

# How to File for Dissolution of Marriage in Montana (no children)

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### DISCLAIMER

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

**Prepared by Montana Legal Services Association. Approved and distributed by the Montana Supreme Court Commission on Self-Represented Litigants.**

# What Forms Will I Need?

## **Initial Documents:**

1. Petition for Dissolution
2. Petitioner's Preliminary Declaration of Disclosure of Assets, Debts, Income, and Expenses
3. Summons and Temporary Economic Restraining Order

## **Service Documents:**

*You only need to serve your spouse using one of the following three methods. If you are unable to serve by one method, you may try to serve by using one of the other two.*

4. Notice and Acknowledgment of Receipt of Summons and Petition for Dissolution
5. Praecipe
6. Service by Publication:
  - a. Affidavit for Publication of Summons
  - b. Order for Publication of Summons
  - c. Summons for Publication

## **Final Documents:**

1. Request for Entry of Default, Application for Default Judgement, and Waiver of Final Disclosure Requirements
2. Entry of Default
3. Request for Hearing and Order
4. Findings of Fact, Conclusions of Law, and Final Decree of Dissolution
5. Notice of Entry of Decree
6. Vital Statistics Form

# Eight Steps to Getting a Dissolution of Marriage

## Warning:

These instructions will walk you through the steps you will need to follow in order to file your dissolution. This can be a confusing and complicated process. If you have questions about the instructions or any of the forms, you should talk to an attorney.

The steps for filing for a dissolution may be slightly different in your judicial district. Always check with the Clerk of District Court in your district to make sure that you are following the right procedures.

## Step One: Collect Information and Make Decisions

- [ ] Be sure to read “Introduction to Family Law in Montana” before you begin filling out the forms. It will highlight the major decisions you will have to make.
- [ ] You should begin by making a list of all marital property and debts and deciding who should get what property and who should have to pay what debts. If you are not sure how much you owe on current debts, or if you are worried that your spouse has incurred debts without your knowledge, you may want to get a credit report.

## Step Two: Prepare the Forms

- [ ] Included in this packet are all of the forms you will need to file for a dissolution of marriage. Fill out each form neatly and completely. Be aware that some judicial districts may require you to type the forms. For a list of the forms you will need, read “What Forms Will I Need?” also in this packet. If you have questions about the forms, talk to an attorney.

## Step Three: File Your Documents with the Court

- [ ] After you have completed all of the forms, make copies of the following documents:
  - [ ] Summons (one copy)
  - [ ] Petition for Dissolution (two copies)
  - [ ] Petitioner’s Preliminary Declaration of Disclosure of Assets, Debts, Income, and Expenses (one copy)

Always keep one copy of everything that you file with the Clerk of District Court or serve on your spouse. The original documents get filed with the Clerk. Every

time you file a document with the Clerk, bring a copy of the document with you and ask the Clerk to stamp it, showing that the document has been filed. Keep an organized file of all your court papers and letters concerning your case.

- [ ] Go to the Clerk of District Court in the County Courthouse where you are filing for your dissolution. Generally, you will file in the county where you are living. You will have to pay a filing fee in order to file your papers with the Court. If you cannot afford to pay the filing fee, you may be eligible to have prepayment of the fee waived. If you think you may be eligible for such a waiver, ask the Clerk of District Court for an "Affidavit of Inability to Pay Filing Fees."
- [ ] After you have paid the filing fee (or the Judge has decided to waive the filing fee), file the following documents with the Clerk of District Court. Remember to have the Clerk date and stamp a copy of each document to keep for your records.
  1. Summons
  2. Petition for Dissolution
- [ ] The Clerk will sign and stamp the original Summons and return it to you. Make two copies of the Summons that has been signed and stamped by the Clerk.
- [ ] The Clerk will put a cause number on all of the documents you filed. This cause number is how the court will identify your case. Put this cause number on all of your forms from now on.

#### Step Four: Notify Your Spouse

After you file your papers with the Clerk, you will need to serve the papers on your spouse using one of the methods described below.

- [ ] Depending on how you plan to serve your spouse, make copies of either the:
  - [ ] Notice and Acknowledgment (two copies)
  - [ ] Praecipe (one copy)

**or**

  - [ ] Affidavit for Publication of Summons, Order for Publication of Summons, and Summons for Publication (two copies of each)

Choose One:

- [ ] **Notice and Acknowledgment.** If your spouse is willing to help you dissolve your marriage, you may serve him or her by mailing the following documents:
  1. Notice and Acknowledgment of Receipt of Summons and Petition for Dissolution of Marriage (original and one copy)
  2. Summons (copy)
  3. Petition for Dissolution (copy)

4. Petitioner's Preliminary Declaration of Disclosure of Assets, Debts, Income, and Expenses (original)

Also, include a self-addressed stamped envelope.

