; 15-35-108; 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-**

**70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-106; 17-3-112; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-51-501; 37-54-113; 39-71-503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-6-1304; 53-9-113; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 69-3-870; 69-4-527; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 75-26-308; 76-13-150; 76-13-416; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-10-103; 82-11-161; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-3-1003; 90-6-331; and 90-9-306.**

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with **17-2-101** through **17-2-107**, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. *(In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of **19-20-604** terminates contingently when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 10, Ch. 10, Sp. L. May 2000, secs. 3 and 6, Ch. 481, L. 2003, and sec. 2, Ch. 459, L. 2009, the inclusion of **15-35-108** terminates June 30, 2019; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of **19-6-410** terminates contingently upon the death of the last recipient eligible under **19-6-709**(2) for the supplemental benefit provided by **19-6-709**; pursuant to sec. 6, Ch. 61, L. 2011, the inclusion of **76-13-416** terminates June 30, 2019; pursuant to sec. 11(2), Ch. 17, L. 2013, the inclusion of **17-3-112** terminates on occurrence of contingency; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion of **53-9-113** terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of **50-1-115** terminates June 30, 2021; pursuant to sec. 28, Ch. 368, L. 2015, the inclusion of **53-6-1304** terminates June 30, 2019; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of **85-25-102** is effective on occurrence of contingency; pursuant to sec. 5, Ch. 422, L. 2015, the inclusion of **17-7-215** terminates June 30, 2021; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of **22-3-116** and **22-3-117** terminates June 30, 2025; pursuant to sec. 10, Ch. 427, L. 2015, the inclusion of **37-50-209** terminates September 30, 2019; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of **20-9-905** terminates December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of **37-54-113** terminates June 30, 2023; pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of **10-3-1304** terminates September 30, 2025; pursuant to sec. 55, Ch. 151, L. 2017, the inclusion of **30-10-1004** terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L. 2017, the inclusion of **90-6-331** terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the inclusion of **81-1-112**, **81-1-113**, and **81-7-106** terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017, the inclusion of **22-1-327** terminates July 1, 2023, and pursuant to sec. 2, Ch. 340, L. 2017, and sec. 32, Ch. 429, L. 2017, is void for fiscal years 2018 and 2019; pursuant to sec.*

31(2), Ch. 367, L. 2017, the inclusion of **10-4-301** terminates July 1, 2018, and the inclusion of **10-4-304** is effective July 1, 2018; and pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of **76-17-103** terminates June 30, 2027.)

**Section 4.** Section 25-1-201, MCA, is amended to read:

**“25-1-201. Fees of clerk of district court.** (1) The clerk of district court shall collect the following fees:

- (a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, ~~\$90~~ **\$170**; for filing a complaint in intervention, from the intervenor, ~~\$80~~ **\$170**; for filing a petition for dissolution of marriage, \$170; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;
- (b) from each defendant or respondent, on appearance, ~~\$60~~ **\$100**;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) (i) except as provided in subsection (1)(d)(ii), for preparing copies of papers on file in the clerk's office in all criminal and civil proceedings, \$1 a page for the first 10 pages of each file, for each request, and 50 cents for each additional page;

(ii) for a copy of a marriage license, \$5, and for a copy of a dissolution decree, \$10;

(iii) for providing copies of papers on file in the clerk's office by facsimile, e-mail, or other electronic means in all criminal and civil proceedings, 25 cents per page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, \$2 for each name for each year searched, for a period of up to 7 years, and an additional \$1 for each name for any additional year searched;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another

<p><b>Funding source:</b> creates parity in civil filing fees by raising fees in general civil actions to match the filing fees currently paid in marriage dissolution or parenting plan cases. Also raises defendants' appearance fees. Civil filing fees have not been changed for 20 years, and a defendant's appearance fee has not been raised for 28 years.</p>
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court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, \$53;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$53;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75;

(r) for filing a pleading by facsimile or e-mail in all criminal and civil proceedings, 50 cents per page.

(2) Except as provided in subsections (3) and (5) through (7) fees collected by the clerk of district court must be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$19 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal

All moneys raised by this bill will be deposited in the new special revenue account.
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assistance for indigent victims of domestic violence account established in 3-2-714 and \$80 must be deposited in the state special revenue account established in [Section 1].

(6) Of the fee for filing a complaint in intervention, \$90 must be deposited in the state special revenue account established in [Section 1].

(7) Of the fee collected on appearance from each defendant or respondent, \$40 must be deposited in the state special revenue account established in [Section 1].

~~(6)~~ (8) The fees collected under subsections (1)(d), (1)(g), (1)(j), and (1)(r) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

~~(7)~~ (9) Of the fee for issuance of a marriage license and the fee for filing a declaration of marriage without solemnization, \$13 must be deposited in the domestic violence intervention account established by 44-4-310, and \$10 must be deposited in the county district court. If a district court fund does not exist, the fees must be deposited in the county general fund to be used for district court operations.

