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

Name

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

Mailing Address

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

City, State Zip Code

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

Phone Number

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

E-mail Address (optional)

☐Petitioner ☐Co-Petitioner 1

☐Respondent ☐Co-Petitioner 2

**MONTANA \_\_\_\_\_\_\_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_\_\_\_\_\_\_ COUNTY**

|  |  |
| --- | --- |
| In re the Marriage of:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Petitioner / ☐Co-Petitioner 1,  and  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_,  ☐Respondent / ☐Co-Petitioner 2. | **Case No:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  *(leave blank, the clerk will write in)*  **Petition for Dissolution of Marriage**  **with Parenting Plan for Minor Children** |

# Jurisdiction.

##### Either spouse meets the residency requirements in § 40-4-104, M.C.A. For 90 days before filing this case, either spouse lived or was stationed in Montana.

##### Our marriage is irretrievably broken because there is serious marital discord which adversely affects the attitude of one of both parties toward the marriage, and there is no reasonable prospect of reconciliation or we lived separate and apart for at least 180 days before this case was filed.

# You are the Petitioner. Your information:

#### Name First: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Middle:\_\_\_\_\_\_\_ Last:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### Your e-mail address (optional): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### Your Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

#### Your Physical Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

#### Your Year of Birth:\_\_\_\_ Age: \_\_\_\_ Your occupation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### How long have you lived in this county? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### How long have you lived in Montana? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Your spouse is the Respondent / Co-Petitioner 2. Your spouse’s information:

#### Name First: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Middle:\_\_\_\_\_\_\_ Last:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### Spouse’s e-mail address (optional): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### Spouse’s Mailing Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

#### Spouse’s Physical Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

#### Spouse’s Year of Birth:\_\_\_\_ Age: \_\_\_\_ Spouse’s occupation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### How long has your spouse lived in this county? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

#### How long has your spouse lived in Montana? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Your marriage. *Choose one.*

☐ We were married on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. We filed our marriage license in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

☐ We were married at common law as of (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_. We assumed a marital relationship by mutual consent and agreement. We confirmed our marriage by living together and by public knowledge.

**OR**

☐ We filed a declaration of marriage on (date) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ in \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ County, State of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

# Separation. *Choose one.*

☐ We physically separated on (*date)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

**OR**

☐ We have not yet physically separated.

# Pregnancy. *Choose one.*

☐ Neither spouse is pregnant.

**OR**

☐ One spouse is pregnant and the other spouse is the other parent of the pregnancy.

**OR**

☐ One spouse is pregnant and is unsure who the other parent is.

**OR**

☐ One spouse is pregnant and the other spouse is not the other parent of the pregnancy.

**Notice:** A parenting plan must be filed after the child is born if one spouse is pregnant and the other spouse is the other parent or the other parent is unknown.

# All minor children of the marriage, including those born to or adopted by both parties.

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Age | Birth Year | Minor primarily lives with: |
|  |  |  | ☐ Petitioner / Co-Petitioner 1 ☐Respondent / Co-Petitioner 2 ☐Both ☐Other |
|  |  |  | ☐ Petitioner / Co-Petitioner 1 ☐Respondent / Co-Petitioner 2 ☐Both ☐Other |
|  |  |  | ☐ Petitioner / Co-Petitioner 1 ☐Respondent / Co-Petitioner 2 ☐Both ☐Other |
|  |  |  | ☐ Petitioner / Co-Petitioner 1 ☐Respondent / Co-Petitioner 2 ☐Both ☐Other |
|  |  |  | ☐ Petitioner / Co-Petitioner 1 ☐Respondent / Co-Petitioner 2 ☐Both ☐Other |

☐ We have more minor children. *(Fill out* ***MP-113-B*** *and paper clip it to this document)*

# Child(ren) residence(s).

State law requires this information. You can find this law at § 40-7-110, M.C.A. Start with the children’s current address. Give the information for the past 5 years. If you don’t know the individual’s current address, write “not known” next to their name.

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Children’s Names | Address | Starting  MM/YY | Ending  MM/YY | List all people living at this location, their relationship with child, and current address |
|  |  |  | Still lives here |  |
|  |  |  |  |  |
|  |  |  |  |  |

☐ There are more residences. *(Fill out and paper clip Form* ***MP-113-C*** *to this document)*

# Jurisdiction of the children. *Choose the most accurate description.*

☐ Our child(ren) lived in Montana for at least 6 consecutive months immediately before this case was filed. This makes Montana our child(ren)’s home state. If a child(ren) is less than six months old, the child(ren) lived in Montana since birth.

**OR**

☐ Montana was the home state of the child(ren) within six months of this case being filed, and one parent continues to reside in Montana.

**OR**

☐ The child(ren) and one parent have significant connections with Montana and substantial evidence about them is in Montana.

**OR**

☐ The child(ren) are physically present in Montana and have been abandoned, the child(ren) are with a caretaker relative who was given custody, or an emergency exists requiring the child(ren)’s protection.

**OR**

☐ No other state has jurisdiction over the child(ren) or the other state has declined jurisdiction over the children.

# Other Court Cases. *Choose One.*

State law requires this information. You can find this law at § 40-7-110, M.C.A.