Your spouse should sign and return the Notice and Acknowledgment back to you. The Notice and Acknowledgment is your proof that your spouse was served. If you do not receive the Notice and Acknowledgment back within 20 days, you may need to serve your spouse by one of the other methods. You may be able to ask the court to have your spouse pay for any fees associated with these other forms of service.

- [ ] **Service by Sheriff.** Sheriffs in Montana will serve the papers on your spouse for free if you have an Order of Inability to Pay from the Judge, otherwise you will need to pay the sheriff for this service. Either mail or personally deliver the following documents to the sheriff in the county where your spouse lives:
1. Praecipe (original)
  2. Summons (original and one copy)
  3. Petition for Dissolution of Marriage (copy)
  4. Petitioner's Preliminary Declaration of Disclosure of Assets, Debts, Income, and Expenses (original)

Also give the sheriff a self-addressed return envelope. When the sheriff has served the documents, s/he will send you a Return of Service and the original Summons. The Return of Service is your proof that the documents were served.

- [ ] **Service by Publication.** If you are unable to serve your spouse by one of the methods above, you may be able to serve by publication. To serve by publication you will need the original and two copies of the following documents:
1. Affidavit for Publication of Summons
  2. Order for Publication of Summons
  3. Summons for Publication

[ ] Take all three documents to the Clerk of District Court. The Clerk will sign, date and stamp the Order for Publication of Summons and the Summons for Publication. Have your copies of all three documents dated and stamped by the Clerk.

[ ] Mail or hand deliver one copy of both the Order for Publication of Summons and the Summons for Publication to the designated weekly newspaper with instructions to run your notice for three weeks. You must also pay a publication fee to the newspaper. This fee cannot be waived.

After the paper runs your notice for three weeks, they will send you a notice called "Proof of Publication." The Proof of Publication is your proof that the summons was served.

### **Step Five: File the Original Summons and Return of Service**

- [ ] After you receive proof that your spouse was served (by either a Return of Service, a Notice and Acknowledgment, or a Proof of Publication), make one copy of the proof of service. File the original with the Clerk of District Court. At the same time, file the original Summons.

**If your spouse files a Response or Answer with the court, you should consult with an attorney before proceeding. The rest of these instructions assume your dissolution is not being contested by your spouse.**

### **Step Six: Request a Default**

- [ ] Wait 21 days from the date your spouse was served. Give the Clerk of District Court your cause number and confirm that your spouse has not filed a Response.
  
- [ ] Complete and make copies of the following documents:
  1. Findings of Facts, Conclusions of Law, and Final Decree of Dissolution (two copies)
  2. Request for Entry of Default, Application for Default Judgment, and Waiver of Final Disclosure Requirements (one copy)
  3. Entry of Default (one copy)
  4. Request for Hearing and Order (one copy)
  5. Vital Statistics Form (one copy)
  
- [ ] File the Request for Entry of Default, the Entry of Default, and the Request for Hearing and Order. As always, get a filed stamped copy of each document for your files. The Clerk will schedule a final hearing for your dissolution.
  
- [ ] Also leave with the Clerk your original Findings of Fact, Conclusions of Law, and Final Decree of Dissolution. The Clerk will give this document to the Judge to review before your final hearing.

### **Step Seven: Go to Court for Your Hearing**

- [ ] Be at the courthouse at least 15 minutes before your scheduled hearing time.

Dress as you would for an important meeting or job interview. Ask the Clerk of District Court which courtroom your Judge is in. Go to the appropriate courtroom and wait for the Judge to call your name and cause number. Be calm and polite and address the Judge as "Your Honor."

- [ ] Bring your two copies of the following document with you to the hearing:
  1. Findings of Fact, Conclusions of Law, and Final Decree of Dissolution
  
- [ ] The Judge will ask you to be sworn in and to take the witness stand. The Judge will ask you a few questions regarding your Petition and Proposed Decree. The questions should center around the following topics:
  1. Whether you have been a resident of Montana for the past 90 days
  2. Whether your marriage is irretrievably broken
  3. If you want your former name to be restored
  4. If your proposal for dividing the assets and debts is fair and equitable

The Judge should then sign your Decree and excuse you.

