

# How to File for Dissolution of Marriage without Children

## Information Not Legal Advice



How to file for Dissolution of Marriage without Children is information only. The information is not legal advice. The law is different in each state. Some information may not be correct outside Montana. The information is not guaranteed to be up to date. The information can't replace advice from an attorney.

## Worried about Privacy?

Everything filed with the court may be viewed by the public unless a law, rule, or court order protects it. You can ask the court to protect or seal some information. Normally you will not need to do that because a court rule says you may only include parts of personal information. Only the last four digits of a Social Security Number should appear in documents filed with the court. You may only include the birth year of any individual. Only the last four digits of a financial account may be included. You can find this in Rule 5.2 of the Montana Rules of Civil Procedure.

**NEED HELP?** There are resources available.

**The Court Help Program.** The Court Help Program assists to people representing themselves in court. There are Court Help centers located throughout the state to assist you on a walk-in basis and remote appointments 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](http://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 you 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](http://www.montanabar.org) or by calling 406-449-6577.

# 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: Fill out the forms.**

You probably won't need to use every form. Step Two has the list of forms you need to start your case. Look at each form. If you are not sure which ones you need, contact a Court Help center or Montana Legal Services Association. Make sure you fill out each form completely. Be sure to read "Introduction to Family Law in Montana" before you begin filling out the forms. It will help you figure out which choices to make.

## **STEP TWO: File your completed forms.**

Your completed forms are also called "documents" or "court documents." Court documents for a Dissolution are filed with the Clerk of District Court in the county where you or your spouse live. After filling out the forms, make 2 sets of copies (3 sets of forms total) 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.

1. (Optional) Statement of Inability to Pay Court Costs and Fees. Use this form if you can't afford to pay the court fees.
2. Petition for Dissolution **MP 112**
3. Summons and Automatic Economic Restraining Order **MP 400**
4. Proposed Property Distribution **MP 500**
5. Request for Sheriff to Serve Documents **MP 401** if you are requesting the Sheriff to serve your spouse. The original of this document will be given back to you for Step Three. There other ways to serve your spouse. All of the ways are described in Step Three.



Take all 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 is for you to keep in a safe place, and the other copy you will serve on your spouse in Step Three.

## STEP THREE: Serve your spouse.

Serving court documents means officially giving the documents to someone. The documents you file to start your case have to be “personally served” on your spouse. Personally served means a sheriff or process server needs to hand the documents to your spouse. You can also personally serve documents if the person will sign an Acknowledgment saying that they got the documents. After the first set of documents is personally served, most documents can be served by ordinary first class mail.



### Serving your spouse.

You must serve your spouse with:

1. Disclosure of Income and Expenses **MP 510**. You do not file this document with the Court; **MP 510** is only served on your spouse. Remember to keep a copy for yourself.

**AND** copies of the following documents that you filed with the Court:

2. Summons and Automatic Economic Restraining Order **MP 400**
3. Petition for Dissolution **MP 113**
4. Proposed Property Distribution **MP 500**



There are four ways to serve your spouse: (1) Service by Sheriff, (2) Service through Notice and Acknowledgement, (3) a private process server, or (4) Service by Publication. The way you serve your spouse depends on your situation and your relationship.

### OPTION #1: Service by the Sheriff.

Service by Sheriff may be most appropriate for you if:

- You are concerned about your safety,
- You are not communicating well with your spouse, or
- You would like your case to move forward quickly.

Service by Sheriff is accomplished by hand delivering or mailing to the Sheriff in the County where your spouse resides:

1. Copies of all the documents,

**AND**

2. Original and Copy of the Summons and Automatic Economic Restraining Order **MP 400**. The original was given back to you when you filed your documents with the Clerk of District Court.
3. Request for Sheriff to Serve Documents **MP 401**

The Sheriff usually charges a fee to serve documents. If your Statement of Inability to Pay Court Fees and Costs was approved by the Court, the Sheriff will waive the service fee.

**OPTION #2: Service through Notice and Acknowledgement of your spouse.**

Service through Notice and Acknowledgment of your spouse may be most appropriate for you if:

- You have regular communication with your spouse,
- You believe you and your spouse will cooperate, and
- You are willing to allow your spouse extra time to respond to your Petition.



In order to serve your spouse by Notice and Acknowledgment, you can hand deliver or mail:

1. Copies of all the documents,

**AND**

2. Notice and Acknowledgment of Service **MP 403.1**
3. Acknowledgement of Service **MP 403.2**

Your spouse needs to return the signed Acknowledgement to you. The Acknowledgement is proof you served your spouse. You must file it with the Clerk of District Court after your spouse signs it. You must wait 21 days for your spouse to return the Acknowledgement before you can serve them another way.

**OPTION #3: Private Process Server.** Service by a private process server may be appropriate if:

- You are having trouble serving your spouse another way, or
- You have the ability to hire a process server over a Sheriff. For example, you do not have an approved Statement of Inability to Pay Court Fees and Costs or your spouse resides outside Montana.

A private process server may have specific requirements. Private process servers will charge a fee. At a minimum, your process server will need these documents to serve your spouse:

1. Copies of all the documents,

**AND**

2. Praecipe. It tells the process server how to serve your spouse. This form is available on the State Law Library website.

**OPTION #4: Service by Publication.** Service by publication is an option of last resort and should only be pursued if:

- All other methods to serve your spouse have failed
- You and everyone you know have no information about where your spouse is.



Service by Publication requires a long process of filing extra documents with the court. Service by Publication also involves the additional cost of publishing in a newspaper:

1. Request for Order Granting Service of Summons by Publication **MP 402.1**
2. Order for Service of Summons by Publication **MP 402.2**
3. Summons for Publication **MP 402.3**

You have to wait for the Court to approve your request and sign an Order allowing Service by Publication before you can serve by publication.

#### **STEP FOUR: Wait and work towards a resolution.**

After your spouse is served, they have 21 days to respond to the Petition. If your spouse disagrees with any part of your proposed property distribution they may file a Response to your Petition. Along with a Response, your spouse may file their own proposed property distribution. If your spouse disagrees, you can try to reach agreement through negotiation. If your spouse doesn't file a Response with the Court, you can ask for a default. A default means you get what you asked for in the Petition.



**MEDIATION:** One way to negotiate is a mediation. Some courts require mediation before holding a hearing. Mediation is a process where a neutral person (called a “mediator”) helps people come up with a shared solution. Mediation is confidential and agreements made in mediation will only be filed in Court when everyone agrees. Mediation can be a cost effective way to reach an agreement and speed up the dissolution process.

If you come to an agreement, you can file a Notice of Agreement **MP 612** and the proposed agreement. The Court must approve your agreement.

#### **STEP FIVE: Request a final hearing.**

Once the time for your spouse to respond has expired, you can request a hearing to finalize your dissolution. To ask for a final hearing you file these forms with the Clerk of District Court:



1. Request for a Hearing and Default by Clerk **MP 701**  
If your spouse did not respond to your Petition, you may request a default judgment on this form. Which means you are asking the Court to consider only what you have filed in making a decision.
2. Order Granting Hearing on Dissolution with Children **MP 714**
3. Dissolution Decree **MP 713**
4. Vital Statistics form
5. Notice and Entry of Decree **MP 704**
6. (Optional) New proposals or agreements. In order to make sure the Court

considers new proposals or agreements between you and your spouse, you file all completed forms at this time.

**STEP SIX: Attend your final hearing or ask the Court to waive your hearing.**

Attending your hearing is very important. The Judge will ask questions about your marriage. This is when the Judge will make decisions on your case.

After the Judge makes a decision, the Judge will sign the Decree of Dissolution **MP 713**. The Court will adopt the version of the Proposed Property Distribution **MP 500** that the Court considers fair. The Court will indicate which property distribution is “Court Ordered” by signing the document and listing it as an “Exhibit” to the Final Dissolution Decree which you have already completed and filed.

If you would like to ask the Court to waive your hearing, you can file joint or individual Affidavits for Entry of Decree of Dissolution of Marriage Without Hearing. This form is available on the State Law Library’s website.

**STEP SEVEN: File your Notice and Entry of Decree.**

After your hearing, you will need to file your Notice and Entry of Decree **MP 704** with the Clerk of District Court. Your dissolution is not final until this step is complete.

Ask the Clerk of Court’s office for a copy of your final Dissolution Decree with Exhibits. If your spouse was not present for the hearing, make two copies and mail copies of the following documents to your spouse:

1. Notice of Entry of Decree **MP 704**
2. Dissolution Decree **MP 713**
3. Court Ordered Property Distribution **MP 500**



Keep your copy of the Decree and Exhibits in a safe place. You can make extra copies of your Decree later if you need it.