~~(8)~~ (10) Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund.”

**Section 6.** Section 25-9-506, MCA, is amended to read:

“**25-9-506. Fees.** (1) Except as provided for in subsection (2), a person filing a foreign judgment shall pay to the clerk of court a fee of ~~\$60~~ 100, of which \$40 must be deposited in the state special revenue account established in [Section 1].

(2) Fees for docketing, transcription, or other enforcement proceedings must be as provided for judgments of the district court.

(3) Fees collected by the clerk of district court not otherwise specifically allocated must be forwarded to the department of revenue for deposit in the state general fund.”

**Section 7.** Section 44-7-202, MCA, is amended to read:

**Funding Source:** Also increases fees for filing foreign judgments (those from out of state). These fees have not increased for 30 years. All new fees are deposited in the special revenue account.



**“44-7-202. Domestic violence intervention account --  
administration by board of crime control.**

(1) There is a domestic violence intervention account in the state special revenue fund in the state treasury. There must be paid into this account the designated filing fees paid under **25-1-201** ~~(7)~~(9) to the clerk of the district court. The money deposited in the account must be used for services provided under 44-7-201.

Numbering change only

(2) Funds deposited in the account may be expended by the Montana board of crime control, as provided for in **2-15-2306**, to fund services and activities under and payment of administrative costs of the domestic violence intervention program provided for in **44-7-201**.

**Section 8. Reporting.** The supreme court administrator shall submit a report to the Law and Justice Interim Committee on or before September 30, 2023, documenting the amount of revenue deposited in the state special revenue account established in [Section 1], the amount of funds distributed pursuant to [Section 1], and the nonprofit organizations to which funds were distributed. The report shall include a summary of the legal services provided to persons of limited means by organizations receiving funds under [Section 1] and information concerning the impact, if any, on court efficiencies and caseloads.

**Accountability and Review:**  
Court Administrator must give the Law and Justice Interim Committee a status update within four years after the bill becomes law.

**Section 9. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 3, chapter 2, part 7, and the provisions of Title 3, chapter 2, part 7, apply to [section 1].

**Section 10. Effective date.** [This act] is effective July 1, 2019.

**Section 11. Termination.** [This act] terminates June 30, 2025.

If not reauthorized by the Legislature, the legislation will expire within six years, and the new fee increases will terminate.

## **Protocol for Administration of the Montana Civil Legal Aid Account**

### *Montana Access to Justice Commission 2018*

The Access to Justice Commission’s proposed legislation establishes a special revenue account to provide legal assistance or alternative dispute resolution to persons of limited means in civil legal matters. It requires the Supreme Court Administrator to establish procedures for the distribution and accountability of the money in the account.

#### **A. General Information**

The bill proposes to establish a special revenue account (“Account”) funded by a portion of civil court filing fees to provide funding to civil legal aid programs for Montanans of limited means. The Account will be administered by the Office of the Court Administrator, who will review all grant applications, have decision-making authority regarding the number of grantees and the grant award amounts and will distribute the money. All nonprofit organizations awarded funds must meet all eligibility standards and criteria established by the Office of the Court Administrator in a Request for Proposals.

For the purposes of the bill, civil legal aid is legal representation or advice for people who cannot afford to pay for services of a lawyer to help them resolve a legal issue. Civil legal aid also helps people resolve their legal problems without having to go to court.

Grants should not exceed a period of longer than 12 months.

#### **B. Eligible Services and Objectives**

**1. Objectives:** Programs funded by the Account are intended to improve court efficiency, reduce delays, and help all court users save time and money by resolving their disputes more quickly. An additional objective is that civil legal aid will produce economic benefit to clients and their communities in the form of direct recovery to clients, cost savings, and other indirect benefits, such as child support payments to domestic violence survivors, medical benefits to people with disabilities, and financial stability to families.

**2. Eligible Services:** All disbursements from the Account are for the sole purpose of providing civil legal services to persons of limited means. Examples of eligible services include, but are not limited to: outreach; community legal education; legal advice by phone or through use of technology; supportive services for self-represented litigants; support for volunteer programs that provide civil legal aid; systems for alternative dispute resolution; representation by staff attorney programs; preparation of legal forms and instructions; and program management and support which enables an organization to provide legal services to people of limited means, either directly or through technological means.

- 3. Ineligible Services or Activities:** Money disbursed from the Account cannot be used to:
  - a. Bring a suit against the State of Montana or other government entities;
  - b. Acquire land or buildings;
  - c. Accumulate or transfer grant funds;
  - d. Provide legal advice or representation on criminal matters;
  - e. Support lobbying, as defined by § 5-7-102(11), MCA; or
  - f. Pay attorneys employed by for-profit law firms.
- 4. Eligible Service Providers:** Service providers must be a tax-exempt organization and meet one of the four following criteria:
  - a. Must be a 501(c)(3) non-profit organization in operation for at least one year that ordinarily renders or finances legal services to persons of limited means in civil matters or has a primary focus of coordinating volunteer or reduced-fee legal services to provide attorney representation to Montanans of limited means;
  - b. Legal aid clinics of accredited law schools operating exclusively in Montana; or
  - c. Court-connected mediation programs attached to a district court or a justice's court.

