

INSTRUCTIONS & CHECKLIST PACKET “O” – JOINT PETITION FOR PERMANENT PARENTING PLAN

NOTE: If an Order of Protection has been issued by the Justice Court or Municipal Court, see Pro Se Packet K for instructions on how to transfer the Order of Protection to District Court.

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 (not usually applicable to parenting plans)
- 3) Full birth dates of any person involved in this case

Use these formats when required to put sensitive information in any 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 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. PETITIONING FOR A PERMANENT PARENTING PLAN:

There are LOTS of forms that will need to be completed. Take it step-by-step -- in order -- and it should make it easier for you. On the top half of the first page of every court document there is a “**heading**” which identifies the party completing the form and a “**caption**” which sets out the case description. Fill out the heading and caption exactly the 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 and parenting plans and file the action TOGETHER.

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 #231 Fill in every section. Sign page 11 in two places in front of a notary public. The Clerk of Court’s Office can notarize these documents. Notaries also can be found at banks, law offices, etc.

- Form #232 Fill in every section. Sign on pages 10 & 11 in front of a notary public. If you need assistance developing a parenting plan, consult the Fourth Judicial Rules of Practice, which can be found via internet at: <http://www.co.missoula.mt.us/distcourt/documents/RulesOfPractice2010.pdf> scroll down until you get to EXHIBIT K.

 If you need help with the computation of child support payments, check the following website for more information and an application: <http://www.dphhs.mt.gov/csed/csedforms/index.shtml>
 OR - an application packet may be purchased at the Clerk of District Court's office.
 - The Missoula Family Law Self Help Center can assist you with your calculations
- Form #233 Complete caption and read. This is the Order to attend the mandatory Parenting Plan Orientation, which the Clerk of District Court signs. You will receive a copy.
- Form #234 Complete and sign.
- Form #235 Complete caption only.
- Form #236 Sign and date letter.

STEP 2. -- Making Copies

- Make 2 copies of Documents #231, 232, & 233

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

- Bring the originals and 2 copies of Forms #231, 232, & 233 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. The copies will be for your own personal records. Each parent should keep a copy of each document.
- \$120.00 Fee -- cash/money order/personal check (subject to change). If you cannot afford the fee, fill out the form "Affidavit of Inability to Pay" forms in this packet, Forms #230a and 230b. When filing a joint petition, **BOTH** parties must fill out an Affidavit of Inability to Pay. 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. One set is to be retained by you. One copy is for the co-parent.
- The order to attend mandatory Parenting Plan Orientation, Form #233, is issued by the Clerk of Court. 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 establishing parenting plans.

STEP 5. -- Mailing CSED Paperwork.

- Mail the following to CSED:

Forms #235 & 236 -- Originals	Mailing Address: Montana D.P.H.H.S.
Form #234 -- Copy	Child Support Enforcement Division
	2675 Palmer Street - Suite C
	Missoula MT 59808
- CSED will either decline to be involved, or you will be contacted by them for more information.

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******* DO NOT DISCARD THE BALANCE OF THE DOCUMENTS ---
YOU WILL USE THEM!**

IV. FINAL PAPERWORK:

STEP 6. -- Final Hearing.

Once you've completed your Stipulated Parenting Plan, Form #232,

- Form # 238 Complete page 1.
- Form # 239 Complete the form using the same information you have used throughout the other forms.
- Form # 241 Fully complete this form.

- Make 2 copies of each form - one for yourself and one for the co-parent.
- File original Forms #238, & 241 with the Clerk of Court.
- Make 4 copies of Form #239. Keep one for your records, one for the co-parent and two for the Clerk of Court.
- There will be a short hearing on the best interests of the child(ren). You will receive an Order setting a hearing date.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree (Form #239) is filed.
- 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 2 extra copies of the Final Decree. The Clerk's office will conform (make official) these copies with the original at no cost. The Clerk should then certify 1 copy. The cost for certification is \$2.00 each.

- Form #240 Complete, sign, and mail a copy to your co-parent, together with 1 certified copy of the Final Decree (Form #239) signed by the Judge. File original Form #240 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>

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