## Document Checklist

- MP 112** - Petition for Dissolution without children (2 copies, 3 total)

Attachments:

- MP 113 E** - Additional Court Cases

- MP 500** – Property Distribution / Signed by Judge: \_\_\_\_\_ (2 copies, 3 total)

Attachments:

- MP 500 A** – Additional Real Property
- MP 500 B** – Additional Vehicle
- MP 500 C** – Additional Accounts
- MP 500 D** – Additional Debts

- MP 510** – Declaration and Disclosure of Income and Expenses (2 copies, 3 total)

Attachments:

- MP 510 A** – Additional Income
- MP 510 B** – Additional Expense

- MP 400** – Summons and Automatic Economic Restraining Order (1 copy, 2 total)

Returned Service Document / Attempts to Serve:

- MP 401** – Request for Sheriff to Serve
- MP 403.2** – Acknowledgement of Service by Certified Mail
  - (Mailed to Respondent but not returned) MP 403.1** – Notice and Request for Acknowledgement
- MP 402.1** – Request for Order Granting Service by Publication

- MP 611.1** - Motion to Request Order for Mediation
- MP 611.2** - Mediation Summary (Mediator fills out)
- MP 611.3** - Order for Mediation
- MP 612** - Notice of Agreement (w/ Attached Exhibits)

- MP 701** – Request for Hearing and Statement of Compliance with Financial Disclosure

- Request for Default**

- MP 714** – Order Granting Hearing on Dissolution
- MP 713** – Dissolution Decree/ Signed by Judge: \_\_\_\_\_
- MP 704** – Notice of Entry of Decree
- Vital Statistics**



# Filing Process for a Dissolution of Marriage without Children

## Step 1: Filing Initial Documents (Petitioner)

1. **MP-112** Petition (Attachments used when necessary)
  - a. **MP-113B** Additional Children
  - b. **MP-113C** Additional Residences for Children
  - c. **MP-113D** Additional People Who Claim Custody
  - d. **MP-113E** Additional Court Cases
2. **MP-500** Proposed Property Distribution



## Step 2: Service Documents

1. **MP-400** Summons & AERO
  2. **MP-510** Disclosure of Income and Expenses (NOT FILED WITH COURT)
    - a. **MP-510A** Additional Income
    - b. **MP-510B** Additional Expenses
- \*How to Serve the Other Party (All three options require proof of service be filed with Clerk of Court)
- A. **MP-401** Request for Sheriff to Serve or;
  - B. **MP-403.12** Notice and Acknowledgement or;
    - a. **MP-403.22** Acknowledgement of Service by Mail
  - C. **MP-402.1** Request for Order Granting Service by Publication; **MP-402.2** Order for Service of Summons by Publication; **MP-402.3** Summons for Publication



## Step 3: Request for Default Judgement -File MP-703 Dissolution Decree from Step 5 at the same time

1. **MP-701** Request for a Hearing and Statement of Compliance with Financial Disclosure
  - a. Petitioner can request default judgement using MP-701
2. **MP-702** Order Granting Hearing on Dissolution
3. **MP-703** Dissolution Decree (entirely filled out by Petitioner)

## Step 4 (If Respondent files an answer): Mediation

1. **MP-611.1** Motion to Request Order for Mediation
2. **MP-611.2** Mediation Summary (Mediator fills out)
3. **MP-611.3** Order for Mediation
4. **MP-612** Notice of Agreement (w/ Attached Exhibits)

21 Days for Respondent's Answer (MP-201)



## Step 5: Request for final hearing

1. **MP-701** Request for a Hearing and Statement of Compliance with Financial Disclosure
2. **MP-702** Order Granting Hearing on Dissolution
3. **MP-703** Dissolution Decree (entirely filled out by parties)  
Incorporated by reference:
  - A. **MP-500** Final Court Ordered Property Distribution
4. **MP-704** Notice of Entry of Decree and Vital Statistics (Last filings)



\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner/Plaintiff  Respondent/Defendant

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

IN THE JUSTICE COURT OF \_\_\_\_\_ COUNTY, STATE OF MONTANA

IN THE MUNICIPAL OR CITY COURT OF \_\_\_\_\_, MONTANA

\_\_\_\_\_  
Petitioner / Plaintiff,

and

\_\_\_\_\_  
Respondent / Defendant.

**Case No:** \_\_\_\_\_  
(leave blank, the clerk will write in)

Statement of Inability to Pay Court Costs and Fees

I have a good cause of action or defense but am unable to pay filing or other court fees. I request the court waive the costs and fees. I provide the following information.

My full legal name is: \_\_\_\_\_. I was born in this month \_\_\_\_\_ and this year \_\_\_\_\_.

I am represented by an entity that provides free legal services to low-income persons.

**Or**

I am represented by a volunteer/pro bono attorney, and am financially eligible for free legal services. (Attach a certificate of eligibility from legal aid organization to this form.)

**Or**

I receive one or more of these benefits: (Check the box for each benefit you receive.)

SNAP  TANF  SSI  Medicaid  WIC  LIEAP

**If you checked any one of the three boxes above, skip to the end of this form, and sign the declaration on page 3. You don't need to fill out the remainder of the form.**

If you did not check a box above, you may still qualify for a fee waiver. Please continue to fill out pages 2 and 3 of this form so the court has the information it needs to decide if you qualify for the fee waiver.

**I. INCOME** (Complete this Section to the best of your ability.)

What do you do for work? \_\_\_\_\_ Who is your employer? \_\_\_\_\_

What is your household's annual income, before taxes? \_\_\_\_\_ How many people are in your household? \_\_\_\_  
 (The tables below will help you answer these questions, if you are not sure what to put in the blanks.)

If you are unemployed, when were you last employed (Month, Year)? \_\_\_\_\_ Your job? \_\_\_\_\_

**Are you married?**  Yes  No  Separated  Getting Divorced **NOTE:** If you are not married, if you and your spouse are separated, or if one of you is filing for dissolution of marriage, you do not need to provide your spouse's income below.

Fill in the chart below with the income received by you, and by your spouse, if applicable. Put a "0" in each blank if you or your spouse don't receive the income listed.

Income Sources	Amount YOU receive per month before taxes	Amount YOUR SPOUSE receives per month before taxes
Employment	\$	\$
Retirement/Pension	\$	\$
Workers' Compensation	\$	\$
Social Security	\$	\$
Unemployment	\$	\$
Government Benefits	\$	\$
Child Support Received	\$	\$
A person or agency pays my rent or other monthly expenses and the amount is: _____	\$	\$
Other Income—e.g., rental income, stocks, investments, etc.—describe: _____	\$	\$
<b>Total here:</b>	\$	\$

**What is your household size?** How many persons, if any, depend on you financially? If none, then write "N/A" below. Attach another page if needed and check here to tell the court you attached another page:

Dependents (Initials Only)	Age	Relationship to You
1.		
2.		
3.		
4.		
5.		

**II. ASSETS** *(Complete this Section to the best of your ability.)*

**What property do you and your spouse own?** Include your spouse's property if you are married and not separated and not filing for dissolution. Fill in the chart below, only listing items that you could sell for \$600 or more. If you don't own an item listed, write "N/A" in the "Value" column for that item. "Value" means the total amount the item(s) identified in a column would sell for, minus the amount you still owe on the item(s), if anything.

Asset	Value
Cash (This includes the money in your savings and checking accounts)	\$
Vehicle 1: provide year, make and model _____	\$
Vehicle 2: provide year, make and model _____	\$
Home where you live now	\$
Real estate or other homes/mobile homes (Not including the home you are living in now)	\$
Recreational vehicle(s) such as snowmobile, ATV, camper/RV, boat, motorcycle, etc.	\$
Guns or other collections	\$
Other Item(s) worth more than \$600—describe: _____	\$

**III. DEBTS AND EXTRAORDINARY EXPENSES** *(Complete this Section to the best of your ability.)*

**What bills do you and your spouse pay each month?** Fill in the chart below.

Monthly Expenses	Value
Housing Expense: Mortgage or Rent	\$
General Household Expenses: Utilities, Phone/Internet/Cable, etc.	\$
Insurance Expenses, Healthcare Costs and/or Medical Debt(s)	\$
Childcare Expenses	\$
Other Extraordinary Expenses: e.g., Collection actions, Student Loans—describe: _____	\$

**IV. ADDITIONAL INFORMATION** *(This Section is optional.)*

If you have additional information that you want the court to consider about your inability to pay court costs, write that information under your signature below or attach an extra page. Check here if you attached another page:

**V. DECLARATION** *(This Section is Required.)*

**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.**

Date: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_

YOUR Signature: \_\_\_\_\_

Court Use Only

- MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT, \_\_\_\_\_ COUNTY
- IN THE JUSTICE COURT OF \_\_\_\_\_ COUNTY, STATE OF MONTANA
- IN THE MUNICIPAL OR CITY COURT OF \_\_\_\_\_, MONTANA

<p>_____, Petitioner / Plaintiff,</p> <p>and</p> <p>_____, Respondent / Defendant.</p>	<p><b>Case No:</b> _____ <i>(leave blank, the clerk will write in)</i></p> <p>Order Regarding Statement of Inability to Pay Court Costs</p>
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**Warning! Read carefully the section checked below.  
It is a court order.**

- Waiver of court costs is **Granted**. Declarant shall proceed without payment of court fees or costs.
- Temporary Waiver of court costs is **Granted**. Declarant may file without payment of court fees or costs, but the Court may determine at a later time that the declarant has the ability to pay all fees or costs and will require declarant to do so.
- Temporary Waiver of fees is **Granted**. Declarant may file without payment of court fees or costs, but must appear before the Court at \_\_\_\_\_ a.m/p.m. on the \_\_\_\_\_ day of \_\_\_\_\_ and show cause why the declarant lacks the ability to pay all fees or costs.

