

INSTRUCTIONS & CHECKLIST PACKET “B” -- JOINT DISSOLUTION (WITH CHILDREN)

BEFORE YOU BEGIN: READ THESE INSTRUCTIONS AND FILL OUT A SENSITIVE DATA FORM.

The Montana Supreme Court has enacted Court Rules for Privacy and Public Access to Court Records in Montana. These rules apply to all court records. There is certain information that you cannot put in a court record which should be maintained as confidential.

Fill out the **SENSITIVE DATA FORM** in this packet to keep the following sensitive information confidential in a court record:

- 1) Complete Social Security Numbers
- 2) Complete Financial Account Numbers
- 3) Full birth dates of any person involved in this case

Use these formats when required to put sensitive information **in all other court documents** in this packet:

- For a social security number, use this format: **XXX-XX-1234.**
- For a date of birth, use this format: **age ____.**
- For financial account numbers, use this format: **ending in the last four digits of 1234.**
- For the name of a minor child, use the child’s full name and age at the time Petition is filed. For example, “Tyler Jones, age 3.”

- File this form with your Petition. Keep a copy in a safe place.
- The Clerk will keep the Sensitive Information Form separately. The public will not have access to this document, unless the court orders it.

I. STARTING THE DIVORCE PROCESS ---- “DISSOLUTION”:

There are LOTS of forms that will need to be completed. Take it step-by-step and it should make it easier for you. Every court document contains a “caption” on the top half of the first page which identifies the party completing the form and the case description. Fill out the caption **the exact same way** on every form. If you provide your email address you must confirm with the Clerk of Court that you would like orders either physically mailed or emailed to you.

This packet is to be used when the parties can AGREE on child support issues, parenting plans, property settlement and distribution, and file the action TOGETHER. In a joint dissolution, the parties are called, “Co-Petitioners.”

STEP 1. -- Filling Out The Forms

Note: You might want to use a pen with **blue ink** so you always know which are the originals and which are copies. Also, put **N/A** (“not applicable”) in any spaces that don’t apply to your situation.

- Form #14 Fill in every section. Parties sign pages 14 & 15 in two places in front of a notary public. Notaries can be found at the Clerk of Court’s office, banks, law offices, etc.
- Form #15 Fill in every section. Parties sign on pages 12 & 13 in front of a notary public. If you need assistance developing a parenting plan, read **Rule 12(f)** of the Fourth Judicial District Court Local Rules of Practice, which can be found via internet by clicking on “Local Rules” at: <http://www.co.missoula.mt.us/distcourt/>
- Form # 16 & 17 Wife and Husband each need to complete the form **before completing Form #18** and provide each other with a copy. Wife and Husband may also fill out one document together (either #16 or #17)
- Form #31 File this with the Clerk of Court. It informs the Clerk of Court that you have both completed and exchanged Forms #16 & 17.
- Form # 18 After reviewing Forms #16 and/or 17, fill in every section. Both parties sign on page 5 or 6 in front of a notary public.

STEP 2. -- Making Copies

- Make 2 copies of Form #14 (Petition)
- Make 2 copies of Forms #16-18. One copy will be for your own personal records, the other for your spouse.

STEP 3. -- Filing Case With Clerk of Court.

- Bring the originals and 2 copies of every form (**except #16 and/or #17**) filled out in Step 1 to the Clerk of District Court’s Office for filing. The Clerk will assign a cause number and department number to identify your case with the Court.
- \$200.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, complete Form 27a and 27b Affidavit of Inability to Pay (both parties must complete a separate Affidavit for a Joint Dissolution). If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part.
- The Clerk will file stamp all your documents (copies and originals). The Clerk will keep the originals and give you the copies.
- The Clerk will issue an order to attend mandatory Parenting Plan Orientation, Form 28. The Parenting Plan Orientation is a 90-minute program that provides an overview of community resources available to assist parents and children through the process of separation and divorce.

