
Name

Mailing Address

City State Zip Code

Phone Number

E-mail

☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2

MONTANA _____ **JUDICIAL DISTRICT COURT** _____ **COUNTY**

In the Parenting or Marriage of: _____
(minor children's initials)

Case No: _____

Co-Petitioner 1

and

Co-Petitioner 2

Joint Proposed Parenting Plan

1. Identification of the Parties

A. Co-Petitioner 1

Name: _____

Address: _____

B. Co-Petitioner 2

Name: _____

Address: _____

2. Identification of the Child(ren). This parenting plan applies to the following minor child(ren) of the parties:

Child's Initials	Age and Birth Year	State of residence for last 6 months

3. Objectives of the Parenting Plan.

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

4. Residential Schedules for the Child(ren). Paragraphs 4(a) through 4(i) will help you fill out a parenting plan. You can write your own plan in paragraph 4(j).

a. Pre-School Schedule. Pre-school age means children who are not old enough to start kindergarten. (*Choose One*)

☐ All child(ren) are school age.

OR

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

OR

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

OR

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

OR

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

- b. School Schedule.** Applies to child(ren) old enough to be in school. When they start school, the child(ren) will live mostly with (*Choose one*)

☐ The child(ren) will live mostly with Co-Petitioner 1, except for the following days and times when the other parent will have parenting time with the child(ren):

OR

☐ The child(ren) will live mostly with Co-Petitioner 2, except for the following days and times when the other parent will have parenting time with the child(ren):

OR

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

- c. Holiday and Special Occasion Schedule (*Choose One*)**

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

parents.

OR

☐ The schedule for holidays and special occasions is:

OR

☐ The schedule listed in the chart below: (In blank space next to the holiday specify: Every, Odd or Even Numbered Years):

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

d. Winter Vacation:

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

e. Summer Vacation (Choose One):

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

OR

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

OR

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

OR

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

f. Spring Break (Choose One):

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

OR

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

OR

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

OR

☐ Describe the time the child(ren) will spend with each parent over Spring Break:

g. Other Vacations with Parents

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

h. Priorities under the Residential Schedule

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

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

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

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

OR

☐ Other:

i. Supervised and Limited Visitation *(Choose One)*:

☐ The residential schedules listed above are not limited or restricted.

OR

☐ The residential schedule above is restricted as follows. *(Choose One)* ☐ Co-Petitioner 1, ☐ Co-Petitioner 2, or ☐ both parents parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

It is in the best interest(s) of the minor child(ren) that the parent(s) mentioned above be subject to the following conditions:

How Often/ For How Long:

Where:

Supervised by Whom (optional):

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

If the parent(s) mentioned above have completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the other parent agrees to consider a modification to allow less restricted visitation after _____ months of supervised and limited visitation. *(Check all that apply)*

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

OR

☐ Other:

j. The options provided in 4(a)-(i) above are not in the best interest of my child(ren). The residential schedule proposed is as follows:

5. **Benefit Programs.** Some state and federal benefit programs require one parent be designated custodian. This doesn't affect parenting rights or responsibilities. It only affects which parent may include the child(ren) when they apply for benefits. For the purposes of state and federal benefit programs that require a designation of custodian *(Choose One)*:

☐ Co-Petitioner 1 is designated custodian.

OR

☐ Co-Petitioner 2 is designated custodian.

OR

☐ Other *(specify)*: _____

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

Co-Petitioner 1 will claim all our children as dependents on their income taxes as follows *(Choose One)*:

☐ every tax year

☐ in odd-numbered tax years

☐ in even numbered tax years

☐ Other *(specify)*: _____

Co-Petitioner 2 will claim all our children as dependents on their income taxes as follows *(Choose One)*:

☐ every tax year

☐ in odd-numbered tax years

☐ in even numbered tax years

☐ Other *(specify)*: _____

7. **Transportation.**

- a. The children will be transported from one parent to the other parent by *(Choose One)*

☐ The parent whose parenting time is ending

OR

☐ The parent whose parenting time is beginning

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

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

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

8. Passports. For our children who do not have a passport, either parent may be able to apply for a passport for any of our children. The other parent shall cooperate by consenting to the issuance of this passport. For our children that have a passport, it belongs to them. The custodian of passports will be ☐ Co-Petitioner 1 OR ☐ Co-Petitioner 2.