**Warning! If this third box is checked, you must come to court on the date ordered above. If you don't come, the judge will deny your request to waive court costs, and you will have to pay the court costs.**

- Waiver of Fees and costs is **Denied**. Waiver is denied based on the following:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Ordered this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Presiding Judge

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City      State      Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

**Petitioner appearing without a lawyer**

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

<p>In re the Marriage of:</p> <p>_____,</p> <p>(First, Middle, Last)    Petitioner (you),</p> <p>and</p> <p>_____,</p> <p>Respondent (your spouse).</p>	<p><b>Case No:</b> _____</p> <p>(leave blank, the clerk will write in)</p> <p><b>Petition for Dissolution of Marriage</b></p> <p><b>Without Minor Children</b></p>
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**1. Jurisdiction.**

- a. 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.
- b. 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.
- c. The Montana Conciliation Law (beginning at §40-3-101, M.C.A.) does not apply in this case.

**2. You are the Petitioner. Your information:**

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

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

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

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

**MP-112 Petition for Dissolution without Minor Children DRAFT**

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This form may be used for non-commercial purposes only

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? \_\_\_\_\_

**3. Your spouse is the Respondent. 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? \_\_\_\_\_

**4. 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 \_\_\_\_\_.

**5. Separation. Choose one.**

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

**OR**

We have not yet physically separated.

**6. Pregnancy. Choose one.**

The wife is not pregnant.

**OR**

The wife is pregnant and the husband is not the father.

**Notice:** A parenting plan must be filed after the child is born if the wife is pregnant and the husband is the father or the father is not known.

**7. Preliminary Disclosure. Choose one:**

I served my spouse a description of my income and expenses by using Form MP-510 when I served the petition.

**OR**

Within 60 days of filing this case I will serve my spouse a description of my income and expenses by using **Form MP-510**.

**8. 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.

**OR**

We entered into an agreement prior to getting married. (*Write MP-113-A on a copy of the prenuptial agreement and paper clip it to this document.*)

**9. Former Name. Choose one.**

I am asking that my name be restored to my previous name: \_\_\_\_\_.

**OR**

I want to keep my current name.

**10. 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**

**MP-112 Petition for Dissolution without Minor Children DRAFT**

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This form may be used for non-commercial purposes only

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.

**11. Other:**

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

1. Enter a decree of dissolution of marriage dissolving our marriage;
2. 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.
3. If I asked the Court to do so, restore me to my former name.
4. If I asked the Court to do so, enter an order for maintenance.
5. If the court deems proper, award me my attorneys' fees and court costs pursuant to §40-4-110, MCA.

6. Other:

- a. \_\_\_\_\_  
\_\_\_\_\_
- b. \_\_\_\_\_  
\_\_\_\_\_
- c. \_\_\_\_\_  
\_\_\_\_\_

7. 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.**

Date: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Your Signature: \_\_\_\_\_



\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner  Co-Petitioner 1

Respondent  Co-Petitioner 2

**Appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,  
 Petitioner  Co-Petitioner 1,

and

\_\_\_\_\_,  
 Respondent  Co-Petitioner 2.

Case No: \_\_\_\_\_

**Petitioner**  **Respondent**

**Agreed**  **Court Ordered**

**Proposed**  **Amended**

**Property Distribution**

**Warning: Montana law, §40-4-252, M.C.A. requires the full disclosure of all assets, debts, income, and expenses. I understand that I am required to tell my spouse about all of the assets, debts, income and expenses that I know about. My spouse is required to do the same for me.**

**This Proposed Property Distribution along with Form MP-510 Disclosure of Income and Expenses has been served on my spouse.**

**If I don't tell my spouse about something, the court may give me a penalty. The court gets to decide what the penalty will be. I am giving all of the information I know about the assets and debts listed on this form and writing "unknown" in the spaces for the information I don't know.**

**1. Real Property.** Real property is land and the building(s) on the land. Real property also includes part ownership, for example when all the members of a family share a ranch. Real property does not include trailer, mobile, or manufactured homes unless the Department of Justice has officially recognized said structure as an improvement to the land pursuant to MCA 15-1-116 and issued appropriate documentation of such as required by law. Any owned parcel upon which a trailer, mobile, or manufactured home sits is real property regardless of the status of said structure.

**Choose One.**

I do not own any real property and my spouse does not own any real property

**OR**

I am listing the real property that my spouse and I own, regardless of whether we own it separately or together. The distribution of any debt(s) associated with the real property(ies) described below is listed in Section 8 dealing with debt distribution.

I/we request distribution as follows:

Description	Value	Name on Deed	Distributed to
Address: _____ _____ Legal Description: _____ _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No <b>If yes, list all debt information in Section 8</b>			<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other: _____ _____

**Choose one.**

Petitioner / Co-Petitioner 1  or Respondent / Co-Petitioner 2 shall receive the home as his/her separate property and shall be responsible for all costs associated with the home so long as the home is refinanced no later than *(date)* \_\_\_\_\_. If the home is not refinanced by that date, for any reason, the parties agree that the home will be sold and the net proceeds divided \_\_\_% to Petitioner / Co-Petitioner 1 and \_\_\_% to Respondent / Co-Petitioner 2. The home will be listed for sale no more than 30 days after the refinance date. In the event the home is listed for sale and until the home is sold, the parties shall be responsible to pay all costs of the home including but not limited to the mortgage payment, taxes, insurance, maintenance and upkeep with

Petitioner / Co-Petitioner 1 responsible to pay \_\_\_\_\_% and  Respondent / Co-Petitioner 2 responsible to pay \_\_\_\_\_%.  Petitioner / Co-Petitioner 1  or Respondent / Co-Petitioner 2 shall be entitled to live in the home pending the sale of the home.

**OR**

The home will be listed for sale no later than 30 days after the date the Decree of Dissolution is ordered by this court and the net proceeds divided \_\_\_% to Petitioner / Co-Petitioner 1 and \_\_\_% to Respondent / Co-Petitioner 2. Until the home is sold, the parties shall be responsible to pay all costs of the home including but not limited to the mortgage payment, taxes, insurance, maintenance and upkeep with  Petitioner / Co-Petitioner 1 responsible to pay \_\_\_\_\_% and  Respondent / Co-Petitioner 2 responsible to pay \_\_\_\_\_%.  Petitioner / Co-Petitioner 1  or Respondent / Co-Petitioner 2 shall be entitled to live in the home pending the sale of the home.

**OR**

Petitioner / Co-Petitioner 1  or Respondent / Co-Petitioner 2 shall have exclusive possession of the home until 90 days after the youngest child reaches the age of 18 or graduates from high school, whichever is later. The home must be listed for sale no later than 90 days after the youngest child turns 18 or graduates from high school whichever is later. The net proceeds of the sale will be divided \_\_\_% to Petitioner / Co-Petitioner 1 and \_\_\_% to Respondent / Co-Petitioner 2. The parties shall be responsible to pay all costs of the home including but not limited to the mortgage payment, taxes, insurance, maintenance and upkeep with  Petitioner / Co-Petitioner 1 responsible to pay \_\_\_\_\_% and  Respondent / Co-Petitioner 2 responsible to pay \_\_\_\_\_% until the home is sold.

**OR**

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

Note: "Net proceeds" as used in this paragraph includes any escrow refund.

**2. Vehicles.** Any trailer, mobile, or manufactured home, regardless of whether it was constructed before or after 1976, is considered a vehicle unless otherwise deemed an improvement to land by the Department of Justice pursuant to MCA 15-1-116.

**Choose one.**

Neither my spouse nor I have any vehicles.

**OR**

My spouse and I have the following vehicles. The distribution of any debt(s) associated with the vehicle(s) described below is listed in Section 8 dealing with debt distribution.

I/we request distribution as follows:

Description	Value	Name on Title	Distributed to
Year/Make/Model: _____ VIN#: _____  Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes</b> , list debt information in Section 8.			<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other: _____ _____
Year/Make/Model: _____ VIN#: _____  Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes</b> , list debt information in Section 8.			<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other: _____ _____
Year/Make/Model: _____ VIN#: _____  Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes</b> , list debt information in Section 8.			<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other: _____ _____
Year/Make/Model: _____ VIN#: _____  Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No  <b>If yes</b> , list debt information in Section 8			<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other: _____ _____

**3. Bank Accounts, Certificates of Deposit, and Cash. Choose One.**

Neither my spouse nor I have any bank accounts, certificates of deposit, or cash.

**OR**

I am listing the bank accounts and cash that my spouse and I own, regardless of whether we own them separately or together. I request distribution of the bank accounts and cash as follows:

Description <i>Include name of bank and only the last four digits of the account number</i>	Balance as of __/__/__	Percentage of Ownership	Distributed to:
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____

**4. Pensions/Retirement Accounts; Life Insurance; Stocks, Bonds, Secured Notes, Health Savings Accounts, and Mutual Funds. Choose One:**

Neither my spouse nor I have any pensions/retirement accounts, life insurance, stocks, bonds, secured notes, health savings accounts, or mutual funds.