- [ ] *Immediately after the hearing*, bring the signed Decree to the Clerk of District Court. Ask the Clerk to put the appropriate stamps on your two copies of the document in order to show that it has been filed and signed by the Judge. At the same time, file your Vital Statistics Form.

### **Step Eight: Notify Your Spouse**

- [ ] Make two copies of the Notice of Entry of Decree.
  
- [ ] Mail copies of the following documents to your spouse:
  1. Notice of Entry of Decree
  2. Findings of Fact, Conclusions of Law, and Final Decree of Dissolution
  
- [ ] File the original Notice of Entry of Decree with the Clerk of District Court. Your spouse has 30 days from your filing of the Notice of Entry of Decree to appeal the Decree. For this reason, it is important that you file the Notice with the Clerk.
  
- [ ] Keep your copy of the Decree in a safe place.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><b>Petition for Dissolution</b></p>
--	--

The Petitioner respectfully submits the following:

1. Information about Petitioner

a. Name: \_\_\_\_\_

b. Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

c. Address: \_\_\_\_\_

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

d. Length of Residence in County: \_\_\_\_\_

e. Length of Residence in Montana, if applicable: \_\_\_\_\_

f. Occupation: \_\_\_\_\_



2. Information about Respondent

- a. Name: \_\_\_\_\_
- b. Age: \_\_\_\_\_ Date of Birth: \_\_\_\_\_
- c. Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ County: \_\_\_\_\_
- d. Length of Residence in County: \_\_\_\_\_
- e. Length of Residence in Montana, if applicable: \_\_\_\_\_
- f. Occupation: \_\_\_\_\_

3. **Date and Place of Marriage**

Choose One:

- The parties were married on (*date*):\_\_\_\_\_. The marriage was registered in the County of \_\_\_\_\_, State of \_\_\_\_\_.
- The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.

4. **Separation**

Choose One:

- The parties separated on (*date*):\_\_\_\_\_.
- The parties are not yet separated.

5. **Jurisdiction**

- a. The jurisdictional requirements of M.C.A. § 40-4-104 exist.
- b. Choose One:
  - The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
  - The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding

the commencement of these proceedings, and there is no reasonable prospect of reconciliation.

- c. The conciliation provisions of the Montana Conciliation law and M.C.A. § 40-4-107 do not apply.

**6. No Children of the Marriage**

Choose One:

- There were no children born of the marriage.
- There were children of the marriage, but none are now minors.
- There were children born of the marriage, but this Court has no jurisdiction over them.

**7. Pregnancy**

Choose One:

- The wife is not pregnant.
- The wife is pregnant. However, the husband is not the father, and the child is not at issue in this proceeding.

**8. Preliminary Disclosure**

The Petitioner is complying with the preliminary disclosure requirements of M.C.A. §40-4-252 and will serve a Declaration of Disclosure of Assets, Debts, Income and Expenses upon the Respondent at the time of service of this Petition.

**9. Real Property**

Choose One:

- The parties do not own any real property.

**or**

- a. The  Petitioner/ Respondent/ both parties is/are the owner(s) of record of real property located at \_\_\_\_\_

\_\_. The legal description of the property is \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

b. This real property should be distributed as follows. Choose One:

The  Petitioner/ Respondent should be awarded ownership of this real property.

**or**

Describe the proposed distribution of the real property:

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

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

## 10. Vehicles

Choose One:

The parties do not own any vehicles.

**or**

The parties own the following vehicle(s). It is equitable that the vehicle(s) be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

To Petitioner:

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

To Respondent:

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

**11. Personal Property**

Choose One:

The parties have already divided their personal property. It is equitable that each party retain the property currently in his or her possession.

**or**

The parties have not divided their personal property. It is equitable that the property be divided as follows:

To Petitioner:

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To Respondent:

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If needed, attach additional sheets as Exhibit \_\_\_\_\_.

**12. Debts**

Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage. It is equitable that each party retain responsibility for the debts currently in his or her name.

or

[ ] The parties have accumulated debts during the course of their marriage. It is equitable that responsibility for the debts be divided as follows:

To Petitioner:

<b>Description of Debt</b>	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Petitioner</b>

Any and all other debts in Petitioner's name only; any and all other debts incurred solely by the Petitioner since the parties' separation.