☐ I don’t know of any other court case that could affect this one.

**OR**

☐ There are other court cases that could affect this one. Here is the list:

The first court case is:

☐ Order of Protection ☐ Criminal case ☐ Adoption ☐ Guardianship

☐ Child and Family Services ☐ Other: *(describe)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐I participated as a ☐party ☐witness ☐other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐ I didn’t participate.

The second court case is:

☐ Order of Protection ☐ Criminal case ☐ Adoption ☐ Guardianship

☐ Child and Family Services ☐ Other: *(describe)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Court: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Case No: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐I participated as a ☐party ☐witness ☐other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐ I didn’t participate.

☐ There are more court cases. *(Fill out and paper clip* ***Form MP-113-E*** *to this document)*

# Other people. *Choose one:*

☐ I don’t know of any other person, not my spouse, who has physical custody or claims to have physical custody or to have visitation rights with a child listed in this petition.

**OR**

☐ Here is a list of people who have physical custody or claim to have physical custody or visitation rights with a child listed in this petition:

|  |  |  |  |
| --- | --- | --- | --- |
| Name | Address | Child’s name | Description |
|  |  |  | ☐ Has physical custody  ☐ Claims physical custody  ☐ Claims visitation rights |
|  |  |  | ☐ Has physical custody  ☐ Claims physical custody  ☐ Claims visitation rights |
|  |  |  | ☐ Has physical custody  ☐ Claims physical custody  ☐ Claims visitation rights |

☐ I understand I must give notice of this case to anyone on this list. *(Fill out and paper clip a copy of Form* ***MP-113-D*** *to this document for each person on this list. Send Form* ***MP-407*** *to everyone listed.)*

# Parenting Plan.

It is in the best interest of our child(ren) that this court adopt my proposed parenting plan. This is a document that I filed separately. My proposed parenting plan includes parenting time, child support, and medical support.

**NOTICE:** State law requires that a child support calculation using the Montana guidelines be filed with this court. I can find this law at §40-4-204, M.C.A.

# Preliminary Disclosure. *Choose one:*

☐ I have filled out **Form MP-500** Property Distributionand **Form MP-510** Disclosure of Income and Expenses and have served my spouse with them.

**OR**

☐Within 60 days I will fill out **Form MP-500** Property Distribution and **Form MP-510** Disclosure of Income and Expenses and will serve my spouse with them

# Property Distribution. *Choose one*.

We have marital property, including personal property, real property, other assets, liabilities, and/or debts that need to be distributed as we agree or by the court.

I ask the court to distribute our marital property as described in **Form MP-500** Financial Disclosure and Proposed Property Distribution. I filed this document separately.

# Former Name. *Choose one*.

☐ Petitioner / Co Petitioner 1 requests the Court restore their previous name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (First, Middle, Last).

**OR**

☐ Co Petitioner 2 requests the Court restore their previous name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (First, Middle, Last).

**Notice:** You can only use this option if Co Petitioner 2 signs this Petition.

**OR**

☐ I want to keep my current name.

# Maintenance. *Choose One.*

☐ I am not requesting maintenance.

**OR**

☐ I am requesting my spouse pay me $\_\_\_\_\_\_\_\_ per month until *(date)*\_\_\_\_\_\_\_\_\_\_ for maintenance. The payment must be made on the \_\_\_\_ of each month directly to me.

**OR**

☐I am requesting to pay my spouse $\_\_\_\_\_\_\_\_ per month until *(date)*\_\_\_\_\_\_\_\_\_\_\_ for maintenance. The payment must be made on the \_\_\_\_ of each month directly to my spouse.

I am requesting maintenance because I lack sufficient property to support myself and I am unable to gain employment sufficient to support myself or I need to care for a child with special needs.

# Other: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**I ask the court to take the following action:**

1. Enter a decree of dissolution of marriage dissolving our marriage;
2. Adopt the Petitioner’s proposed parenting plan, including parenting time, child support, and medical support.
3. Grant each party the marital property, including personal property, real property, other assets, liabilities, and/or debts as stated in the Petitioner’s Financial Disclosure and Proposed Property Distribution filed separately.
4. If I asked the Court to do so, restore me to my former name.
5. If I asked the Court to do so, enter an order for maintenance.
6. If the court deems proper, award me my attorneys’ fees and court costs pursuant to § 40-4-110, MCA.
7. Other:

##### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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##### \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. And for any other relief this court decides is just and proper.

**I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document. By signing this Petition I further acknowledge that I am subject to the Automatic Economic Restraining Order in the Summons issued by the Clerk of Court in this case.**

Dated this \_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_

Sign Here: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

☐Petitioner / ☐ Co-Petitioner 1

*(Only complete this section if you are filing jointly as Co-Petitioners)*

**I declare under penalty of perjury and under the laws of the state of Montana that the information in this document is true and correct. I understand that it is a crime to give false information in this document. By signing this Petition I further acknowledge that I am subject to the Automatic Economic Restraining Order in the Summons issued by the Clerk of Court in this case.**

Dated this \_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 20\_\_.

City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_

Other spouse sign here: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Print Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Co-Petitioner 2