Eligible service providers must also demonstrate the capacity to cooperate with state and local bar associations, pro bono programs, private attorneys, and other entities and organizations to increase the availability of legal services to Montanans of limited means.

### **C. Application Procedures**

Under the direction of the court administrator and pursuant to Montana Procurement Act, the Office of the Court Administrator will issue Request for Proposals (RFPs) for the award of grants from the Account. The form and content of the RFP(s) is determined by the Court Administrator, with such assistance from the Montana Supreme Court Access to Justice Commission as the court administrator may request. The evaluation criteria used by the court administrator in determining RFP awards will be contained in the RFP. Civil legal services providers will be selected by the court administrator based on review and rating of submissions by the court administrator. Service providers will be required to formalize the award through a Contract with the Court Administrator's office, as required by state law.

### **D. Administrative Procedures**

**1. Funds Disbursements:** All funded service providers will be required to adhere to the state procurement laws, regulations and other procedures established by the Court Administrator's Office to ensure that all funds are expended in accordance with state law. The Court Administrator's Office shall require an annual accounting from each organization receiving the funds. Funds will be distributed to recipients as specified in the Contract. Account disbursements must be included in the service provider's budget process and financial reports. Account expenditure documentation must be provided to the Court Administrator's Office as outlined in the Contract. The court administrator may request additional oral or written reports from service providers as deemed necessary.

**2. Limitations of Funds and Time:** All disbursements from the Account are contingent upon sufficient revenue credited to the Account. Unexpended or unencumbered balances in the Account at the end of the fiscal year remain in the Account to carry out the provisions contained in the Act in the next fiscal year. No grant shall be for a period longer than 12 months.

**3. Supplemental Funding:** Should additional Account monies become available, the Office of Court Administrator may call for and act on additional RFPs from eligible service providers.

### **Civil Legal Aid Account Grant Application Policies and Guidelines**

#### **A. Application and Grant Policies**

Under the Civil Legal Aid Account Request for Proposals, the proposals must specifically address each element below.

- 1. Eligible entities and organizations:** Eligible Account recipients must be non-profit organizations or entities formed as 501(3)(c), legal aid clinics of accredited law schools operating exclusively in Montana, or court-connected mediation programs attached to a district or justice's court.
- 2. Identification of grant recipient:** The proposal must identify the entity that will receive and administer the grant funds.
- 3. Signatures:** Required signatories include the Executive Director of the applying non-profit entity.
- 4. Description of deliverables/Executive Summary:** Proposals should describe specifically the activities, projects, and programs with objectives and outcomes that will be funded under the proposal, and a time-table for those activities.
- 5. Amount requested and budget:** A descriptive budget that includes cost of personnel, consultants, travel, materials, in-kind contributions, and indirect costs together with a short narrative for each category must accompany all grant applications.
- 6. Description of approach:** The application should describe how the proposal will meet the needs outlined in The Account Priorities and Guidelines.
- 7. Length:** The application should be no more than 20 pages.

#### **B. Criteria for Selection**

The court administrator will consider a variety of factors when making award decisions, including the degree to which the proposal meets the objectives outlined in the RFP, combined with priority special consideration given to proposals addressing the unmet legal needs of underserved and unserved populations or geographic locations in the following priority purpose areas:

- 1. Persons served in locations that lack access to legal services;**

2. Persons who, by virtue of age, disability, or other demographic barriers, lack the ability to access or utilize legal services;
3. Programs reaching broadly across the entire state, including those that use technology in helping Montanans access legal information and resources;
4. Programs facilitating the ability of Montanans of modest means to find attorneys they can afford;
5. Programs providing services for domestic violence survivors, including orders of protection, parenting plans, and dissolutions (if applicable);
6. Alternative dispute resolution programs for high-volume self-representation cases such as family law and landlord-tenant matters;
7. Development of forms and instructional materials for court processes easily made available to and used by self-represented litigants throughout Montana;
8. Programs designed to address civil legal disputes involving monetary damages of \$12,000 or less; and
9. Programs that have shown proven success in other jurisdictions and can be tailored for application in Montana.

## **Access to Justice Commission Filing Fee Legislation**

### **What is the Access to Justice Commission?**

- Created by the Supreme Court in 2012. **18** members, representing the legislature, state and local courts, the Attorney General's office, tribal communities, the State Bar, the business community, the law school, and legal service providers.
- The Commission evaluates the ability of Montanans to access our court system, engages in long-range planning, and coordinates efforts to improve efficiencies to help all court users to get their legal issues addressed.