To Respondent:

<b>Description of Debt</b>	<b>Creditor</b>	<b>Current Balance</b>	<b>Amount to Respondent</b>

Description of Debt	Creditor	Current Balance	Amount to Respondent

Any and all other debts in Respondent's name only; any and all other debts incurred solely by the Respondent since the parties' separation; and any and all other debts not disclosed by the Respondent to the Petitioner.

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

**13. Wife's Former Name**

Choose One:

- The wife would like to be restored to her former name of \_\_\_\_\_.
- The wife does not want to be restored to her former name.
- The husband does not know whether the wife would like to be restored to her former name.

**14. Other Provisions** \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

WHEREFORE, the Petitioner requests as follows:

1. That this Court enter a Decree of Dissolution of Marriage dissolving the marital status between the parties;
2. That each party be granted real and personal property as requested above;
3. That each party be granted ownership of the vehicles as requested above;
4. That each party be ordered to pay debts as requested above;
5. That the wife be restored to use of her former name, if requested above;
6. Other Provisions: \_\_\_\_\_  
\_\_\_\_\_; and
7. For such other and further relief as the Court deems just and proper.

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

\_\_\_\_\_  
Petitioner Pro Se

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

STATE OF MONTANA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn on oath, says that he/she is the Petitioner in the above-entitled proceeding; that he/she has read the foregoing Petition and knows the contents thereof; and that the matter, facts and things stated therein are true to the best of his/her knowledge and belief.

\_\_\_\_\_  
Petitioner Pro Se

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Name (*printed*): \_\_\_\_\_  
Notary Public for the State of Montana.  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_



\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

[ ] PETITIONER/[ ] RESPONDENT PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><input type="checkbox"/> Petitioner's/<input type="checkbox"/> Respondent's <input type="checkbox"/> Preliminary/<input type="checkbox"/> Final <b>Declaration of Disclosure of Assets, Debts, Income, and Expenses</b></p>
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**Warning: Montana law, M.C.A. § 40-4-252, requires the full disclosure of all assets, debts, income, and expenses. Failure of either party to file a complete financial disclosure statement shall authorize the Court to accept the statement of the other party as accurate. Any deliberately false statement made hereon or on any schedules or attachments may subject you to the penalty of perjury or other appropriate relief and may be considered a fraud upon the Court.**

*If you need additional space on which to list your assets, debts, income, or expenses, please attach additional sheets of paper as necessary. Do not write in the margins or on the reverse sides of the pages of this document.*

**1. Disclosure of Assets**

**a. Real Estate**

<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Title</u>
Address: _____ Legal Description: _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		
Address: _____ Legal Description: _____ _____ Is there a secured debt on the property? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		

**b. Vehicle(s)**

<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Title</u>
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		

<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Title</u>
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		
Year/Make/Model: _____ VIN#: _____ Is there an outstanding loan on the vehicle? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, amount owed: _____ As of: ___ / ___ / ___ Lender: _____		

**c. Bank Accounts and Cash**

<u>Description</u> (include name of bank and account number)	<u>Balance as of</u> ___ / ___ / ___	<u>Name(s) on Account</u>
Cash		XXXXXXXXXX

**d. Pensions/Retirement Accounts; Life Insurance (Cash Value); Stocks, Bonds, Secured Notes, Mutual Funds**

<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Account</u>

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



<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Title</u>

**g. Other Assets**

<u>Description</u>	<u>Estimated Value</u>	<u>Name(s) on Title</u>

**2. Disclosure of Debts**

<u>Description</u>	<u>Creditor</u>	<u>Amount Owed</u>	<u>Name on Debt</u>
<i>Secured Debt on Real Property</i>	<i>(See 1(a) above)</i>	<i>XXXXX</i>	<i>XXXXXXXXXX</i>
<i>Vehicle Loan(s)</i>	<i>(See 1(b) above)</i>	<i>XXXXX</i>	<i>XXXXXXXXXX</i>
Utility Bill(s):			

<u>Description</u>	<u>Creditor</u>	<u>Amount Owed</u>	<u>Name on Debt</u>
Credit Card(s):			
Student Loan(s):			
Medical Expenses:			
Other Liabilities:			

**3. Disclosure of Income**

The [ ]Petitioner/ [ ]Respondent has the following income:

<u>Source of Income</u>	<u>Amount per Month</u>
Gross Wages, Salary, Commissions	
Rents, Interests, Dividends	
Self Employment Earnings	
Unemployment or Worker's Compensation	
Social Security Benefits, including SSI	
Public Assistance	
Food Stamps	
Pension, Retirement	