**OR**

My spouse and I have the following pensions/retirement accounts, life insurance, stocks, bonds, secured notes, health savings accounts, or mutual funds and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co- Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co- Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____
		%__ Respondent / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co- Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____

**5. Personal Property** (including appliances, pets, furniture, jewelry, art, guns, etc.).

I request the following distribution of our personal property:

Description	Value	Current Possession	Distributed to
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co- Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____

**MP-500 Proposed Property Distribution and Final Decree Attachment**

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Description	Value	Current Possession	Distributed to
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	<input type="checkbox"/> Petitioner / Co-Petitioner 1 <input type="checkbox"/> Respondent / Co-Petitioner 2 <input type="checkbox"/> Other:_____

**6. Business Interests** (including equipment, tools, livestock, etc.). **Choose One.**

Neither my spouse nor I have any business interests.

**OR**

My spouse and I have the following business interests and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____

		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
--	--	--	--

**7. Other Assets. Choose one.**

Neither my spouse nor I have any other assets.

**OR**

My spouse and I have the following assets and request distribution as follows:

Description	Cash Value	Percentage of Ownership	Distributed to
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
		%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____	%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____

**8. Disclosure of Debts. Choose One.**

Neither my spouse nor I have any debts.

**OR**



My spouse and I have the following debts and request distribution as follows:

Description	Creditor	Amount	Balance As of: / /	Name or Names on Debt Now	Distribute To
<b>Home/Real Property Loan(s)</b> (including mortgage(s), home equity line of credit(s), and any other secured debts against the real property listed in Section 1, and any attachments):					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
Description	Creditor	Amount	Balance As of: / /	Name or Names on Debt Now	Distribute To
<b>Vehicle Loan(s)</b> (Including any debt(s) on the vehicle(s) listed in Section 2, and any attachments):					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
<b>Past Due Utility Bill(s):</b>					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other: _____

Description	Creditor	Amount	Balance As of: _/_/___	Name or Names on Debt Now	Distribute To
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
<b>Credit Card(s):</b>					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
<b>Student Loan(s):</b>					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____

Past Due Medical Bills:					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
Other Liabilities:					
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____
					%__ Petitioner / Co-Petitioner 1 %__ Respondent / Co-Petitioner 2 Other:_____

**9. Additional Assets or Debts. Choose one.**

All of our assets and debts are listed on this form.

**OR**

We have additional assets or debts that do not fit on this form. The additional assets or debts are listed on additional pages attached to this form, or on optional attachment forms MP-500-A, MP-500-B, MP-500-C, or MP-500-D which are attached to this form.

**10. Other:** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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.**

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

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

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

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

Petitioner / Co-Petitioner 1

Respondent

*(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.**

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

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

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

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

Co-Petitioner 2

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

**ORDER BY THE COURT**

- The Court found this property distribution to be equitable.
- The Court orders the parties to follow the terms of this property distribution.

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

\_\_\_\_\_  
 DISTRICT COURT JUDGE /  STANDING MASTER

<p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____ ,</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p><b>Case No:</b> _____</p> <p><b>Attachment: Additional Accounts Sheet ____ of ____.</b></p>
---	--

<b>Description</b> <i>Include name of bank and only the last four digits of the account number</i>	<b>Cash Value</b> as of ____/____/____	<b>Percentage of Ownership</b>	<b>Distributed to:</b>
		%__ Petitioner  %__ Respondent	%__ Petitioner %__ Respondent Other: _____
		%__ Petitioner  %__ Respondent	%__ Petitioner %__ Respondent Other: _____
		%__ Petitioner  %__ Respondent	%__ Petitioner %__ Respondent Other: _____

<p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p><b>Case No:</b> _____</p> <p><b>Attachment: Additional Debts Sheet ____ of ____.</b></p>
---	---

Description	Creditor	Amount	Percentage of Responsibility	Distributed to
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent
			%__ Petitioner %__ Respondent	%__ Petitioner %__ Respondent

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner  Respondent  Co Petitioner

**Appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,  
 Petitioner,

and

\_\_\_\_\_,  
 Respondent  Co Petitioner.

Case No: \_\_\_\_\_

**Petitioner**  **Respondent**  
 **Co-Petitioner**  **Amended**

**Disclosure of Income and Expenses**

**Warning: Montana law, §40-4-252, M.C.A. requires the full disclosure of all assets, debts, income, and expenses. I understand that I am required to tell my spouse about all of the assets, debts, income and expenses that I know about. My spouse is required to do the same for me.**

**This Disclosure of Income and Expenses along with Form MP-500 Proposed Property Distribution has been served on my spouse.**

**If I don't tell my spouse about something, the court may give me a penalty. The court gets to decide what the penalty will be. I am providing all of the information I know about the income and expenses listed on this form and writing "unknown" in the spaces for the information I don't know.**

NOTE: This Document is served on the **other party only** and **cannot be filed with the Court** unless the Court specifically orders you to file it. The following is being served as required by §§ 40-4-252 through 254, M.C.A.

**1. Disclosure of Income**

Source of Income		Amount per Month
Gross Wages, Salary, Commissions	Petitioner	
	Respondent	
Income from Rents, Interest, Dividends	Petitioner	
	Respondent	
Self Employment Earnings	Petitioner	
	Respondent	
Unemployment or Worker's Compensation	Petitioner	
	Respondent	

Social Security Benefits, including SSI, SSDI	Petitioner	
	Respondent	
Public Assistance (including TANF and LIEAP)	Petitioner	
	Respondent	
Food Stamps	Petitioner	
	Respondent	
Pension, Retirement	Petitioner	
	Respondent	
Child Support	Petitioner	
	Respondent	

--	--	--



Dependent's Benefits	Petitioner	
	Respondent	
Other Income ( <i>describe</i> ):	Petitioner	
	Respondent	
<b>Monthly Total</b>	<b>Petitioner</b>	
	<b>Respondent</b>	

(If you have additional income, complete and staple **Form MP-510-A** to this document.)

## 2. Disclosure of Expenses

Description of Expense		Amount per Month
Taxes and withholdings	Petitioner	
	Respondent	
Retirement Contribution	Petitioner	
	Respondent	
Health Insurance (self and children)	Petitioner	
	Respondent	
Medical Expenses	Petitioner	
	Respondent	
Rent or Housing (including property taxes and insurance relating to housing)	Petitioner	
	Respondent	
Transportation	Petitioner	
	Respondent	
Car Insurance	Petitioner	
	Respondent	
Student Loans	Petitioner	
	Respondent	
Utilities	Petitioner	
	Respondent	

### MP-510 Income and Expense Disclosure

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Telephone (cell phone and land line)	Petitioner	
	Respondent	
Clothing	Petitioner	
	Respondent	

Food and Household Supplies	Petitioner	
	Respondent	
Child Care	Petitioner	
	Respondent	
Union Dues	Petitioner	
	Respondent	
Child Support Payments	Petitioner	
	Respondent	
Other: (describe)	Petitioner	
	Respondent	
<b>Monthly Total</b>	<b>Petitioner</b>	
	<b>Respondent</b>	

(If you have additional expenses, complete and staple **Form MP-510-B** to this document.)

**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.**

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

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

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

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

Petitioner  Respondent  Co-Petitioner

**MP-510 Income and Expense Disclosure**

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<p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p><b>Case No:</b> _____</p> <p><b>Attachment: Additional Income Sheet ____ of ____.</b></p>
---	--

Description of Income		Amount per Month
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	

<p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Petitioner,</p> <p>and</p> <p>_____,'</p> <p style="text-align: right;"><input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p><b>Case No:</b> _____</p> <p><b>Attachment: Additional Expenses Sheet ____ of ____.</b></p>
---	--

Description of Income		Amount per Month
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	
	Petitioner	
	Respondent	

In re the Marriage of:  _____, Petitioner (you),  and  _____, Respondent (your spouse).	Case No:  _____ <i>(leave blank, the clerk will complete)</i>  <b>Summons and Automatic Economic Restraining Order by Clerk of Court</b>
---	---

**NOTICE: You are named in this family-law lawsuit. The court may make a decision without your involvement unless you submit a written response to the court and to the Petitioner within 21 days. Read the information below.**

A Petition has been filed with the Clerk of District Court asking the court to dissolve your marriage. You are receiving a copy of the Petition for Dissolution with this Summons.

You must submit a written response to the Clerk of District Court and send a copy to the Petitioner within 21 calendar days. Day 1 of the 21-day period is the day after you received this Summons. If the 21<sup>st</sup> day falls on a weekend or court holiday, you may submit your response on the next business day. You must either pay a fee to submit your response or ask the court in writing to waive the fee. You can find forms for responding to a petition and waiving court fees at: [www.courts.mt.gov](http://www.courts.mt.gov).

If you do not submit a response, the court may give Petitioner everything they asked for in the Petition.

**IMPORTANT: An Automatic Economic Restraining Order is in effect. The Order applies to both the Petitioner and Respondent until this lawsuit is over. The Order means you can't sell, give away, borrow against, or hide property or money. There are exceptions in the Order. The Petitioner and Respondent can agree in writing to do something with property or money. You can ask the Court to let you do something with property or money. The Order tells you how to ask the Court to let you do something with property or money. If you don't follow the Order the Court can give you a penalty. Please read the Order carefully. If you have questions you should talk to an attorney.**

## **AUTOMATIC ECONOMIC RESTRAINING ORDER**

It is hereby Ordered:

(1) The parties are restrained from transferring, encumbering, concealing, or in any way disposing of, without the written consent of the other party or an order of the court, any marital property, except:

- (a) for expenses necessary to reasonably maintain the marital standard of living or for the necessities of life, such as food, clothing, shelter, necessary health care expenses, transportation to and from work, and child care, taking into consideration additional living expenses arising out of a party obtaining a second household and current available income;
- (b) in the customary and usual course of operating an existing business; or
- (c) for the purpose of paying a reasonable amount for professional fees and costs relating to a proceeding under Title 40, chapter 1, part 4, Title 40, chapter 4, or Title 40, chapter 15.

