

**INSTRUCTIONS & CHECKLIST
PACKET “A” -- JOINT DISSOLUTION
(WITHOUT CHILDREN)**

**THIS PACKET IS NOT APPROPRIATE IF THERE IS AN ORDER OF PROTECTION IN PLACE
FOR EITHER PARTY**

**BEFORE YOU BEGIN: READ ALL THE INSTRUCTIONS AND ANY OTHER INFORMATION
GIVEN TO YOU BY THE SELF HELP LAW CENTER**

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 (which should be maintained as confidential) that you cannot put in a court record.

Use these formats when you are required to put sensitive information in court documents **OTHER THAN THE SENSITIVE DATA FORM OR THE VITAL STATISTICS FORM:**

- 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

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

There are many forms to be completed. Take it step-by-step. On the top left corner of the first page of each document is a “heading” which asks for the name and contact information for each party. The WIFE’S name and contact information goes in the top heading. The HUSBAND’S name and contact information goes in the second heading. The full legal name of the Wife is written on the first line in the left side of the box above the word Co-Petitioner. The full legal name of the Husband is written on the second line in the left side of the box above the word Co-Petitioner. Fill out the first page of each document exactly this same way. The Clerk of District Court will assign a cause number and department number when you file your documents.

*****If you provide your email address, please confirm with the Clerk of District Court that you would like orders either physically mailed or emailed to you.*****

This packet is to be used only when the parties **AGREE** on property settlement and distribution, and file the action **TOGETHER**.

STEP 1. – FILL OUT THE FORMS, MAKE COPIES, FILE

Note: You may use a pen with **blue ink** so you can see which documents are the original and which documents are the copies. Also, put N/A (“not applicable”) in any spaces that do not apply to your situation.

Form A & B - AFFIDAVIT OF INABILITY TO PAY FILING FEES AND OTHER COSTS:

Look at the table on page 2 of this document. If one Co-Petitioner qualifies financially but the other Co-Petitioner does not qualify, do not fill out these documents, as you will not qualify for a waiver of the \$200 filing fee. If both parties do qualify financially, according to the table on page 2, both parties must fill out their own form and submit it to the Court when you file the other documents. On page 4 you **MUST** list the **VALUES** of the property you have control over. The value is what the group of items could be sold for at a rummage sale or what you would pay for the group of items at a rummage sale. You do not have to list the value of your spouse's property if you do not have access to that property.

The SENSITIVE DATA FORM is used to keep the following sensitive information confidential in the court record:

- 1) **Full Legal Name of the Parties**
- 2) **Complete Social Security Numbers**
- 3) **Complete Financial Account Numbers**
- 4) **Full birth dates of any person involved in this case**

The Clerk of District Court will keep the Sensitive Information Form separately. The public will not have access to this document, unless the court orders it.

- Form #1 **Joint Petition for Dissolution (without children)**
Fill in every section. Both parties sign page 6 & 7 in two places in front of a notary public. Notaries can be found in the Clerk of District Court's office or at banks, law offices, public library, etc.

- Form # 2a,2b **Final Declaration of Disclosure of Assets, Debts, Income & Expenses**
The Wife and Husband complete one form each using just her or his information. Each party should make a copy for their records and give the Co-Petitioner the original. These forms **ARE NOT** filed with the Clerk of District Court.

- Forms #2c **Notice of Service of Final Declaration of Disclosure of Assets, Debts, Income & Expenses**
Both parties must sign this form stating the Final Declaration of Disclosure of Assets, Debts; Income & Expenses has been exchanged between the Co-Petitioners.

- Form #3 **Marital and Property Settlement Agreement**
Read **carefully** and fill in every section. Both parties need to sign page 5 and 6 in front of a notary public. (Both parties should be present at signing to avoid any conflict or confusion.)

- Form #4 **Vital Statistics Form**
Complete this form according to the instructions on page 1 of the vital statistics form. Fill out the first box and then complete boxes numbered 1, 2 and 9.

- Form #5 **Findings of Fact, Conclusions of Law and Final Decree of Dissolution; also known as the "Final Decree"**
Complete this form with information from your Petition and Marital Property Settlement Agreement. Leave the hearing date and time blank. Do **NOT** DATE or SIGN. The Judge will date and sign this document at your Final Hearing.
MAKE TWO COPIES AND FILE THESE COPIES WITH THE ORIGINALS.

