

How to File a Joint Petition Dissolution of Marriage with Children

Information Not Legal Advice

How to File a Joint Petition for Dissolution of Marriage with Children is information only. The information is not legal advice. This information is written based on Montana law and only applies to Dissolutions in Montana. The information is not guaranteed to be up to date. The information can't replace advice from an attorney.

NEED HELP? There are resources available.

The Court Help Program. The Court Help Program assists people representing themselves in court. There are Court Help Centers (sometimes called Self-Help Law Centers) located throughout the state to assist you on a walk-in basis and remote appointments are available if your local courthouse does not have a Court Help Center. Court Help staff are not lawyers and cannot provide legal advice. Staff are informed about the court process and can answer questions as well as review your forms for completeness. Find Court Help services near you: <https://courts.mt.gov/SelfHelp/> or call 406-444-9300.



Montana Legal Services Association. Montana Legal Services Association provides free civil legal assistance to low-income Montanans. If you qualify, Montana Legal Services Association may be able to connect you with a variety of services. Visit www.MontanaLawHelp.org or call MLSA at 1-800-666-6899.

State Bar of Montana. If you are interested in hiring an attorney to advise or represent you, the State Bar Lawyer Referral Service has a list of attorneys all over Montana. The Lawyer Referral Service is available at www.montanabar.org.

Are these forms right for me?

These forms are the right forms for you if you are married, have children from the marriage, and you agree how your property should be divided and parenting time for your children.

What is the Process?

NOTE: The steps for filing for a dissolution may be slightly different in your judicial district. Check with the Clerk of District Court at your county courthouse for local requirements.

STEP ONE: Exchange financial information.

Both parents must give each other the **Disclosure of Income and Expenses MP-520** form. This is required by law. If you do not exchange this information, the Court may refuse to finalize your divorce. Or you could be forced to give your spouse anything that you failed to disclose.



When you start this case, an Automatic Economic Restraining Order goes into effect. This order limits what either person can do with money and property until the divorce is complete. The full rules for this law can be found in Montana Code Annotated, §40-4-126.

STEP TWO: File your completed forms at the Clerk of District Court.

If you are married, have children from the relationship, and agree on everything, this is the right packet for you.

Your completed forms are also called “court documents.” Court documents for a Dissolution with Children are filed with the Clerk of District Court in the county where you, your spouse, or your children live. After filling out the forms, make 3 sets of copies (4 total, including the original) of the forms that start your case.

Here is a list of the forms you complete and file with the Clerk of District Court to start your case. Together, these may be referred to as a “completed forms packet.”

Forms Checklist for the Clerk of District Court:

- ☐ **Statement of Inability to Pay Court Costs and Fees MP-001. (Optional)** Use this form if you can't afford to pay the court fees. This form may be different based on your local Court preferences, and you can contact a local Court Help Center or Clerk of District Court for that information.
- ☐ **Joint Petition for Dissolution MP-121.** This is the formal request for the Court to dissolve your marriage.
- ☐ **Request for a Final Hearing MP-121.1**
- ☐ **Court Order for Final Hearing MP-121.2** (You will fill out only the header and the rest will be filled out by the Court.)
- ☐ **Joint Proposed Parenting Plan MP-320.** This is your proposal for parenting time for the Court and your spouse to review.
- ☐ **Joint Proposed Property Distribution MP-521.** This is your proposal for

dividing up your marital property. You and your spouse may have divided property already or have shared understanding on how things will be divided. All existing assets (land, vehicles, bank accounts, personal property, debts, etc.) must be approved by the Court.

- ☐ **Decree of Joint Dissolution MP-721.** (You will fill out only the header and leave the rest for the Court to complete once your marriage is dissolved.)

Additional forms you need to complete and exchange between the parents (but DO NOT file with the Court at this stage) are the **Joint Disclosure of Income and Expenses MP-520**.

Once the forms are completed, make three copies of the full list of forms. Take the original forms to the Clerk of District Court office. The original set of forms will be kept by the Clerk of Court. One copy is for you to keep in a safe place, and the other copy you will serve on the Department of Public Health and Human Services in Step Three. **DO NOT FILE** the **Disclosure of Income & Expenses MP-516**. Only exchange the **MP-516** with your spouse.

STEP THREE: Serving the Department of Health and Human Services.

If you or the other parent receives Title IV-D services (aka Temporary Assistance to Needy Families (TANF)) or have a case with the Child Support Services Division (CSSD), you must serve the Department of Health and Human Services (DPHHS) by mailing or delivering to the nearest CSSD office these documents:



- ☐ Joint Petition for Dissolution **MP-121**
- ☐ Joint Proposed Parenting Plan **MP-320**
- ☐ Notice and Acknowledgement to CSSD **MP-430**
Complete the first 2 pages of **MP-430** with your own information. Page 3 is mostly completed by DPHHS. On page 4, fill out the top portion with the Judicial District, County, names of the parties, and the case number. Also fill in the address for the Clerk of Court on the last page. Either Petitioner can mail this document and fill out the Certificate of Service.
- ☐ Envelope stamped and addressed to the local Clerk of District Court.

STEP FOUR: Attend your final hearing.

You should receive a scheduling order within 120 days of filing with the Clerk of District Court. Attending your hearing is very important. This is when the Judge will make decisions about your case. If either party is unable to attend the hearing, they may file a *notarized* **MP-130 Consent to Entry of Decree**. If you requested to waive your hearing, you will want to obtain a copy of your final signed **Decree of Dissolution MP-721** from the Court. The Court will indicate that the proposed property distribution and parenting plan are “Court Ordered” by signing the bottom of the forms it approves.

Ask the Clerk of Court’s office for a copy of your final Dissolution Decree, Court Ordered

Parenting Plan, and Proposed Property Distribution. You can make extra copies of your Decree and Parenting Plan for day care providers, schools, and law enforcement.