(2) Each party shall file a notice with the court of any proposed extraordinary expenditure, proposed revocation of a nonprobate transfer, or proposed elimination of a right of survivorship to property at least 14 days before the action is taken.

(a) The notice must include:

- (i) the proposed action and when the action is intended to occur;
- (ii) how the proposed action may impact the marital estate; and
- (iii) why the proposed action is necessary at that time.

(b) The notice is not sufficient unless the notice contains the following statement:

"The moving party's proposed action will be permitted without further proceedings or order of the court unless within 14 days of the date of filing of the notice you file with the court and serve on all persons entitled to notice a response objecting to the proposed action, which states the reasons for your objection."

(c) If the other party files an objection to the proposed action before the expiration of the 14-day period, the party proposing to take the action is

prohibited from taking the proposed action until the court rules on the proposed action.

(d) The burden of justifying the proposed action is on the party proposing the action. The court may award reasonable attorney fees if a party makes an unreasonable request for or an unreasonable objection to the proposed action.

(e) A "nonprobate transfer" means an instrument, other than a will, that makes a transfer of property on death, including a revocable trust, a pay-on-death account in a financial institution, a transfer on death registration of personal property, or a revocable transfer on death deed.

(3) The parties are restrained from:

(a) canceling jointly held credit cards or terminating signatory authority of the other party on a credit card;

(b) incurring unreasonable debt, including but not limited to further borrowing against any credit line secured by the family residence, further encumbering of any assets, or unreasonably using credit cards or cash advances against credit cards, except as provided for in subsections (1)(a) through (1)(c) or subsection (2);

(c) except as allowed by subsections (1)(a) through (1)(c) or subsection (2), making any withdrawal for any purpose or borrowing from any deferred compensation, retirement, profit-sharing, pension, death, or other employee benefit plan or employee savings plan or from any individual retirement account or Keogh account;

(d) except as allowed by subsections (1)(a) through (1)(c) or subsection (2), withdrawing or borrowing in any manner all or any part of the cash surrender value of any life insurance policies on either party or any of their children;

(e) changing or in any manner altering the beneficiary designation on any life insurance policies on either party or their children or changing or in any manner altering the beneficiary on any other account or asset;

(f) canceling, altering, or allowing to lapse any existing property, life, automobile, or health insurance policies insuring the parties' or children's property or persons;

- (g) negotiating any instrument, check, draft, income tax refund, insurance payment, or dividends payable jointly to the parties or individually to the other party without the personal signature or prior written consent of the other party;
- (h) opening, diverting, or withholding mail, e-mail, or other electronic communications addressed to the other party, except a party may open mail, e-mail, or other electronic communications addressed to both parties or submit a notice of change of the party's individual mail, e-mail, or other electronic address; and
- (i) without objectively reasonable justification, intentionally or knowingly damaging or destroying the property of the parties or of either party during the pendency of this action, specifically including but not limited to any electronically stored materials, electronic communications, or financial records, without order of the court or written consent of the other party.

(4) Unless otherwise ordered by the court, a party is not restrained from:

- (a) creating, modifying, or revoking a will;
- (b) revoking or changing a power of attorney; or
- (c) creating an unfunded revocable or irrevocable trust.

(5) This order does not adversely affect the rights, title, or interest of a purchaser, encumbrancer, or lessee for value if the purchaser, encumbrancer, or lessee does not have actual knowledge of this order.

(6) The court may expand, limit, modify, or revoke this order, and nothing prevents either party from requesting such relief. Furthermore, the parties, with joint agreement, may waive in writing some or all of the provisions of this order.

(7) The parties shall serve preliminary financial disclosures within 60 days of service of the petition for dissolution, declaration of invalidity of marriage, or legal separation pursuant to 40-4-252.

(8) This order is binding on the Petitioner on filing of the petition, and this order is binding on the Respondent on service of the petition.



(9) In issuing any temporary orders or in a final decree, the court may consider any action taken by the petitioner within a reasonable time prior to filing of the petition that would otherwise have constituted a violation of this order had this order been issued at the time.

(10) Except as otherwise ordered by the court, this order is dissolved on dismissal of the action or granting of the declaration of invalidity, dissolution of marriage, legal separation, or other final order.

(11) Failure to follow this automatic economic restraining order is subject to enforcement by the court, on a motion to the court. The court may issue any appropriate enforcement order including, if appropriate, sanctions and all remedies for contempt of court.

DATED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(Seal)

\_\_\_\_\_  
Clerk of Court

By:

\_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)  
Petitioner

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

In re the Marriage of:

**OR**

In re the Parenting of:

\_\_\_\_\_,'

\_\_\_\_\_,  
Petitioner (*you*),

and

\_\_\_\_\_,  
Respondent (*your spouse*).

**Case No:** \_\_\_\_\_  
*(leave blank, the clerk will complete)*

**Request for Sheriff  
to Serve Documents**

To the Sheriff of \_\_\_\_\_ County:

Please serve upon the Respondent the following documents:

- A** [ ] Summons (original and one copy)
- B** [ ] Automatic Economic Restraining Order
- B** [ ] Petition for Dissolution of Marriage
- B** [ ] Petitioner's Declaration of Income and Expenses
- B** [ ] Petitioner's Proposed Property Distribution
- C** [ ] Petitioner's Proposed Parenting Plan
- D** [ ] Petition for Parenting Plan
- C** [ ] Optional: Notice and Acknowledgment to Child Support Enforcement Division
- C** [ ] Optional: Notice of Filing Montana Child Support Guidelines Financial Affidavit
- [ ] \_\_\_\_\_
- [ ] \_\_\_\_\_

If filing for a **dissolution with children** include forms marked **A, B, and C**

If filing for a **dissolution without children** include forms marked **A and B**

If filing for a **parenting plan** include forms marked **A, C, and D**

Also enclosed is:

The Petitioner's Affidavit and Order of Inability to Pay Filing Fees which waives the fee for service in this matter;

**OR**

\$\_\_\_\_\_ to cover the fee for service in this matter

1. Physical Description of Respondent: \_\_\_ ft \_\_\_ inches. Hair color \_\_\_\_\_ Eye Color \_\_\_\_\_  
Other: \_\_\_\_\_

2. The Respondent  does not/ does carry a weapon.

3. At present, the Respondent can be found:

At his/her residence: \_\_\_\_\_  
\_\_\_\_\_.

Times normally at this address:  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p and  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p.

Other: \_\_\_\_\_.

At his/her place of employment: \_\_\_\_\_  
\_\_\_\_\_.

Times normally at this address:  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p and  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p.

Other: \_\_\_\_\_.

Other location: \_\_\_\_\_  
\_\_\_\_\_.

Times normally at this address:  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p and  \_\_\_:\_\_\_ a/p to \_\_\_:\_\_\_ a/p.

Other: \_\_\_\_\_.

Please serve the papers on the Respondent as soon as possible. Please return the original Summons to me at the address above, along with proof of service or a statement that you were unable to locate the Respondent.

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

\_\_\_\_\_  
Petitioner (sign here)

.....  
**Record of Service (for Sheriff's use only)**

I certify that: **Choose One**

- I personally served the following documents:
  - Summons (original and one copy)
  - Automatic Economic Restraining Order
  - Petition for Dissolution of Marriage
  - Petitioner's Declaration of Income and Expenses
  - Petitioner's Proposed Property Distribution
  - Petitioner's Proposed Parenting Plan
  - Petition for Parenting Plan
  - Optional: Notice and Acknowledgment to Child Support Enforcement Division
  - Optional: Notice of Filing Montana Child Support Guidelines Financial Affidavit
  - \_\_\_\_\_
  - \_\_\_\_\_

on the Respondent by delivering a copy to him/her personally on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ in the County of \_\_\_\_\_, State of \_\_\_\_\_.

**OR**

- After due effort, I was unable to locate or serve the Respondent in the County of \_\_\_\_\_, State of \_\_\_\_\_.

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

\_\_\_\_\_  
Sheriff  
By: \_\_\_\_\_  
Deputy Sheriff

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

**Petitioner appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,  
Petitioner (you),

and

\_\_\_\_\_,  
Respondent (your spouse).

**Case No:** \_\_\_\_\_  
*(leave blank, the clerk will complete)*

**Notice and Request for  
Acknowledgment of Service  
of Summons and Petition for  
Dissolution of Marriage**

**NOTICE To:** *(your spouse's name)* \_\_\_\_\_, Respondent:

I am serving the following documents according to the rules of civil procedure.  
You can find the rules at the Montana Rules of Civil Procedure Rule 4(D)(3)(A):

- Summons and Automatic Economic Restraining Order (MP-400)
- Petition for Dissolution of Marriage (MP-112)
- Petitioner's Declaration of Income and Expenses (MP-510)
- Petitioner's Proposed Property Distribution (MP-500)
- \_\_\_\_\_

**MP-403.12 Notice and Acknowledgment of Service**

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# You were sent papers in the mail, now what?