- Form #6 **Order for Name Change**
 Complete this form if the Wife wants to restore her former name. DO NOT DATE or SIGN. The judge will date and sign the form at the final hearing. This form will be a confidential document since it contains your full birth date. After the judge signs and dates the Order, then copies of the Order may be used to change the Wife's name with various agencies such as the Department of Motor Vehicles, Social Security office, etc. If the Wife does not want to restore her former name, then do not file this document. **MAKE TWO COPIES AND FILE THESE COPIES WITH THE ORIGINALS.**

- Form #7 **Affidavit for Entry of Decree of Dissolution of Marriage without Hearing**
 This form gives sworn statements to the court with reason why the Final Hearing should be waived. Fill in every section. Both parties sign this document in front of a notary public. Attach Form #5, Findings of Facts, Conclusions of Law and Final Decree of Dissolution, and if the Wife would like her name restored to a former name, attach form #6. Ultimately, it is the Judge's decision if you do or do not need a final hearing. If you receive an Order Setting Final Hearing, both parties must attend the ordered Final Hearing if possible. Requesting one of the parties appear via telephone or telephonically is also acceptable.

- Form #8 **Request for a Hearing and Order Setting Hearing on Final Decree**
 Complete the caption box and first sentence on Form #6. Both parties must sign page 2. The time and date for the hearing will be filed in by the Clerk of District Court if the Judge decides not to waive your Final Hearing.

- Form #9 **Notice of Entry of Decree** – Use this form only if one of the parties cannot attend the final hearing. Fill out what you can. The person who attends the hearing will complete and sign this form and the copies after the hearing. If both parties will be attending the final hearing, then you do not need to file this document.
MAKE TWO COPIES AND FILE THESE COPIES WITH THE ORIGINALS, ONLY if one of the parties is not going to attend the Final Hearing.

- Form #10 **Consent to Entry of Decree**
 Use this form only if one of the parties cannot attend the final hearing. The party **not** attending the final hearing must fill out this form and sign it in front of a notary public. **MAKE TWO COPIES AFTER COMPLETING.** Keep one copy yourself and give the other party a copy. File the original with the Clerk of District Court.

- When all the documents are completed, you are welcome to have your documents reviewed at the Missoula Self Help Law Center before the documents are dated, signed and notarized. You may make a complete set of copies for yourselves if you would like to have a copy.

***Reminder: **Make additional copies of the forms and file the copies with your originals:**

- 2 copies of the Finding of Fact, Conclusion of Law and Final Decree, Form #5.
- 2 copies of the Order for Name Change, if the wife intends to change her name, Form #6.
- 2 copies of Forms #9 and #10 if one party will not be attending the final hearing.

If you are turning in an Affidavit of Inability to Pay Filing and Other Costs, or an Affidavit for Entry of Decree of Dissolution Without Hearing, you may want to make a copies of these documents for your personal file.

- **FILING:** You are ready to file your original documents and recommended copies with the Clerk of District Court. At the time of filing you may or may not get a date and time for your hearing. Make sure the Clerk has your current contact information. You will receive an Order Setting Final Hearing, unless you have used Form #7. If you have filed Form #7, Affidavit for Entry of Decree Without Hearing, the clerk will notify you when your Final Decree is entered.

Step II --HEARING IN COURT:

Arrive at the courthouse early. Ask the Clerk of District Court in which courtroom your hearing will be held. Sit in the courtroom and wait for your names to be called. When your name is called, go forward to be sworn in. While divorces can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues. Both parties should attend the Final Decree hearing.

Reminder: If one party cannot attend the Final Hearing the party **who does not** attend the hearing must fill out and file with the Clerk of District Court **Form # 10 CONSENT TO ENTRY OF DECREE**.

If your Affidavit for Entry of Decree Without Hearing is accepted, you will not have to attend a final hearing. The Clerk's office will notify you. Once notified follow the Clerk's instructions and pick up a certified copy of the Final Decree for each party.

Step III -- AFTER THE HEARING:

- After your hearing before the Judge, go directly to the Clerk of District Court's office. If only one party attends the hearing, the party who attends the final hearing completes the original and both copies of **Form #9 NOTICE OF ENTRY OF DECREE**. Mail one completed copy with a Conformed and Certified Copy of the Final Decree, Form #5 to the party who did not attend the final hearing. If both parties attend the final hearing this form is not used.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of District 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. (Form A and Form B).
- If you have already filed two copies of your Final Decree with the Clerk, your copies will be conformed and certified so each party has an official copy of the Final Decree signed by the Judge. Copies of the Final Decree will be available at the Clerk of District Court's office for \$10 per copy if you didn't file your own copies. The cost for certification is \$2.00 each.
- If you are changing your name, you need to ask the Clerk for a certified copy of your **ORDER FOR NAME CHANGE, Form #6**. You will take the certified copy of your ORDER FOR NAME CHANGE 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.

If you feel unprepared for your hearing, please ask the Self Help Law Center for information on how to prepare for your day in court.

You may want to sit in on other non-contested dissolution hearings, which are held each Tuesday, Wednesday and Thursday at the Missoula Courthouse. Ask at Clerk of District Court's office which courtroom "Law and Motion" is being held in or go online to the Missoula District Court website and look at the Law and Motion Calendar.

Good luck. You will do just fine if you stay calm and follow the instructions. You are always welcome to stop into the Missoula Self Help Law Center for assistance or encouragement.