### **What will this legislation do?**

- Creates a fund to provide legal information and assistance to ordinary Montanans who cannot afford an attorney to help with their civil legal problems.
- These are issues like protecting survivors from domestic abuse, securing child support for parents, avoiding consumer scams against seniors, and helping returning veterans obtain benefits.

### **Who will pay?**

- This proposal does not raise taxes and does not take money from the general fund.
- It equalizes court filing fees in civil cases filed in district courts. If it passes, a plaintiff filing a contract or personal injury case will pay the same amount that someone filing a marriage dissolution action pays now. The bill raises court filing and appearance fees only for cases that have had stagnant filing fees for decades.
- Only people using the court system who can afford to pay a filing fee will pay. People unable to pay a filing fee will still be able to get a fee waiver.

### **Why do we need this?**

Montana's justice system faces significant challenges:

- First, many Montanans are coming to court on their own with truly desperate situations that the courts need to address;
- Second, the resulting pressures on the court system bring hardship to everyone else who is waiting their turn in a crowded docket. The wheels of justice spin slower and slower, and no one is well served.

### **Who will benefit?**

- All court users will benefit by helping the courts operate more efficiently.
- Veterans, domestic violence survivors, children of single parents, senior citizens, victims of consumer scams, people struggling to stay in their homes, and Montanans in rural areas with few lawyers will benefit by getting the help they need to navigate legal situations.
- Montana communities will benefit by helping secure financial stability for families, child support for parents, and hard-earned benefits for veterans and people with disabilities.



# Justice for All

## Making Our Court System Work for All Montanans

CHILDREN • SENIORS • VETERANS • THE DISABLED • MINIMUM WAGE WORKERS • VICTIMS OF ABUSE

### Civil Legal Aid

For over 50 years, Montanans providing civil legal aid to their neighbors have:

- Helped domestic violence survivors escape abuse
- Fought scams on consumers, especially seniors
- Preserved housing and improved housing conditions
- Helped returning veterans rebuild their lives

"Ernest" received a letter early in the winter informing him his monthly rent would double, effective the next month. As a 74-year-old disabled veteran living in federally subsidized, low-income housing, Ernest would have to spend over 70% of his social security income to meet the doubled rent, leaving him very little for other basic necessities. Ernest knew he couldn't afford it and was afraid he would be evicted and homeless in the middle of Montana's harsh winter.

He contacted MLSA to ask for help keeping a roof over his head. An MLSA attorney requested a reasonable accommodation for Ernest at the housing authority. With MLSA's help, Ernest now pays an affordable rent of 30% of his income. Grateful for his attorney's assistance, Ernest wrote a thank you letter:

"The Case settled in my favor, and I don't have to worry about being homeless. I am a 74-year-old Veteran, and I could not move if had wanted to. Your service was terrific."

### Having Your Day in Court

Equal justice for all?



**188,687 Montanans – 18% of our state's population – qualify for civil legal aid at or below 125% of the federal poverty level.**

(Federal poverty level is \$24,250 for a family of four.)



**Since 2009, total case filings in District Courts have increased by nearly 20%. Many people are left to navigate the justice system on their own.**



**Current resources can help only 1 in 10 Montanans of limited means with their civil legal needs.**



**At least half of these Montanans have a civil legal problem each year that they do not address.**



**The Montana Justice Foundation can fund only about half of the needs of Montana programs requesting financial assistance.**

**The legal system is complicated. Getting people the legal help they need gives everyone a fair chance to be heard and helps our courts manage their caseloads.**

#### CONTACT INFORMATION:

Montana Supreme Court Access to Justice Commission

WEB: [courts.mt.gov/supreme/boards/a2j](https://courts.mt.gov/supreme/boards/a2j)

EMAIL: [atjcommission@mt.gov](mailto:atjcommission@mt.gov)

**Let's fulfill our nation's promise of justice for all.**

# The Path to Equal Justice

**\$9,645,345**

Total economic impact  
of civil legal aid on  
Montana's economy in 2013<sup>1</sup>

Montanans from many organizations work together to help their neighbors, but many people still have to navigate complex legal situations on their own.

## **Self Help:** Court Help Program

Provided more than 93,000 customer services between November 2011 and July 2018, almost 70% of which went to families earning less than \$24,000 per year. (Does not provide legal advice.)

**93,177**

SERVED SINCE  
NOVEMBER 2011

## **Volunteer Attorneys:** Pro Bono Services

More than 1,900 Montana attorneys provided 164,909 volunteer hours in 2017.

**164,909**

HOURS VOLUNTEERED

## **Free On-Line Legal Forms:** MontanaLawHelp.org

More than 6,000 self-help forms completed in 2017.