## Why is my name on these papers?

- ∞ You are named in a family law case.
- ∞ A petition to dissolve your marriage was filed in district court.

## Why did I get these papers in the mail?

- ∞ Your spouse is trying to serve you without having to use a sheriff or other process server.

**IMPORTANT:** Keep a copy of these papers for your records.

## I don't want to have a sheriff serve me, what can I do?

- ∞ Fill out the acknowledgment part of this form;
- ∞ Put it in the enclosed stamped return envelope;
- ∞ Return it to your spouse within 21 days after the date it was mailed.

## What does it mean if I fill out and return the acknowledgment?

- ∞ Filling out and returning the acknowledgment means that you received these papers.
- ∞ It doesn't mean that you agree with what is in the petition.

## If I fill out and return the acknowledgement, do I need to do anything else?

- ∞ You must submit a written response to the court and your spouse within 21 days. If you don't submit a written response, the court may decide against you without you being heard.
- ∞ You must pay a fee to submit your written response, or ask the court to waive the fee if you are low income.

## What happens if I don't fill out and return the acknowledgment?

- ∞ If you don't fill out and return the acknowledgment within 21 days after it was mailed:

- You will be served with these papers by the sheriff or other process server.
- You may have to pay the costs of serving you.

### **Where can I get help?**

- ∞ You can find a response form and the closest Self Help Law Center at: [courts.mt.gov/selfhelp](http://courts.mt.gov/selfhelp)
- ∞ You can find more information at [www.MontanaLawHelp.org](http://www.MontanaLawHelp.org)

**CERTIFICATE OF MAILING OR HAND DELIVERY**

On \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I sent by certified mail, postage prepaid, or delivered by hand the following documents:

- Two copies of this Notice and Acknowledgement of Service by Certified Mail and a stamped return envelope (MP-403)
- Summons and Automatic Economic Restraining Order (MP-400)
- Petition for Dissolution of Marriage (MP-112)
- Petitioner’s Declaration of Assets, Debts, Income and Expenses (MP-510)
- Petitioner’s Proposed Property Distribution (MP-500)
- \_\_\_\_\_
- \_\_\_\_\_

to Respondent at:

*(mailing address)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Date of Signature

\_\_\_\_\_  
Petitioner Signature  
Appearing without a lawyer

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



\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

**Respondent appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,  
Petitioner,

and

\_\_\_\_\_,  
Respondent.

Case No: \_\_\_\_\_

**Acknowledgment of Service  
of Summons and Petition for  
Dissolution of Marriage**

I state that:

1. I am the Respondent in this case.

2. I accept service of the following documents:

- Summons and Automatic Economic Restraining Order
- Petition for Dissolution of Marriage
- Petitioner's Declaration of Assets, Debts, Income and Expenses,
- Petitioner's Proposed Property Distribution
- \_\_\_\_\_
- \_\_\_\_\_

3. I received a copy of these documents on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_.

4. I understand the date I received these documents is the date I was served.

**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.**

Date: \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

Your Signature: \_\_\_\_\_

Your Printed Name: \_\_\_\_\_

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

**Petitioner appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_  
Petitioner (*you*),

and

\_\_\_\_\_  
Respondent (*your spouse*).

Case No: \_\_\_\_\_

**Request for Order Granting  
Service by Publication**

Petitioner, \_\_\_\_\_, states under oath:

1. I am the petitioner in this case.
2. I filed a petition to dissolve my marriage with respondent.
3. I filed the petition with the Clerk of District Court on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.
4. The clerk issued a summons and automatic economic restraining order.
5. The process server returned the summons and automatic economic restraining order and petition as unserved because they could find respondent.

6. Respondent's: (*choose one*):

Address is: \_\_\_\_\_  
\_\_\_\_\_

Last known address is: \_\_\_\_\_  
\_\_\_\_\_

Address is unknown.

7. Respondent (*choose all that apply*):

resides out of the state;

departed from the state;

cannot, after due diligence, be found;

has concealed himself/herself in order to avoid the service of summons.

8. I cannot personally serve the summons and petition on Respondent.

9. Respondent is a necessary and proper party to this case.

10. I know that I must pay for the costs of publication, and that the first publication must happen within 60 days after I file this affidavit.

11. For these reasons, I request an order for service of summons by publication to be made in (*name of newspaper*) \_\_\_\_\_, in (*name of county*) \_\_\_\_\_ County, Montana.

**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.**

Date: \_\_\_\_\_

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

Your Signature: \_\_\_\_\_  
Petitioner, Appearing without a lawyer

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT \_\_\_\_\_ COUNTY

In re the Marriage of:

\_\_\_\_\_,  
Petitioner (*you*),

and

\_\_\_\_\_,  
Respondent (*your spouse*).

Case No: \_\_\_\_\_

**Order for  
Service of Summons by  
Publication**

Petitioner filed a Request for Service of Summons by Publication. The Clerk of District Court finds:

1. Petitioner filed a petition to dissolve the marriage between Petitioner and Respondent.
2. Respondent is a necessary and proper party to this case.
3. Respondent cannot be personally served because of the reasons listed in Petitioner's request for order granting service of summons by publication.

**It is ORDERED that** Respondent is to be served by publication. Under Rule 4(D)(o) of the Montana Rules of Civil Procedure, the summons must:

- be published in a paper of general circulation in the county where the case is pending;
- be published once a week in this newspaper for three weeks in a row;
- give a general statement of the nature of this case;
- be published with 60 days of the filing of the affidavit requesting service by publication.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

(Seal)

\_\_\_\_\_  
Clerk of District Court

by: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

**Petitioner appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,  
Petitioner (*you*),

and

\_\_\_\_\_,  
Respondent (*your spouse*).

Case No: \_\_\_\_\_

## Summons for Publication

**NOTICE TO: Respondent** (*name*) \_\_\_\_\_.

You are named in a petition to dissolve your marriage. Unless you respond in 21 days, the court may decide against you without you being heard and give Petitioner everything asked for in the petition. You must submit your written response within 21 calendar days. The 21 day period starts the day after the last date of publication of this notice. If the final day falls on a weekend or court holiday, you may file your response on the next business day.

You must file your written response with the Clerk of District Court  
at: \_\_\_\_\_ and  
serve a copy of your answer on the Petitioner.

The following real property is part of this case: *(list property by common street name)*

---

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

(Seal)

\_\_\_\_\_  
Clerk of Court

By:

\_\_\_\_\_  
Deputy Clerk

***Optional (not for publication):***

[ ] Petitioner asks the newspaper to waive publication fees because the court approved a filing fee waiver due to Petitioner's inability to pay filing fees. Attached is a copy of the order.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
City State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner  Respondent  Co-Petitioners

**Appearing without a lawyer**

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

In re the Marriage of:

\_\_\_\_\_,

Petitioner  Co-Petitioner,

and

\_\_\_\_\_,

Respondent.

**Case No:** \_\_\_\_\_

## **Request for Hearing**

and Default by Clerk

I, the  Petitioner  Respondent  Co-Petitioner, ask the court to schedule a hearing to obtain a Final Decree of Dissolution.

### **1. Status of the Case. Choose One:**

Respondent did not appear or otherwise respond to the Petition. More than 21 days has passed since Respondent was served. Petitioner asks the clerk to enter default against Respondent.

Respondent  Co-Petitioner is participating in the case and we agree on all issues.

Respondent  Co-Petitioner is participating in the case and we do not agree on all issues.

#### **MP-701 Request for Hearing**

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## 2. Child Support.

There are no minor children of the marriage.

**OR**

Petitioner  Respondent  Both spouses have submitted to the Court:

**Choose One:**

Proposed Child Support Guidelines Calculation Worksheet(s)

**OR**

Child Support Enforcement Division Child Support Order.

## 3. Final Financial Disclosure.

a.  Petitioner  Respondent  Both spouses served a Preliminary Disclosure of Income and Expenses along with the summary of debts, assets, and liabilities within the Proposed Property Distribution. Therefore, the requirements of § 40-4-252, MCA have been met.

b. The Disclosure of Income and Expenses and contents of the Proposed Property Distribution meet the final disclosure requirements of § 40-4-254, MCA, because:

**Choose one:**

Petitioner requests a default and the final disclosure requirements are waived pursuant to §40-4-257, MCA.

**OR**

Both spouses agree to the summary of debts, assets, and liabilities within the Proposed Property Distribution.

**OR**

The summary of debts, assets, and liabilities within the Proposed Property Distribution previously filed and served and the Disclosure of Income and Expenses previously served are current and accurate.

**OR**

Circumstances have changed and

An Amended Disclosure of Income and Expenses was served on the other party on: \_\_\_\_\_.

An Amended Proposed Property Distribution was filed and served on the other party on: \_\_\_\_\_.

**4. Request for Hearing**

**Choose One:**

Default Hearing - Respondent did not appear or otherwise respond to the Petition.

**OR**

Uncontested Hearing -  Respondent  Co-Petitioner is participating in the case and we agree on all issues.

**OR**

Contested Hearing -  Respondent  Co-Petitioner is participating in the case and we do not agree on all issues.