Other Provisions *(specify)*:

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

- ☐ Both parents may travel freely in the State of Montana with our children. This travel must be in keeping with our parenting time schedule.
- ☐ Both parents must notify the other parent when they are traveling out of the State of Montana with the child(ren) and provide an itinerary.
- ☐ Other *(specify)*

10. Telephone Contact. *(Choose One)*

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

OR

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

11. Co-Parenting *(Choose all that apply)*

- ☐ Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).
- ☐ Each parent will notify the other parent at least _____ days in advance if the parent needs to miss or reschedule parenting time. The missed time will be rescheduled if both parents agree. Both parents are expected to be reasonable in rescheduling parenting time.
- ☐ Each parent will provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren), unless mutually agreed to by both parents.
- ☐ If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check to see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment is returned with the child(ren).
- ☐ Each parent will be responsible for ensuring that the child(ren) attend regularly scheduled activities, including but not limited to sports and extra-curricular activities, while the child(ren) are with that parent.
- ☐ Neither parent will permit the child(ren) to be subjected to:
(Choose all that apply)
 - ☐ Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren). This includes the abuse of alcohol or the use of illegal drugs by the parent.
 - ☐ Smoking environment.
 - ☐ Use of profane language.
 - ☐ Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
 - ☐ Other: _____
 - ☐ Other: _____
- ☐ Relationships between the child(ren) and relatives and family friends on both sides of the family will be protected and encouraged. The parents will have their child(ren) maintain ties with both the maternal and paternal relatives.

12. Decision Making *(Choose and complete one option – either A, B, C, or D):*

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

i. We will make major decisions about our children's education together. If we cannot agree, the decision will be made by: _____.

ii. We will make major decisions about our children's non-emergency health care together. If we cannot agree, the decision will be made by: _____.

iii. We will make major decisions about our children's spiritual development together. If we cannot agree, the decision will be made by: _____.

iv. We will make major decisions about our children's extra-curricular activities together. If we cannot agree, the decision will be made by: _____.

B. ☐ Co-Petitioner 1 will be the sole decision maker about major decisions for our children's lives, including education, non-emergency health care, spiritual development, and extra-curricular activities. This is in our children's best interest because:

_____.

C. ☐ Co-Petitioner 2 will be the sole decision maker about major decisions for our children's lives, including education, non-emergency health care, spiritual development, and extra-curricular activities. This is in our children's best interest because:

_____.

D. ☐ Other (*specify*):

_____.

13. Consent. The consent of both parents shall be required before any minor child(ren) shall be permitted to: (*Choose all that apply*)

- ☐ Get a tattoo
- ☐ Pierce any body part
- ☐ Marry
- ☐ Enlist in the armed services

- ☐ Other: _____
- ☐ Other: _____
- ☐ Other: _____

14. Emergency Decisions

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

15. Access to Information

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

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

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

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

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

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

- C. The notice pursuant to this subsection 13b is not sufficient unless it contains the following statement: "The relocation of the children may be permitted and the proposed revised residential schedule may be ordered by the court without further proceedings unless within 21 days you file a response and alternate revised residential schedule with the court and serve your response on the person proposing the move and all other persons entitled by the court order to residential time or visitation with the children."
- D. The parent who receives service of a Motion to Amend the Parenting Plan pursuant to this section has 21 days after service of the Motion to File a Response. If the parent receiving notice objects to the proposed revised residential schedule, the responding parent shall include an alternate proposed revised residential schedule with the response. The response must be served as provided for by the Montana Rules of Civil Procedure on the parent proposing to change residence or on the parent's attorney of record if the parent has an attorney of record.
- E. If a parent is properly served with a Motion to Amend the Parenting Plan pursuant to this section, failure to file a response within the 21-day period constitutes acceptance of the proposed revised residential schedule.
- F. A person entitled to file an objection to the proposed relocation of the children may file the objection regardless of whether the person has received proper notice.

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

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

OR

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

18. Dispute Resolution

When we disagree about this parenting plan, we will act in the best interest of our children. We will try to resolve our issues through informal discussion when appropriate. If we are unable to reach agreement, we will take our issues to a professional mediator. If one parent wants to change the parenting plan, they can send the other parent a Request to Amend the Parenting Plan through Mediation (MP 905). This Plan requires us to seek resolution through mediation if possible.

Once mediation has been tried, either party may file a Motion to Amend the Parenting Plan. Instructions can be found in the Motion to Amend a Parenting Plan Packet (MP 900 Form Series).

☐ Mediation is not appropriate for our case due to domestic violence. See MCA 40-4-301.

- 19. Child Support Amount and Justification.** A child support order is required as part of this proceeding. There are three ways you can propose a child support amount: (1) Ask CSSD to open a case and complete a calculation. (2) Calculate child support yourself or (3) Propose your own child support amount with justification.

☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2 must pay \$_____ per child per month in child support to the other parent because: *(Choose One)*

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

OR

☐ This amount is consistent with the child support calculation prepared by a parent, the Court, or another entity. *(Attach a copy of the calculation)*

OR

☐ No amount has been prepared, however, this amount is in the best interest of our child because:

_____.

OR

☐ No support is requested. *(If this option is selected, both parties must submit a completed financial affidavit.)*

WARNING: If you request an amount of \$0 or no child support for any reason, you are choosing to not receive support now. If your financial situation changes in the future, you can request child support later. This is your official request from the Court. The Court is more likely to accommodate what you are asking for than make its own determination. Your Court may still require you to open a case with Child Support Services Division.

- 20. Child Support Payments.** Child Support Payments will be made on or before the _____ day of every month, ☐ Co-Petitioner 1 or ☐ Co-Petitioner 2 must make payments to:

(Choose One)

☐ The other parent

☐ Clerk of District Court

☐ Child Support Services Division. Payments must be made to CSSD if a party is receiving Title IV-A Benefits (TANF, Family Medicaid), or Title IV-D

benefit (if there is an active case with CSSD). You can find this law at § 40-5-909, M.C.A.

OR

☐ Payor's income is subject to immediate income withholding. You can find this law beginning at §40-5-315, M.C.A.

21. Child Support Termination. *(Choose One)*

☐ Child support payments must continue until each child turns 18 or graduates from high school, whichever occurs later but no later than when the child turns 19.

OR

☐ Child support will be paid until: _____ (month and year) because of a child's disability or medical condition that requires that support lasts beyond the child's 18th birthday

22. Medical Coverage. *(Choose A or B and complete C)*

A. Currently Covered. *(Choose all that apply)*

- i. ☐ The child(ren) are presently covered under the following insurance plan:
Carrier Name:
Policy No.:
- ii. ☐ The child(ren) receive medical assistance under Title XIX of the federal Social Security Act (Medicaid).
- iii. ☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2 must continue to provide medical coverage through this plan if it is available at a reasonable cost, and if no other plan or individual insurance is available that will better serve the interests of the parties.

B. Not Covered. The child(ren) are not covered under an existing insurance plan.
(Choose One)

☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2 is required to obtain individual health coverage for the child(ren).

OR

☐ Cost for obtaining individual health coverage for the child(ren) is unreasonable or not cost effective because:

_____.

OR

☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2 is responsible for obtaining health coverage for the child(ren) when it becomes available to the parent at a reasonable cost.

C. Shared Cost for Medical Insurance. *(Choose all that apply)*

- i. ☐ Cost for medical coverage including premiums, deductibles, uncovered medical, dental, and vision expenses, and copayments will be divided ____% Co-Petitioner 1 and ____% to Co-Petitioner 2.
- ii. ☐ Co-Petitioner 1 **OR** ☐ Co-Petitioner 2 must reimburse the other parent for ____% of the insurance premiums for the child(ren) which at the present time is \$_____ per month.
- iii. Other: _____

_____.

23. Our responsibilities:

- a. We will fill out, sign, and deliver all necessary documents to the insurance company to make sure our children are continuously covered under the plan.
- b. We will timely submit claims to the insurance company for processing.
- c. We will give each other insurance cards or other methods for access to coverage.
- d. If the insurance company reimburses a parent who didn't pay the bill, that parent will immediately pay the parent who did pay the bill.
- e. If circumstances change such that health coverage is no longer available, the cost is no longer reasonable, or new and better medical coverage opportunities become available, the party may file a motion to request an amendment to the medical support.
- f. If we are responsible for paying the insurance premium and we don't, the other parent, the Department of Public Health and Human Services, or other responsible party, may pay the premium. The court may enter a judgment against the nonpaying parent for unpaid support. The Court may hold that parent in contempt for non-payment.
- g. The court may impose civil penalties for intentionally violating the medical support order. You can find this law at §40-5-821, M.C.A.

24. Other Provisions:

25. Enforcement. Both parents are required to follow this parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to \$500 or

imprisonment in the county jail. When either parent is not following the parenting plan, a motion for contempt can be filed with the Court.

26. Request for Parenting Plan to be Ordered by the Court. Co-Petitioners request the Court adopt this Parenting Plan as the final and enforceable Parenting Plan.

We declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. We agree with the Court approving this proposed Parenting Plan.

DATED this _____ day of _____, 20____.

Co-Petitioner 1

DATED this _____ day of _____, 20____.

Co-Petitioner 2

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

ORDER BY THE COURT

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

DATED this _____ day of _____, 20____.

☐ DISTRICT COURT JUDGE ☐ STANDING MASTER