<u>Source of Income</u>	<u>Amount per Month</u>
Child Support	
Dependent's Benefits	
Other Income ( <i>describe</i> ):	

**4. Disclosure of Expenses**

The  Petitioner/ Respondent has the following expenses:

<u>Description of Expense</u>	<u>Amount per Month</u>
Taxes and other money withheld from income	
Retirement	
Health Insurance (self and children)	
Medical Expenses	
Housing (rent or mortgage payment)	
Property Taxes	
Property Insurance	
Transportation	
Car Insurance	
Student Loans	
Utilities	
Telephone	
Clothing	
Food and Household Supplies	
Child Care	
Child Support Payments	





\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><b>Summons and Temporary Economic Restraining Order by Clerk of Court</b></p>
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**THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE-NAMED  
RESPONDENT:**

YOU, THE RESPONDENT, ARE HEREBY SUMMONED to answer the Petition in this action which is filed in the office of the Clerk of the above-named Court, a copy of which is served upon you with this Summons, and to file your answer and serve a copy of your answer upon the Petitioner within twenty days after the service of this Summons, exclusive of the day of service. If you fail to appear or answer, judgment will be taken against you by default for the relief demanded in the Petition.

**TO PETITIONER AND RESPONDENT:**

Pursuant to Mont. Code Ann. 40-4-121(3), the Petitioner and Respondent are hereby restrained from transferring, encumbering, pawning, pledging, hiding, or in any way disposing of any property, real or personal, whether jointly or separately held, without either the consent of the other party or an order of the court, except in the usual course of business or for the necessities of life. Each party must notify the other of any proposed extraordinary expenditures at least five business days before incurring the expenditures and must account to the court for all extraordinary expenditures made after service of the summons.

This restraining order does not prevent either party from using any property to pay reasonable attorney fees in order to retain counsel in the proceeding.

Petitioner and Respondent are further restrained from cashing, borrowing against, canceling, transferring, disposing of, or changing the beneficiaries of any insurance or other coverage, including life, health, automobile and disability coverage held for the benefit of a party or a child of a party for whom support may be ordered.

This temporary restraining order shall continue until another order of the Court is issued either amending or vacating this temporary restraining order.

**VIOLATION OF THIS ORDER IS A CRIMINAL OFFENSE UNDER M.C.A. §§ 45-5-220 OR 45-5-626.**

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

(SEAL)

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

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><b>Notice and Acknowledgment of Receipt of Summons and Petition for Dissolution of Marriage</b></p>
--	--

**NOTICE**

To: \_\_\_\_\_, the Respondent herein:

The following documents are served pursuant to Rule 4(D)(1)(b) of the Montana Rules of Civil Procedure:

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

If you want to avoid having the sheriff serve you with the documents enclosed, you may complete the acknowledgment part of this form and return the completed form to the sender within

20 days after the date it was mailed to you, as shown below. You may retain the other enclosed copy of this form for your records.

By signing the Acknowledgment, you are agreeing to be served by mail instead of by the sheriff. It does not mean that you agree to the contents of the Petition, and it does not take away any of your rights to contest the Petition.

If you decide to complete and return this form, you must sign and date the Acknowledgment below, and return it in the enclosed stamped return envelope.

If you do not complete and return this form to the sender within 20 days after the date it was mailed to you, as shown below, you may be required to pay any expenses incurred in serving the enclosed documents in any other manner permitted by law.

If you do complete and return this form, you must answer the Petition within 20 days after the date of signature which you place on the Acknowledgment below. If you fail to answer the complaint within the foregoing 20 day period, judgment by default will be taken against you for the relief demanded in the Petition.

### CERTIFICATE OF MAILING

I declare under penalty of perjury that two copies of this Notice and Acknowledgment of Receipt of Summons and Petition, a stamped return envelope, and the following documents:

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

were sent to the Respondent by first class mail, postage prepaid on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

\_\_\_\_\_  
Petitioner Pro Se Signature

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

**ACKNOWLEDGMENT OF RECEIPT**

I declare, under penalty of perjury, that I am the Respondent and that I accept service in this action of the following:

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

and that I received a copy of these documents in the above-captioned matter at (*address*):

\_\_\_\_\_ on the  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

\_\_\_\_\_  
Respondent's Signature

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p style="text-align: center;"><b>Praecipe</b></p>
--	--

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

Please serve upon the Respondent the following documents:

- Summons and Temporary Economic Restraining Order (original and one copy)
- Petition for Dissolution of Marriage
- Petitioner's Declaration of Assets, Debts, Income and Expenses
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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. A physical description of the Respondent is: \_\_\_\_\_

\_\_\_\_\_.