II. CHILD SUPPORT:

- If you have minor children, you **MUST** complete Steps 4 – 8 (whether or not you are receiving public assistance).
- If you need help with the computation of child support payments, check the Montana DPHHS website for more information and an application: <http://www.dphhs.mt.gov/csed/index.shtml> - OR - an application packet may be purchased at the Clerk of District Court’s office. You may also receive assistance with child support calculations at the Missoula Family Law Self-Help Center.

STEP 4. -- Completing Child Support (CSED) Paperwork.

- Form #19 Complete and sign on pages 2 & 3.
- Form #20 Complete caption only.
- Form #21 Fill in date and sign letter to CSED.

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STEP 5. -- Making Copies.

- Make 3 copies of Form #19.
- Make 2 copies of Form #20 & 21.
- Set aside one copy to keep for yourself.

STEP 6. -- Mailing CSED Paperwork.

- Mail the following to CSED:
Form #20 -- Original
Form #19 -- Copy
- Mail (or give) copies of Form #19 – 20 to your spouse.
- File original of Form #19 with the Clerk of Court.

Mailing Address: Montana D.P.H.S.
Child Support Enforcement Division
2675 Palmer Street - Suite C
Missoula MT 59808

STEP 7. -- CSED's Involvement.

- CSED will either decline to be involved, or you will be contacted by them for more information.

III. FINAL PAPERWORK:

STEP 8. -- More Paperwork !!! (You're almost done!)

- Form #22 Complete caption only.
- Form #23 Complete - do not sign. The Judge will sign at the hearing.
- Form #24 Complete caption - do not sign.
- Form #25 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #26 Complete caption only.
- Form #29 If you are changing your name back to your former name as part of the divorce, complete this Order for Name Change. This will be a confidential document since it contains your birth date. This Order may then be used to change your name with various agencies such as the Dept. of Motor Vehicles, Social Security office, etc.
- Form #30 Complete "Consent to Entry of Final Decree," if one of the parties cannot attend the final hearing. Sign in front of a notary.
- Make 2 copies of Form #29. 1 copy for your records and 1 copy for your spouse.
- Make 2 extra copies of Form #23.
- Deliver the original of these forms and the 2 copies of Form #23 to the Clerk of Court, **with Form #26 on top**.
- You will be notified of the hearing date for the final decree of dissolution.

IV. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While divorce can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues. You have reached an agreement with your spouse and he/she has signed the Marital and Property Settlement Agreement wherein he/she consented to the entry of the final decree (Form #18, page 7). Both parties can attend the hearing on the final decree, but it is **NOT NECESSARY** that your spouse attend. However, if only one party is attending, the other party must fill out Form #30. You should be prepared to be sworn in, take the witness stand, and answer any questions asked of you by the Judge.

VII. AFTER THE HEARING:

STEP 9. -- Final Paperwork.

- After the hearing, you must file Form #25 with the Clerk of Court.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree is filed. This fee is waived if the judge approved your Affidavit of Inability to Pay at the beginning of your case.
- Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, you have already supplied two extra copies of the Final Decree (Form #23). The Clerk's office will "conform" these copies (stamp them with the date) with the original without any cost. The Clerk should then certify the two copies (i.e. "make them official"). The cost for certification is \$2.00 each.

- Form #24 If you were the only one to attend the hearing on the final decree, then complete Form #24, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #23) signed by the Judge. File original Form #24 with the Clerk of Court.

- **If there is a child support order in the Final Decree, you will need to submit a certified copy of the Decree, with calculations attached, to CSED (Child Support Enforcement Division) along with a completed application to CSED and a \$15 fee. The application is available at: <http://www.dphhs.mt.gov/csed/csedforms/index.shtml>**

- Form #29 If you are changing your name, you need a certified copy of Form # 9 after the judge signs it. You will take the certified copy of Form # 9 to the Department of Motor Vehicles and other agencies in order to change your name on your driver's license, social security card, bank accounts, etc. This is a confidential document and will be sealed in your court file