**6,000**

SELF-HELP FORMS  
COMPLETED

## **Elder Wills:** Montana Aging Services Bureau (DPHHS)

Handled 609 cases for elder Montanans in 2017.

**609**

CONSULTATIONS FOR  
SENIORS HANDLED

## **General Civil Legal Aid:** Montana Legal Services Association

- Is a national leader in innovative technology methods to increase access and efficiency.
- Provides a low-cost, rural service delivery model by using centralized attorneys serving clients in every single county.
- Helped 9,033 Montanans in 2017 with only 18 MLSA attorneys.

**18 → 9,033**

LAWYERS MONTANANS HELPED

## **Montana Justice Foundation:** Grants

Awarded \$323,100 statewide in 2018 to legal aid, domestic violence, CASA, and mediation programs.

**\$323,100**

GRANT FUNDS AWARDED

## What Could State Funding Do?

By equalizing civil filing fees to provide people with legal help, Montana can:

- Provide court-based pilot mediation programs for family and landlord-tenant cases,
- Increase direct legal services by up to 40% for Montanans of limited means,
- Promote volunteer and reduced-fee services by Montana lawyers to help their neighbors navigate complex legal issues,
- Return economic benefit to communities by helping secure financial stability for families, child support for domestic violence survivors, and hard-earned benefits for veterans and people with disabilities,
- Improve the efficiency of the courts for all court users.

**215%**

Return on investment  
in civil legal aid  
in Montana

1. 2015 Report on the Economic Impact of  
Civil Legal Aid to Montana



# JUSTICE FOR ALL

## IN ACTION

In 2017, 10,432 cases were filed in Yellowstone County District court. Ordinary Montanans often must navigate complex legal situations on their own.

# 10,432



Every year, 9 out of 10 Montanans of limited means have a civil legal need.

This number includes people who are...



In Yellowstone County in 2017:

# 1,291

Montana Legal Services Association (MLSA) handled 540 cases, helping 1,291 people and their family members.

97% of MLSA clients living in Yellowstone County increased their knowledge of the legal system, their legal rights, and how to solve their legal problems as a result of receiving civil legal aid.



# 5,691

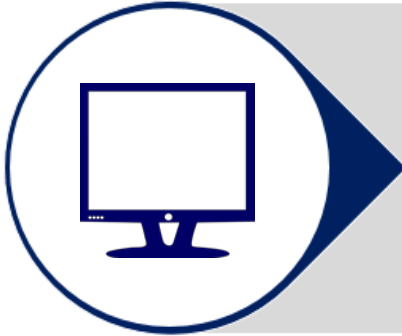
5,691 people living in Yellowstone County accessed [MontanaLawHelp.org](http://MontanaLawHelp.org) to find free legal information and forms.

The Aging Services Bureau served a total of 609 senior Montanans, including 97 people living in Yellowstone County.



Montana's Court Self Help Law Centers provided 16,182 customer services statewide, helping thousands of people access free legal forms and information. The Billings Self Help Law Center provided 4,487 customer services in Yellowstone County.

## Civil Legal Aid in Yellowstone County



### ONLINE CIVIL LEGAL RESOURCES

**[www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)** provides free civil legal information and legal forms to anyone who needs it. There is no income requirement.

**[AskKarla.org](http://AskKarla.org)** gives users the opportunity to ask basic legal questions and receive legal advice from volunteer pro bono attorneys. Users must meet income requirements.



### PRO BONO SERVICES

The **Yellowstone Area Bar Association** and **MLSA** partner to provide pro bono legal services to low income clients living in Yellowstone County.

**MLSA's Phone Advice Program** connects pro bono attorneys with clients living anywhere in the state, including in Yellowstone County. To receive pro bono services, clients should apply to MLSA.



### FREE LEGAL CLINICS

**MLSA supports Legal Clinics** that connect clients with pro bono attorneys on a regular basis in many towns and communities.

MLSA's Billings Office supports a Family Law Legal Clinic with the Yellowstone Area Bar Association twice a month.

To take part in a clinic, clients should apply to MLSA.



### MONTANA LEGAL SERVICES ASSOCIATION

MLSA's **Billings Office** provides free legal information, advice, and representation to qualified clients anywhere in the state. To apply, call 1-800-666-6899 or visit [www.mtlsa.org](http://www.mtlsa.org).

**MLSA attorneys also conduct regular circuit rides** to rural communities in order to provide in-person civil legal services and routinely travel throughout the state to represent clients in court.



### LOCAL SERVICES

The **Billings YWCA** offers free civil legal advice and advocacy for survivors of domestic violence, assault, and stalking. Survivors can call 406-254-4472 to access these services.

**Yellowstone County Self-Help Law Center** helps users find legal information and forms to address their legal problems on their own. Located at 216 9<sup>th</sup> St, Billings, MT 59101.

