**How to file a Joint Petition for Parenting Plan**

**DISCLAIMER**

**Information Not Legal Advice.** This document has been prepared for general information purposes only. The information provided is not legal advice. Legal advice is dependent upon the specific circumstances of each situation. Also, the law may vary from state to state, so that some information may not be correct for your jurisdiction. Finally, the information contained in this document is not guaranteed to be up to date. The information cannot replace the advice of competent legal counsel licensed in your state.

What is the Process?

**NOTE:** The steps for filing a Joint Petition for Parenting Plan may be slightly different in your judicial district. Always check with the Clerk of District Court in your district to make sure that you are following the right procedures.

**Need Privacy?**

Unless you ask the Court to protect information, everything filed with the court may be viewed by the public. Separate forms may be filed to protect information in your case files from being available for public view. These forms are available in the Privacy Protection Packet, available at [www.courts.mt.gov](http://www.courts.mt.gov) “Forms,” at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org), or by calling or visiting your local Self Help Law Center.

**NEED HELP?** Resources are available to assist you in filling out these forms.

**The Court Help Program.** The Court Help Program provides assistance to people representing themselves in court. There are Self Help Law Centers located throughout the state to assist you on a walk-in basis and travelling appointments to other courthouses. Self Help staff are not lawyers and cannot provide legal advice. Self Help staff members are well informed about the court process and can answer many questions as well as review your forms for completeness. Find the Court Help services nearest you: [www.courts.mt.gov/selfhelp](http://www.courts.mt.gov/selfhelp).

**Montana Legal Services Association.** Montana Legal Services Association coordinates volunteer attorney legal resources at a free or reduced cost. If you qualify financially for assistance, Montana Legal Services may connect you with a pro bono attorney, an attorney at a reduced fee, or local attorney resources in your area. Visit [www.montanalawhelp.org](http://www.montanalawhelp.org) or [www.mtlsa.org](http://www.mtlsa.org), or call MLSA at 1-800-666-6899.

**State Bar of Montana.** If you are interested in hiring an attorney to advise you or represent you in this matter, the State Bar Lawyer and Information Referral Service is a database of attorneys. You can be connected with attorneys throughout the state to help with your family legal matter. Access the Lawyer Referral and Information Service by visiting [www.montanabar.org](http://www.montanabar.org) or calling 1(406)449-6577.

**STEP ONE: Fill out the forms you need.** Read all of the forms listed in Step Two to determine which forms will be most appropriate for your situation. Fill out these forms completely. Be sure to read “[Introduction to Family Law in Montana](https://courts.mt.gov/portals/113/library/forms/end_marriage/introduction_to_family_Law.pdf)” before you begin filling out the forms. It will highlight the major decisions you will have to make.

**STEP TWO: File Documents.**

Court documents for a Joint Petition for Parenting Plan are filed at the Clerk of District Court office in the county where you, your Spouse, or your children are living. After filling out the appropriate forms, make three sets of copies (four sets of forms total) of the forms that start your case. Take all of the copies with you to the Clerk of District Court office.

The original set of forms will be kept by the Clerk of Court. One copy you will keep in a safe place, and you will serve the other two copies on your Spouse and the Department of Health and Human Services in Step Three.

Here is a list of the forms you need to bring to the Clerk of District Court to file a Joint Petition for Parenting Plan:

1. Joint Petition for Parenting Plan **MP 117**
2. Proposed Parenting Plan **MP 300**
3. (If required) Holiday, Vacation and Special Occasions **MP 300 B**
4. (If required) Limited Parenting Time **MP 300 C**
5. (If required) Description of Existing Medical Coverage **MP 300 D**
6. (If required) Notice to a Person Not Named **MP 407**
7. Vital Statistics form. You can find this form in the back of the packet or online at dphhs.mt.gov/CSED. File this form with the Clerk of Court when you file your other paperwork.

There is a charge for filing a Joint Petition for Parenting Plan in Montana. If you cannot afford to pay the fee, you may fill out a form titled “Affidavit of Inability to Pay Filing Fee,” available at [www.courts.mt.gov](http://www.courts.mt.gov) and at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org) or by calling or visiting your local Self Help Law Center.

**\*NOTE:** If you completed **MP 407**, You must also mail a copy of the **MP 407** to each person listed on the form

**STEP THREE: Serve the Department of Health and Human Services.**

1. **Serving the Department of Health and Human Services.**

If you or the other parent receives Title IV-D services, you must serve the Department of Health and Human Services (DPHHS) by mailing or delivering to your nearest Child Support and Enforcement Division (CSED) the following:

1. Notice and Acknowledgement to CSED and Attorney General **MP 404**

**AND** copies of the following document that you filed with the Court in Step One:

2. Joint Petition for Parenting Plan **MP 117**

1. Proposed Parenting Plan **MP 300**
2. (If required) Holiday, Vacation and Special Occasions **MP 300 B**
3. (If required) Limited Parenting Time **MP 300 C**
4. (If required) Description of Existing Medical Coverage **MP 300 D**

**Follow these steps:**

Complete the first 3 pages of **MP 404** with your own information.

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.

When mailing **MP 404** Notice and Acknowledgement to CSED, include a stamped envelope addressed to the Clerk of Court in your county so it can be mailed back to them.

**STEP FOUR: Request a final hearing.**

Once you have filed your documents and served the Child Support Enforcement Division, you can request a hearing to finalize your Parenting Plan. You will now file the following forms at the Clerk of District Court:

1. Request for a Hearing on Parenting Plan **MP 721**
2. Order Granting Hearing on Parenting Plan **MP 722**
3. **Optional:** Consent to Entry of Parenting Plan **MP 731** (use this form if the other parent can’t go to the hearing)

**STEP FIVE: Attend your final hearing.**

Attending your hearing is very important. Both parents should attend the hearing. If the other parent can’t go to the hearing, the other parent will need to complete and sign form **MP 731**, Consent to Entry of Parenting Plan. This form lets the judge enter a parenting plan without the other parent being present at the hearing.

The Judge will ask you questions about your parenting plan and your children. This is the time for the Judge to make a decision on your parenting plan. After the Judge has made a decision, the Judge will sign the Parenting Plan **MP 300** that the Court considers fair and in the best interest of your children. You should take a copy of **MP 300** with you to your hearing that you have filled out for the judge.

Keep your copy of the final, court ordered, parenting plan in a safe place. As needed, you can make copies of your final Parenting Plan for day care providers, schools, and law enforcement.