2. The Respondent  does not/ does carry a weapon.
3. At present, the Respondent can be found:
- At his/her residence: \_\_\_\_\_.  
Times normally available at this address: \_\_\_\_\_.
- At his/her place of employment: \_\_\_\_\_.  
Times normally available at this address: \_\_\_\_\_.
- Other: \_\_\_\_\_.  
Times normally available at this address: \_\_\_\_\_.

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 Pro Se

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

---

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

I hereby certify that (Choose One):

- I personally served the Summons and the accompanying documents listed herein on the Respondent by delivering a copy of said Summons and documents to him/her personally on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the County of \_\_\_\_\_, State of \_\_\_\_\_.
- 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

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><b>Summons for Publication</b></p>
--	---

**THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE-NAMED  
RESPONDENT:**

You, the Respondent, are hereby summoned to answer the Petition in this action, which is filed with the Clerk of this Court, a copy of which is herewith served upon you, and to file your answer and serve a copy thereof upon the Petitioner within twenty days after service of this Summons, exclusive of the day of service; and in case of your failure to appear or answer, judgment will be taken against you for the relief demanded in the Petition. This action is brought to obtain a dissolution of marriage.

Title to and interest in the following real property will be involved in this action :



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

(SEAL)

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

By: \_\_\_\_\_  
Deputy Clerk

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p><b>Affidavit for Publication of Summons</b></p>
--	--

STATE OF MONTANA )  
 ) ss.  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, deposes and says as follows:

1. I am the Petitioner in the above-entitled action.
2. I am a resident of the state of Montana.
3. I have a cause of action against the Respondent for dissolution of marriage.
4. The Petition in this action was duly filed with the Clerk of this Court on the \_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, and a Summons was thereupon issued.

5. The Summons was duly issued out of this Court to the Sheriff of the County of \_\_\_\_\_, State of \_\_\_\_\_, with direction to said Sheriff to serve the Summons and Petition upon the Respondent. The Sheriff returned the Summons showing a failure to find the Respondent.
6. The Respondent (Choose All that Apply):
- resides out of the state;
  - has departed from the state;
  - cannot, after due diligence, be found within the state;
  - has concealed himself/herself in order to avoid the service of summons.
7. Personal service of the Summons cannot be made upon the Respondent.
8. The Respondent is a necessary and proper party to the above-entitled action.
9. For the foregoing reasons, I request an order for service of summons by publication to be made in a \_\_\_\_\_ County, Montana, newspaper.

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

\_\_\_\_\_  
 Petitioner Pro Se

SUBSCRIBED AND SWORN to before me this \_\_\_\_ day of \_\_\_\_\_,  
 20\_\_.

\_\_\_\_\_  
 Name (*printed*): \_\_\_\_\_  
 Notary Public for the State of Montana  
 Residing at \_\_\_\_\_  
 My Commission Expires \_\_\_\_\_

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p style="text-align: center;"><b>Order for Publication of Summons</b></p>
--	--

Upon reading Petitioner’s filed Affidavit for Publication of Summons, the Clerk of this Court finds that:

1. The Petitioner has a cause of action against the Respondent in the above-entitled action;
2. The Respondent is a necessary and proper party to the above-entitled action; and
3. Personal service cannot be made upon the Respondent for the reasons contained in the Petitioner’s Affidavit.

IT IS ORDERED that service of the Summons in this action be made upon the Respondent by publication in the \_\_\_\_\_, a newspaper published in \_\_\_\_\_ County, Montana, which is hereby designated as the newspaper most likely to give notice to the Respondent; that such publication shall be published once each week for three successive weeks; and that the Summons shall contain a general statement of the nature of this action.

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

(SEAL)

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

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

In re the Marriage of:

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

and

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

Cause No.: \_\_\_\_\_

**Request for Hearing**

COMES NOW the Petitioner and respectfully requests that this Court schedule a hearing for the purpose of obtaining a Final Decree of Dissolution in the above entitled cause. The Petitioner estimates that the hearing will only be 15 minutes and that the Petitioner will be the only person to testify.

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

\_\_\_\_\_  
Petitioner Pro Se

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

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

In re the Marriage of:  _____, Petitioner,  and  _____, Respondent.	Cause No.: _____  <b>Order Granting Hearing</b>
---	---

IT IS HEREBY ORDERED that the final hearing in this matter is scheduled for the \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m.