# The Economic Impact of Civil Legal Aid to the State of Montana



## 2015 REPORT: Executive Summary

By assuring fairness for all in the justice system, regardless of how much money a person has, the Montana Legal Services Association (MLSA) significantly boosts the Montana state economy. MLSA is a private, non-profit law firm that provides free civil legal aid to low-income Montanans, helping to uphold the underpinning of our justice system—equal justice for all.

As part of its charge to facilitate access to justice for all Montanans, the Montana Supreme Court's Access to Justice Commission sponsored MLSA's study of the economic impact of statewide free civil legal services. Economic forecasting methods were prepared in consultation with Professor Scott Rickard, Director of the Center for Applied Economic Research at MSU-Billings.

The Economic Impact of Civil Legal Aid to the State of Montana details how, in serving the civil legal needs of low-income individuals, MLSA obtains millions of dollars for its clients and their communities. These funds strengthen the state and local economies, reduce the burden on the state, and provide financial stability to families.

The report estimates that civil legal aid provided by MLSA during 2013 resulted in more than \$1,386,673 in direct financial benefit to low-income Montanans. These direct economic benefits include payments obtained on behalf of clients like child support in domestic violence cases, food stamps, federal disability awards, and housing awards.

The report details indirect economic impact, which includes the economic boost to Montana and local economies through increases in employment, wages, and business outputs. The impact of new

The return on investment in legal aid made to MLSA is 215% for all money invested in MLSA and 961% for in-state money invested in MLSA.

dollars brought into the state totals \$3,325,755.

The report includes the value of services provided by MLSA attorneys and self-help legal document assembly services provided to Montanans, totaling \$2,947,292 in services and cost savings to low-income Montanans.

Additionally, the report estimates that legal aid representation of low-income clients has generated \$1,985,625 in cost savings, including domestic violence prevention, eviction prevention, foreclosure prevention, and increased Court cost-effectiveness.

The total economic impact, including direct, indirect, and cost savings, of MLSA's statewide civil legal aid services is \$9,645,345. **For every dollar MLSA spent on providing civil legal services in 2013, \$3.15 flowed into the Montana economy.** For in-state donors, this impact is even more: for every in-state dollar, \$10.61 is put into Montana's economy.

The report concludes that civil legal services provided by MLSA improve societal and economic conditions for thousands of Montanans living in poverty across the state, while also reducing costs to the state and local budgets. ■

.....  
*"Our economy is bottomed on the rule of law – the opportunity for everyone, rich or poor, to have their disputes resolved by an independent, impartial arbiter. The rule of law "presumes the equality of all." For many years Montana legal Services has represented those in our society unable to afford an attorney. It is this opportunity to access the courts that makes our system thrive. The people accept a system of dispute resolution as long as it is fair and impartial. If equal access to the system is denied to large portions of our citizens, the society will begin to crumble."*

–Chief Justice Mike McGrath, Montana Supreme Court

## This chart summarizes the economic impact of each category analyzed:

### Direct Amounts Obtained by MLSA Clients in 2013

Domestic Violence and Family Awards	\$362,069
Health Benefits Preserved	\$4,707
Housing Related Amounts (prevent eviction, reduced fees, foreclosure prevention)	\$111,547
Income Maintained (TANF, SSI, SNAP, Unemployment, SSDI, back wages)	\$97,457
Consumer Amounts	\$777,993
Taxpayer Filing Compliance	\$32,900
<b>Total Direct Awards</b>	<b>\$1,386,673</b>

### Indirect Impact of New Dollars Brought Into Montana in 2013

Supplemental Nutritional Assistance Program (SNAP), Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), Temporary Assistance to Needy Families (TANF), Tax-related federal refunds including Earned Income Tax Credit	\$114,742
Support to MLSA from Outside Montana with Multiplier Effect	\$3,211,013
<b>Total New Dollar Indirect Impact</b>	<b>\$3,325,755</b>

### Value of Legal Aid Services in 2013

Value of Free Civil Legal Representation	\$2,836,064
Value of Free Self-Help Resources and Information	\$111,228
<b>Total New Dollar Indirect Impact</b>	<b>\$2,947,292</b>

### Cost Savings From 2013 Legal Aid Representation

Domestic Violence Advocacy	\$1,422,000
Foreclosure Prevention: Cost to Local Government	\$26,235
Foreclosure Prevention: Cost to Neighboring Homeowners	\$208,350
Eviction Prevention	\$329,040
<b>Total Cost Savings</b>	<b>\$1,985,625</b>

### Totals

Direct Economic Benefit	\$1,386,673
Indirect Economic Benefit	\$3,325,755
Value of Legal Aid Services	\$2,947,292
Cost Savings	\$1,985,625
<b>Total Economic Benefit of Civil Legal Aid in Montana</b>	<b>\$9,645,345</b>



MLSA advocates help domestic violence survivors and their children live lives free of violence, help keep veterans from becoming homeless due to unfair enforcement of housing laws, and help prevent disabled Montanans from unfairly losing benefits that pay for food and housing.