**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.**

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

Signature: \_\_\_\_\_  
 Petitioner  Respondent  Co-Petitioner

---

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

**Default Entered:** \_\_\_\_/\_\_\_\_/\_\_\_\_  
 Default not entered.

---

COURT CLERK

MONTANA \_\_\_\_\_ JUDICIAL DISTRICT COURT \_\_\_\_\_ COUNTY

In re the Marriage of:

\_\_\_\_\_,  
 Petitioner  Co Petitioner,

and

\_\_\_\_\_,  
 Respondent  Co Petitioner.

Case No: \_\_\_\_\_

**Court Order on Hearing for  
Dissolution Without Minor  
Children**

The Court Orders that the final hearing in this matter (**Choose One**):

Is scheduled for the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_  
o'clock \_\_\_\_\_. In Court Room \_\_\_\_\_, located at \_\_\_\_\_,  
Montana. The Court estimates this hearing will last approximately \_\_\_\_\_.

**OR**

Will not be scheduled because (**Choose all that apply**):

The Court does not have sufficient reason to believe that **MP-510**  
Declaration of Assets and Financial Disclosures have been  
exchanged by the parties.

The Court does not have sufficient reason to believe that Service of  
Process was completed.

(Optional)The Court has noted within the  
record:\_\_\_\_\_

**MP-714 Court Order on Hearing for Dissolution without Minor Children**

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\_\_\_\_\_  
\_\_\_\_\_.

It is **ORDERED** that (*Choose One*):

Parties must comply with this order as

follows: \_\_\_\_\_  
\_\_\_\_\_.

Once parties have complied, either party may file a new **MP-701** Request for a Hearing and Statement of Compliance.

**OR**

Parties appear at the hearing as scheduled.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
DISTRICT COURT JUDGE

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

<p>In re the Marriage of:</p> <p>_____, <input type="checkbox"/>Petitioner <input type="checkbox"/>Co-Petitioner 1,</p> <p>and</p> <p>_____, <input type="checkbox"/>Respondent <input type="checkbox"/>Co-Petitioner 2</p>	<p>Case No: _____</p> <p><b>Findings of Fact and Conclusions of Law and Final Dissolution Decree</b></p> <p><b>No Minor Children</b></p>
---	--

The Court enters the following:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1. Procedural History.

On the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, the Petition for Dissolution was filed by Petitioner Co-Petitioners jointly.

2. Nature of the Case. *Choose One.*

The Parties filed a joint Petition.

**OR**

On the \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, Respondent was served with the Petition and Summons.

**AND**

**MP 713 Dissolution Decree**

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Page 1 of 6

Respondent filed an answer or otherwise participated in this case.

**OR**

Respondent did not file an answer or otherwise participate in this case.  
Default was entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

3. Property Distribution. *Choose One.*

Petitioner filed and served Respondent with the Petition and the Property Distribution.

**OR**

Petitioner/Co-Petitioner 1  Respondent/Co-Petitioner 2 has filed a Property Distribution and sent a copy to the other party.

**OR**

The parties have agreed upon a Property Distribution and submitted it to the Court for final approval.

**OR**

Other: \_\_\_\_\_.

4. Hearing. *Choose One.*

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ the Court held a:

Default hearing.

**OR**

Uncontested hearing. The parties agreed to all issues in this case.

**OR**

Contested hearing.

**OR**

No hearing. The parties have filed joint or individual Affidavits for Entry of a Decree of Dissolution of Marriage without a Hearing.

5. Appearances.

Petitioner/Co-Petitioner 1

appeared in person  without a lawyer  with a lawyer \_\_\_\_\_

Respondent/Co-Petitioner 2

appeared in person  without a lawyer  with a lawyer \_\_\_\_\_

failed to appear

Not applicable. The parties filed joint or individual Affidavits for Entry of a Decree of Dissolution of Marriage without a Hearing.

6. Jurisdiction over the Parties.

90 days before this case was filed either husband or wife was domiciled or was stationed in Montana.

7. Venue.

Venue is proper in this county.

8. Marriage. *Choose One.*

The parties were married on (date) \_\_\_\_\_. The marriage license was filed in \_\_\_\_\_ County, State of \_\_\_\_\_.

**OR**

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

**OR**

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

9. Irretrievable Breakdown. The marriage of the parties is irretrievably broken in that: *Choose one.*

The parties lived separate and apart for more than 180 days before this case was filed.

**OR**

There is serious marital discord that adversely affects the attitude of one or both of the parties toward the marriage and there is no reasonable prospect of reconciliation.

10. There were no children born of the marriage or there are no minor children at this time. Neither party is pregnant with a child of the marriage.

**MP 713 Dissolution Decree**

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11. Declaration of Disclosure.

The parties are in compliance with the financial disclosure requirements §§ 40-4-252 through 254, M.C.A.

**OR**

(In the event of default), Petitioner has provided financial disclosure and waives any further disclosure from Respondent.

**OR**

The parties have made preliminary disclosure and ask that the preliminary disclosure serve as the final disclosure.

12. Spousal Maintenance. *Choose One.*

Spousal maintenance was not requested by either party.

**OR**

Spousal maintenance is necessary because the requesting party lacks sufficient property to provide his/her reasonable needs; and is unable to be self-supporting through appropriate employment or is the custodian of a child whose condition or circumstances make it appropriate that the custodian not be required to seek employment outside the home.

**OR**

Spousal maintenance is denied because: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

13. Previous Names. *Choose One.*

Petitioner/Co-Petitioner 1  Respondent/Co-Petitioner 2 request restoration of a previous name.

**OR**

Neither party requests restoration of a previous name at this time.

14. Additional Findings.

The Court makes additional findings of fact as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MP 713 Dissolution Decree**

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Additional Findings of Fact and Conclusions of Law attached hereto.

From the above Findings of Fact and Conclusions of Law, the Court orders the following:

**DECREE OF DISSOLUTION OF MARRIAGE**

1. The Court has jurisdiction over the parties and this cause of action.
2. The Court dissolves the marriage between the parties.
3. Except as otherwise ordered, the Court dissolves the Automatic Economic Restraining Order issued in this matter under M.C.A. § 40-4-126(10).
4. The following property distribution is a fair and equitable apportionment between the parties of the marital property, assets, and liabilities and is not unconscionable:  
*Choose One.*

- The Agreed Proposed Property Distribution       as modified
- Petitioner's Proposed Property Distribution       as modified
- Respondent's Proposed Property Distribution       as modified
- The Court's Property Distribution

5. The Court has signed and adopts and incorporates by reference the approved Property Distribution. The Court orders the parties to follow the Property Distribution.
6. Each party is ordered to take any action necessary to carry out the terms and conditions of this Decree including the signing and transfer of titles, deeds, or other documents within \_\_\_\_\_ number of days from the date of this Decree or as more specifically provided in the Property Distribution.
7. Petitioner's/Co-Petitioner 1's name will  remain  be restored to:

\_\_\_\_\_

First                      Middle                      Last

8. Respondent's/Co-Petitioner 2's name will  remain  be restored to:

\_\_\_\_\_

First                      Middle                      Last

**MP 713 Dissolution Decree**

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9. Spousal Maintenance. *Choose One.*

No spousal maintenance is awarded in this case.

**OR**

Petitioner/Co-Petitioner 1  Respondent/Co-Petitioner 2 shall pay \$\_\_\_\_\_ per month commencing on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ until *(date of last payment)* \_\_\_\_\_ in spousal support. The payment must be made on the \_\_\_\_ of each month directly to  Petitioner/Co-Petitioner 1  Respondent/Co-Petitioner 2.

10. Other Provisions:

---

---

---

---

DATED this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

---

DISTRICT COURT JUDGE /  STANDING MASTER

\_\_\_\_\_  
Name

\_\_\_\_\_  
Mailing Address

\_\_\_\_\_  
City, State Zip Code

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
E-mail Address (optional)

Petitioner  Respondent  Co Petitioner

**Appearing without a lawyer**

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

<p>In re the Marriage of:</p> <p>_____, <input type="checkbox"/> Petitioner <input type="checkbox"/> Co Petitioner,</p> <p>and</p> <p>_____, <input type="checkbox"/> Respondent <input type="checkbox"/> Co Petitioner.</p>	<p>Case No: _____</p> <p><b>Notice of Entry of Decree</b></p>
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Notice is hereby given that on the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, the Court entered a Final Decree of Dissolution in the above-entitled action. A  
true and correct conformed copy of the Final Decree of Dissolution is attached to this  
Notice and served upon you.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
 Petitioner  Respondent  Co Petitioner

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

**MP-704 Notice and Entry of Decree Draft**

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This form may be used for non-commercial purposes only

**Proof of Service**

I, \_\_\_\_\_, attest that a true and correct copy of the foregoing Notice of Entry of Decree was served the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by mailing said copy, postage paid, to:

\_\_\_\_\_  
*Name*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*City State Zip Code*

**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.**

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

Signature: \_\_\_\_\_  
Petitioner Respondent Co Petitioner

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

## INSTRUCTIONS

**Order Information:** Check the box that most accurately describes the type of order being entered. If it is a dissolution of marriage, enter the place of marriage and indicate if child support is ordered. Temporary support orders and paternity orders that contain child support are categorized as “child support order, without dissolution.” “Child support order” includes medical support orders. If the order does not contain a child support order, social security numbers of the parties are not required and only Parts 1, 2 and 9 need to be completed.