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

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p style="text-align: center;"><b>Request for Entry of Default, Application for Default Judgment, and Waiver of Final Disclosure Requirements</b></p>
--	---

The Respondent has been duly served with Summons in the above entitled action and has not made an appearance herein by answer or otherwise within the time allowed by law.

1. The Petitioner requests that Respondent's default be entered by the Clerk of Court and that the Court issue a default judgment;
2. Pursuant to M.C.A. § 40-4-257, the Petitioner waives the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254. The Respondent was duly served with a copy of the Petitioner's Preliminary Declaration of Disclosure as required by M.C.A. § 40-4-252.

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

\_\_\_\_\_  
Petitioner Pro Se

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



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

In re the Marriage of:  _____, Petitioner,  and  _____, Respondent.	Cause No.: _____  <b>Entry of Default</b>
---	---

The Default of the Respondent is hereby entered on this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, for his/her failure to appear or answer the Petition within the time allowed by law, or at all.

By: \_\_\_\_\_  
Clerk of Court

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

\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

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

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

PETITIONER PRO SE

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

In re the Marriage of:

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

and

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

Cause No.: \_\_\_\_\_

**Notice of Entry of Decree**

TO THE ABOVE-NAMED RESPONDENT:

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 Pro Se

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

**Proof of Service**

STATE OF MONTANA )  
 ) : ss  
COUNTY OF \_\_\_\_\_ )

\_\_\_\_\_, being first duly sworn, deposes and says as follows:  
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:

\_\_\_\_\_  
Respondent

\_\_\_\_\_

\_\_\_\_\_  
Address

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

\_\_\_\_\_  
Petitioner's Signature

SIGNED AND SWORN to before me on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Seal) Signature: \_\_\_\_\_  
Name (*printed*): \_\_\_\_\_  
Notary Public for the State of Montana  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

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

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p style="text-align: center;"><b>Findings of Fact, Conclusions of Law and Final Decree of Dissolution</b></p>
--	---

The Petition for Dissolution, filed herein on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, came for hearing this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. The Petitioner appeared pro se. The Respondent did not appear or otherwise respond to the Petition. The Respondent's default was entered on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. After considering all evidence and pleadings, the Court finds:

**FINDINGS OF FACT**

1. The Respondent was served with the Petition and Summons on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

2. Choose One:
- The parties were married on (*date*):\_\_\_\_\_. The marriage was registered in the County of \_\_\_\_\_, State of \_\_\_\_\_.
- The parties were married at common law. The parties assumed a marital relationship by mutual consent and agreement and confirmed their marriage by cohabitation and public repute.
3. Choose One:
- The parties separated on (*date*): \_\_\_\_\_.
- The parties are not yet separated.
4. Choose One:
- The marriage is irretrievably broken in that there is serious marital discord which adversely affects the attitude of one of the parties towards the marriage, and there is no reasonable prospect of reconciliation.
- The marriage is irretrievably broken in that the parties have lived separate and apart for a period of more than one hundred eighty (180) days preceding the commencement of these proceedings, and there is no reasonable prospect of reconciliation.
5. The conciliation provisions of the Montana Conciliation law and M.C.A. § 40-4-107 do not apply.
6. The Petitioner has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.
7. Choose One:
- There were no children born of the marriage.
- There were children of the marriage, but none are now minors.
- There were children born of the marriage, but this Court has no jurisdiction over them.
8. The wife is not pregnant with a child of this marriage.
9. A Temporary Economic Restraining Order was issued in this matter under M.C.A. § 40-4-121(3) and is currently in effect.

10. The Petitioner has complied with the preliminary disclosure requirements of M.C.A. § 40-4-252.
11. The Petitioner has waived the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254.
12. Choose One:
- The parties do not own any real property.
- The  Petitioner/ Respondent/ both parties is/are the owner(s) of record of real property located at \_\_\_\_\_  
 \_\_\_\_\_  
 The legal description of the property is \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_
13. Choose One:
- The parties do not own any vehicles.
- The parties own \_\_\_\_\_ vehicle(s).
14. The parties have accumulated household furnishings and other personal property during the course of their marriage. The personal property of the parties  has not/  has already been divided.
15. Choose One:
- There are no debts of the marriage.
- The parties have accumulated debts during the course of their marriage.
16. Choose One:
- The wife would like to be restored to her former name of \_\_\_\_\_  
 \_\_\_\_\_
- The wife does not want to be restored to her former name.
- The wife has not indicated whether she would like to be restored to her former name.
17. Other Provisions: \_\_\_\_\_

- 
- 
- 
18. All of the other allegations of the Petitioner's complaint not inconsistent herewith are true, and the relief requested should be granted.