**For more information, please contact:** Alison Paul, Executive Director 406-442-9830 ext 115,  
or Michelle Potts, Director of Strategic Focus & Development, ext. 138, [mlsa@mtlsa.org](mailto:mlsa@mtlsa.org)

616 Helena Ave, Suite 100, Helena, MT 59601

Full Report: The full report is available at [www.mt.gov/supreme/boards/a2j](http://www.mt.gov/supreme/boards/a2j)

# Tab 7

# The Early Resolution and Mediation Project (E-RAMP)

The **Early Resolution and Mediation Project (E-RAMP)** program offers court-connected mediation services at no cost to eligible parties in domestic relations cases. The E-RAMP court-connected process is outlined below.

## Step One: Basic Eligibility

Parties have **basic eligibility** when:

- ✓ Case involves a dissolution (divorce) division of property and debts of the marriage; OR
- ✓ Parenting time which includes time sharing, communication, and making decisions about the children; AND
- ✓ A Response has been filed; AND
- ✓ Both parties are not represented by counsel at the time the Response is filed

Parties with basic eligibility receive **E-RAMP Scheduling Order** with electronic copy to E-RAMP Administrator. The Order includes:

- ✓ Complete E-RAMP Intake online within (14) days
- ✓ File case with CSED within (14) days
- ✓ Exchange Preliminary Declaration of Disclosure (if dissolution)
- ✓ Attend Parenting Class in person or online (if parenting plan)
- ✓ Status Conference Date
- ✓ Enclosed E-RAMP Informational Brochure

## Step Two: Final Eligibility

Parties with basic eligibility complete the **automated E-RAMP** Intake Form to determine **final eligibility**:

- ✓ Both parties remain unrepresented
- ✓ Both parties are financially eligible
- ✓ No history or claim of domestic violence
- ✓ Confirms can make independent decisions
- ✓ No child protective services involvement
- ✓ Both parties reside in Montana

## Step Three: Notice of Final Eligibility

E-RAMP Administrator reviews Intake and provides **Notice of E-RAMP Eligibility** to Court and parties.

**Eligible** cases designated as E-RAMP in court's case management system. **Ineligible** cases proceed through court in normal course.

Intake is confidential and not part of the court file. Specific information about eligibility are not provided to court. Data is anonymized and aggregated for project evaluation.

## Step Four: Appearing at Status Conference

Parties Appear at **Status Conference**.

- ✓ Both parties remain unrepresented
- ✓ Confirming opt-out provision outlined in Standards and Guidelines
- ✓ Judge orders mediation for next available regularly scheduled E-RAMP mediation day; OR
- ✓ Judge issues Notice of E-RAMP Disqualification
- ✓ E-RAMP Administrator receives electronic copy of E-RAMP Mediation Order or Notice.

Parties opting out, or cases where domestic violence is discovered post-Intake are returned to normal court course and removed from E-RAMP

## Step Five Mediation Day

E-RAMP trained volunteer mediators or scheduled for regular court-connected mediation days. Mediations take place at the District Court, or at some other place pre-designated as an E-RAMP location.

Volunteer mediators conduct an abbreviated, facilitative court-connected mediation. Mediations are 2-3 hours and time for memorializing agreements factored into scheduling. Equipment is available to complete agreements.

A mediator may continue a mediation beyond the allotted time, including to another day, if the mediator determines resolution is imminent.

## Step Six: Mediator's Report

The volunteer mediator files a Mediation Report with the court. The mediator discloses only:

- ✓ Whether mediation occurred or has terminated
- ✓ The date, time, and place of mediation
- ✓ Whether written agreement was signed by the parties
- ✓ The outcome of the mediation for administrative purposes
- ✓ Outcomes include: settled, partially settled, no settlement
- ✓ Does not include content of mediation or any agreements made during mediation
- ✓ Other administrative facts which do not reveal the content of the mediation or any agreements made during mediation.

## Step Seven: Appearance Before the Judge and Finalization

The mediator's report is provided simultaneous with the parties' appearance before the judge on the day of the court-connected mediation. Full agreement results in Decree. Cases not reaching resolution return to normal course and parties receive judicial instruction. The E-RAMP Administrator receives an electronic copy of the Mediator's Report for administrative purposes.

# Early Resolution and Mediation Project (E-RAMP)



## What is E-RAMP?

The 11th Judicial District (Flathead County) Early Resolution and Mediation (E-RAMP) program offers mediation services at no cost to eligible parties in domestic relations cases.

## What cases are eligible for E-RAMP?

- Both parties do not have an attorney
- Both parties are financially eligible
- No history of domestic violence
- Capacity to make informed decisions
- No child protective services involvement.

## What is mediated in E-RAMP?

- **Parenting time** (includes time sharing, communication, and making decisions about the children).
- **Dissolutions** (divorce) division of property and debts of the marriage.