**Parts 1 and 2:** Provide information about the parties to the order. If there is a child support order, be sure to check the box that shows whether the party owes support (payer) or will receive support (payee). If a party is ordered to both pay and receive support, check the box labeled “both.” If there is no support order, check the box labeled “N/A” for not applicable. If a party is ordered to pay \$0 support, that party should be considered a payer.

**Part 3:** Provide information about the children named in the order and indicate which parent or other party the children live with. If the parenting plan provides for shared residential parenting, circle “B” for both. If a child is not living with either parent, circle “O” and list the child’s name and address.

**Part 4:** Complete this part if support is ordered to be paid to an agency or an individual other than a parent.

**Part 5:** Indicate whether any of the parties are protected from each other by a protective or restraining order. If yes, list the names of the protected parties. This includes any protected children.

**Part 6:** Provide information about the employment or other source of income of the party who is ordered to pay child support. If both parties are ordered to pay support, skip Part 6 and complete Part 10 instead.

**Part 7:** Provide information about the support order. Check the type(s) of support ordered and enter the amount and how often it is due. (Example: \$100 per week.) All orders should have a “begin” date; many will not have an “end” date. If both parties are ordered to pay support, skip Part 7 and complete Part 11 instead.

If the order enters a judgment for past due support, show the **total** amount of the judgment. If the judgment includes amounts for penalties, fees or interest, list those amounts on the appropriate lines.

List any special conditions of the support order. (Example: support is due until the child graduates from college.)

Copy the information requested about the guidelines to this form from the guidelines worksheet.

**Part 8:** Provide information about health insurance coverage for the children. If insurance is not provided, indicate whether it is available through the employer of either parent. Relationship of the party providing insurance is the party’s relationship to the children. (Example: mother, father, mother’s spouse, father’s spouse.) List the terms and conditions of the insurance coverage. (Example: 80/20 plan, \$500 deductible, major medical only.)

**Part 9:** Provide information about the person completing this form.

**Part 10:** Employment information for multiple payers. Complete only if both parties are ordered to pay support. See Part 6 instructions.

**Part 11:** Order information for multiple payers. Complete only if both parties are ordered to pay support. See Part 7 instructions.

**MONTANA STATE CASE REGISTRY  
AND VITAL STATISTICS REPORTING FORM  
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES**  
*(See instructions on first page)*

County / Tribe \_\_\_\_\_ Judicial District No. \_\_\_\_\_ Cause No. \_\_\_\_\_

Date Decree/ Order Signed \_\_\_\_\_

- Dissolution of Marriage  
 County that Issued Marriage License \_\_\_\_\_  
 City, County, State of Marriage \_\_\_\_\_  
 Date of Marriage \_\_\_\_\_  
 With Child Support Order  
 Without Child Support Order (Complete Parts 1, 2 & 9 only)  
 Modification of Child Support Order

- Child Support Order, without Dissolution (Includes  
 Temporary Support Orders and Paternity Orders with  
 Child Support)  
 Legal Separation with Child Support Order  
 Dependent Neglect / Juvenile Delinquency  
 Invalid Marriage - Specify Legal Grounds for Action  
 \_\_\_\_\_

**1 Mother/Wife:**  Payer  Payee  Both  N/A Maiden Name: \_\_\_\_\_  
 Name: \_\_\_\_\_ SSN: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
Last First Middle/Suffix  
 Mailing Address: \_\_\_\_\_  
Street City State Zip  
 Residential Address (if different from above): \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ Race: \_\_\_\_\_  
State / Foreign Country  
 Driver's License # / State \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Number of this marriage (1st, 2nd, etc.): \_\_\_\_\_ Date, City & State of previous marriage(s): \_\_\_\_\_

**2 Father/Husband:**  Payer  Payee  Both  N/A  
 Name: \_\_\_\_\_ SSN: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
Last First Middle/Suffix  
 Mailing Address: \_\_\_\_\_  
Street City State Zip  
 Residential Address (if different from above): \_\_\_\_\_  
 Date of Birth: \_\_\_\_\_ Place of Birth: \_\_\_\_\_ Race: \_\_\_\_\_  
State / Foreign Country  
 Driver's License # / State \_\_\_\_\_ Occupation: \_\_\_\_\_  
 Number of this marriage (1st, 2nd, etc.): \_\_\_\_\_ Date, City & State of previous marriage(s): \_\_\_\_\_

**Other Payee:** If support is to be paid to another payee, check here and complete Part 4.

3	Names of Children Included in the Support Order				Sex	SSN	Residing With **
	Last	First	Middle	Date of Birth			
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O
	_____	_____	_____	_____	M F	_____	M F B O

\*\*M=Mother F=Father  
B=Both O=Other

If any of the above-named children are not residing with a parent, list the child's name and address : \_\_\_\_\_  
 \_\_\_\_\_

4 **Other Payee:**  
 Name of person/agency owed support if not parent: \_\_\_\_\_  
Last Name or Agency Name First Middle  
 Mailing Address: \_\_\_\_\_ Telephone: (\_\_\_\_) \_\_\_\_\_  
Street City State Zip  
 Residential Address (if different from above): \_\_\_\_\_

5 **Protective Order:** Is a party to this action protected from another party to the action by an order of protection?  Yes  No  
 If yes, enter name(s) of protected party(ies): \_\_\_\_\_

6 **Employer/Income Source Information:** Provide information about the payer's employment or periodic source of income.  
 (Attach additional pages if needed.)  
 Check here if this order requires both parties to pay support and skip Parts 6 & 7 and complete Parts 8, 9, 10 & 11.  
 \_\_\_\_\_  
Name of Employer or Source of Income Telephone  
 \_\_\_\_\_  
Street City State Zip

7 **Support Order:** Date Order Signed: \_\_\_\_\_  
 Check type of support and enter appropriate information If applicable, arrears due at time of order: \$ \_\_\_\_\_

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty*	Fees*	Interest*
<small>(*list amounts if included in judgment)</small>								
<input type="checkbox"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is payer exempt from income withholding under MCA 40-5-315?  No  Yes  Tribal Order  
 List any special terms/conditions of the support order(s): \_\_\_\_\_  
 \_\_\_\_\_  
 Was the mother represented by an attorney?  Yes  No Was the father represented by an attorney?  Yes  No

**Information from child support guidelines worksheet:**  
**Mother:** "Income after Deductions": \$ \_\_\_\_\_ "Credit for Payment of Expenses": \$ \_\_\_\_\_  
**Father:** "Income after Deductions": \$ \_\_\_\_\_ "Credit for Payment of Expenses": \$ \_\_\_\_\_

8 **Health Insurance:** (Attach additional pages if needed.)  
 Is health insurance provided for the children?  Yes  No (If no, answer last question in this section)  
 Name and relationship of party providing insurance: \_\_\_\_\_ Policy No. \_\_\_\_\_  
 Name of insurance carrier or health benefit plan: \_\_\_\_\_  
 Address of insurance carrier or health benefit plan: \_\_\_\_\_  
 Names of children covered: \_\_\_\_\_  
 Terms/conditions of coverage: \_\_\_\_\_  
 If children are not covered, is coverage available through:  
 Father's employer?  Yes  No Mother's employer?  Yes  No

9 **This form was completed by:** Name / Title: \_\_\_\_\_  
 Telephone: \_\_\_\_\_ Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Complete next page if both parties are ordered to pay child support.**  
 Information contained in this form is private and confidential.  
 It may only be shared with courts, agencies and individuals authorized by MCA 40-5-923.

**Multiple Payers: Complete Parts 10 and 11 only if the order requires both parties to pay support.**

10 **Mother's Employer/Income Source Information:** Provide information about the mother's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income			Telephone		
Street	City	State	Zip		

**Father's Employer/Income Source Information:** Provide information about the father's employment or periodic source of income. (Attach additional pages if needed.)

Name of Employer or Source of Income			Telephone		
Street	City	State	Zip		

11 **Support Order:** Date Order Signed: \_\_\_\_\_

**Mother's Support Obligation** If applicable, arrears due at time of order: \$ \_\_\_\_\_

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty* (*list amounts if included in judgment)	Fees*	Interest*
<input type="checkbox"/> <b>Child Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> <b>Medical Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> <b>Spousal Support:</b> (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the mother exempt from income withholding under MCA 40-5-315?  No  Yes  Tribal Order

**Father's Support Obligation** If applicable, arrears due at time of order: \$ \_\_\_\_\_

Check type of support and enter appropriate information

Support Type	Total Due	Frequency	Begin Date	End Date	Judgment	Penalty* (*list amounts if included in judgment)	Fees*	Interest*
<input type="checkbox"/> <b>Child Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> <b>Medical Support:</b>	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> <b>Spousal Support:</b> (Alimony)	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____

Is the father exempt from income withholding under MCA 40-5-315?  No  Yes  Tribal Order

List any special terms/conditions of the support order(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Was the mother represented by an attorney?  Yes  No Was the father represented by an attorney?  Yes  No

**Information from child support guidelines worksheet:**

**Mother:** "Income after Deductions": \$ \_\_\_\_\_ "Credit for Payment of Expenses": \$ \_\_\_\_\_  
**Father:** "Income after Deductions": \$ \_\_\_\_\_ "Credit for Payment of Expenses": \$ \_\_\_\_\_