FROM the above Findings of Fact, the Court makes the following:

**CONCLUSIONS OF LAW**

1. The Court has jurisdiction over this cause.
  2. The marriage of the parties is irretrievably broken.
  3. The Petitioner, having complied with the Preliminary Disclosure requirements of M.C.A. § 40-4-252 and waived the final disclosure requirements of M.C.A. §§ 40-4-253 and 40-4-254, and the Respondent having failed to answer within the statutory time frame, the Court finds good cause to enter this Decree without service of final declarations of disclosure.
  4. Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the Petitioner's proposed division of property and debts is equitable.
  5. If requested, the wife should be restored to her former name.
  6. Other Provisions: \_\_\_\_\_
- 
- 
- 

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

**DECREE OF DISSOLUTION OF MARRIAGE**

1. The marriage between the Petitioner and the Respondent is hereby dissolved.
2. Choose One:

The parties do not own any real property.

The  Petitioner/ Respondent is hereby granted all right, title, and interest in the real property located at \_\_\_\_\_, with legal \_\_\_\_\_ description \_\_\_\_\_ of \_\_\_\_\_.

The  Petitioner/ Respondent shall transfer his/her interest in this real property to the  Petitioner/ Respondent.

**or**

Describe the proposed distribution of the real property: \_\_\_\_\_

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

3. Choose One:

The parties do not own any vehicles.

**or**

The parties' vehicle(s) shall be distributed as follows (*Please include the year, make, and model for each vehicle listed.*):

a. The Petitioner is awarded all right, title and interest in following vehicle(s):

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_  
Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_  
Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

b. The Respondent is awarded all right, title, and interest in the following vehicle(s):

Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_  
Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_



Vehicle: \_\_\_\_\_ VIN#: \_\_\_\_\_

- c. The parties shall transfer all right and title in said vehicle(s) to the appropriate party. If either party fails to transfer such right and title in the vehicle(s) within twenty (20) days from the date of this Decree, the registrar of Motor Vehicles of the State of Montana is hereby ordered to issue sole title to the party awarded said vehicle(s) upon receipt of a certified copy of this Decree.

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

4. Choose One:

Each party is hereby granted the exclusive right and title to the personal property currently in his or her possession.

**or**

Each party is hereby granted the exclusive right and title to the following personal property:

To Petitioner:

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---



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To Respondent:

---



---



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If needed, attach additional sheets as Exhibit \_\_\_\_\_.

5. Choose One:

- There are no debts of the marriage.
- The parties have accumulated debts during the course of their marriage. Each party shall be responsible for the debts currently in his or her name.

**or**

- The parties have accumulated debts during the course of their marriage. The responsibility for the debts shall be distributed as follows:

To Petitioner:

Description of Debt	Creditor	Current Balance	Amount to Petitioner

Any and all other debts in Petitioner’s name only; any and all other debts incurred solely by the Petitioner since the parties’ separation.

To Respondent:

Description of Debt	Creditor	Current Balance	Amount to Respondent

Description of Debt	Creditor	Current Balance	Amount to Respondent

Any and all other debts in Respondent's name only; any and all other debts incurred solely by the Respondent since the parties' separation; and any and all other debts not disclosed by the Respondent to the Petitioner.

If needed, attach additional sheets as Exhibit \_\_\_\_\_.

6. The Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3) is hereby dissolved.

7. Each party is ordered to execute any and all documents which now or in the future may be necessary to carry into full force and effect the terms and conditions of this Decree.

8. Choose One:

The wife's (D.O.B. \_\_\_\_\_) name is restored to \_\_\_\_\_.

The wife's name is not restored to her former name.

9. Other Provisions: \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

## 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						Residing With **
	<u>Last</u>	<u>First</u>	<u>Middle</u>	Date of Birth	Sex	SSN	
	_____	_____	_____	_____	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 : \_\_\_\_\_



**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"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (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"/> Child Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Medical Support:	\$ _____	per _____	_____	_____	\$ _____	\$ _____	\$ _____	\$ _____
<input type="checkbox"/> Spousal Support: (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": \$ \_\_\_\_\_