**Who mediates E-RAMP cases?** E-RAMP is fortunate to have qualified, community volunteer attorney mediators trained specifically for E-RAMP mediations.

**What should I expect my E-RAMP mediation?** E-RAMP uses a facilitative mediation model. That means you will be in the same room with the other party while the mediator helps you clarify your issues, resolve conflicts, and to assist you in communicating with the other party to reach an agreement.

**If the court places my case in E-RAMP, can I choose not to participate?** Yes. There is an opt-out process if you have reasons you cannot mediate with the other party. That opt-out is made available to you after the Intake and education process. It is important both parties enter into mediation willingly.

## How Does E-RAMP Work?

### How does my case end up in E-RAMP?

Once a case Response is filed, you receive information or an order from the court showing you what to do. You will fill out the E-RAMP Intake form. There are documents you will file with the court or exchange with your husband or wife. E-RAMP has videos and written information to help you understand important issues about your case.

### What happens after my case is placed into E-RAMP?

You and the other party will be notified about your placement in E-RAMP. You will receive important information about the mediation process and be scheduled for your mediation session.

**What happens on the E-RAMP mediation day?** E-RAMP mediations are conducted on specific days based on the court's calendar and volunteer mediator availability.

- The court informs you of mediation date and time and both parties are expected to appear in court at that time.
- The mediator will review mediation guidelines, how the process works, and answer any questions you might have about mediation.
- You, the other party, and the mediator will attempt to resolve your family law disputes in a 2-3 hour mediation session.
- If you do not resolve all issues, you may request additional mediation time if the mediator believes you are close to resolution.



## What is Mediation?

**Mediation** is a way to mutually agree on the terms of your divorce or parenting plan with the help of a mediator.

- ✓ You and the other party get to decide the outcome of your case instead of a judge.
- ✓ You can still continue in court if mediation does not work out.
- ✓ Mediation is confidential.
- ✓ No one can use what you say in mediation against you in court.
- ✓ Mediators help guide the process of communication to arrive at an agreement both parties can accept.
- ✓ E-RAMP offers you the opportunity to participate in mediation at no cost to you.

**Mediators** are trained to help you resolve your disputes with the other party.

- ✓ A mediator cannot force you to accept an agreement you do not like.
- ✓ Mediators are neutral, which means they do not advocate for one party or the other.
- ✓ Mediators do not tell you what you should do for your children. That's your decision.
- ✓ Mediators do not and cannot give legal advice to either party.
- ✓ You should legal seek advice before mediation if you are not sure of your legal rights or responsibilities
- ✓ If you participate in E-RAMP, it is very important that you are able to make, independent and informed choices when you deal with the other party.

### Flathead County Self-Help Law Center

Flathead County Justice Center - 920 South Main -  
406-758-2496

E-mail: [flatheadcountyselfhelp@mt.gov](mailto:flatheadcountyselfhelp@mt.gov)

[www.courts.mt.gov/selfhelp](http://www.courts.mt.gov/selfhelp)

### Abbie Shelter (Flathead County)

Crisis Line: 406-752-7273

Office Line: 406-752-4735

[www.abbieshelter.org](http://www.abbieshelter.org)

## Frequently Asked Questions

**What if there is a history of domestic violence between the parties?** If you are intimidated by your partner and cannot be an equal negotiating partner, mediation may not be for you. E-RAMP styled mediation is not appropriate for cases where the other party has attempted to control you through force, intimidation or threat of violence. The program may be able to assist you in finding a mediator that is trained in domestic violence if you choose to mediate your case outside of E-RAMP. You should contact the local domestic violence program and speak to an advocate who can help you decide whether you can participate in mediation safely and effectively. If you are a victim of domestic violence, Montana law says you cannot be required to participate in mediation if you don't want to.

**How do I get into E-RAMP?** The court will instruct you how to complete the Intake Form when a Response to a petition has been filed with the court. The confidential results of the Intake will determine if you are eligible for E-RAMP, and the court will notify you of the next steps.

**What happens when an agreement is reached in mediation?** If you reach an agreement the day of your E-RAMP mediation, the mediator will help you and the other party write and sign the agreement. A judge case will be available to finalize your case if all of the issues are resolved.

**What happens if we don't reach an agreement in mediation?** Even if mediation doesn't resolve all of the conflicts in your case, mediation can help you make some of your decisions so there is less to decide in court.

### Child Support Enforcement Division (CSED)

406-327-7910 or (406) 655-550

[www.dphhs.mt.gov/CSED](http://www.dphhs.mt.gov/CSED)

### Montana Legal Services Association

1-800-666-6899

[www.mtlsa.org](http://www.mtlsa.org)

### Safe Harbor (Lake County)

406-883-3350

[Safeharbormt.org](http://Safeharbormt.org)