

MONTANA _____ JUDICIAL DISTRICT COURT _____ COUNTY

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

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

Nature of the Case. *Choose One.*

We filed a joint Petition.

OR

On the ____ day of _____, 20____, Respondent was served with the Petition and Summons.

AND

Respondent filed an answer or otherwise participated in this case.

OR

Respondent did not file an answer or otherwise participate in this case. On ____ day of _____, 20____, default was entered.

Parenting Plan. *Choose One.*

Co-Petitioners filed a Proposed Parenting Plan along with the Petition and nothing has changed.

OR

Petitioner filed and served Respondent a Proposed Parenting Plan along with the Petition and nothing has changed.

OR

Circumstances have changed. Petitioner Respondent Both parties filed an Amended Parenting Plan and sent a copy to the other party.

OR

Other: _____.

Child Support Calculation.

a. Child Support Amount.

Petitioner Respondent must pay \$ _____ per child per month for a total monthly obligation of \$ _____ in child support to the other parent commencing on the _____ day of _____, 20__ because:

Choose one.

This amount is consistent with the attached final Child Support Enforcement Division Order signed by the Administrative Law Judge. (Write **MP-300-D** in the upper right hand corner of the CSED calculation order and paper clip it to this document.)

OR

This amount is consistent with the child support calculation prepared by Petitioner Respondent The Court other _____ (Write **MP-300-E** in the upper right hand corner of this calculation and paper clip to this document.)

OR

This amount is not consistent with the child support amount prepared by Child Support Enforcement Division Petitioner Respondent The Court or other _____; however, this amount is in the best interest of our child because:

_____.

(Write **MP-300-E** in the upper right hand corner all calculations made and documents used in reaching this child support amount and paper clip to this document)

OR

No one has calculated child support at this time. But, Child Support Enforcement Division has opened a case. The CSED case number is _____ . Petitioner Respondent will file the CSED Child

Support Order along with the Request for a Hearing on the Dissolution.

b. Child Support Payments. Choose One.

On or before the first of every month, Petitioner Respondent must make payments to Child Support Enforcement Division. Payments must be made to CSED if a party is receiving Title IV-A Benefits (TANF, Family Medicaid), or Title IV-D benefit (if there is an active case with CSED). We can find this law at §40-5-909, M.C.A.

OR

On or before the _____ day of each month, Petitioner Respondent must make payments directly to Petitioner or Respondent.

OR

On or before the first of each month, Petitioner Respondent must make payments to the Clerk of District Court.

Immediate Income Withholding. Choose One.

Petitioner’s Respondent’s income is subject to immediate income withholding. We can find this law beginning at §40-5-315, M.C.A.

OR

The child support order is exempt from immediate income withholding because:

_____.

Child Support Termination. Child support payments must continue until:

Choose One.

The child turns 18 or graduates from high school, whichever occurs later but no later than when the child turns 19.

OR

Petitioner Respondent agrees to continue to pay child support until:

_____ because_____.

Medical Support. Choose One.

a. The Montana Child Support Enforcement Division or another appropriate agency or court established a medical support order.

Choose One:

The medical support order is included in the attached Child Support Order

OR

The medical support order is separate and I am attaching it. (Write **MP-300-F** in the upper right hand corner of the medical support order and paper clip it to this document.)

OR

The minor children need their medical and dental expenses to be covered. There is no medical support order and the court should adopt the attached medical support order. (Fill out and paper clip Form **MP-300-G** to this document.)

Proposed Property Distribution. *Choose One.*

Petitioner filed and served Respondent the Property Distribution along with the Petition and nothing has changed.

OR

Circumstances have changed. Petitioner Respondent Each party has filed an Amended Property Distribution and sent a copy to the other party.

OR

Other: _____.

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

Affidavit to waive hearing, uncontested hearing. The parties agreed to all issues in this case.

OR

Contested hearing. The parties disagree on the following:

Some issues in the petition for dissolution

Some issues with the parenting plan

Some issues with the property distribution

Appearances.

Petitioner

appeared in person without a lawyer with a lawyer _____

Respondent

appeared in person without a lawyer with a lawyer _____

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The court considered the evidence at the hearing and all pleadings, and finds:

Jurisdiction over the Parties

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

Venue

Venue is proper in this county.

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 _____.

Irretrievable Breakdown. *Choose all that apply.*

The marriage of the parties is irretrievably broken.

The parties lived separate and apart for at least 180 days before this case was filed.

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.

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

Jurisdiction over the Children. Choose the most accurate description.

The child(ren) lived in Montana for at least 6 consecutive months immediately before this case was filed. If a child(ren) is less than six months old, the child(ren) lived in Montana since birth.

OR

Montana was the home state of the child(ren) within six months of this case being filed, and one parent continues to reside in Montana.

OR

The child(ren) and one parent have significant connection with Montana and substantial evidence about them is in Montana.

OR

The child(ren) are physically present in Montana and have been abandoned, the child(ren) are with a caretaker relative who was given custody, or an emergency exists requiring the child(ren)'s protection.

OR

No other state has jurisdiction over the child(ren) or the other state has declined jurisdiction over the children.

Financial Disclosure of Assets and Liabilities. The Court finds that the parties are in compliance with financial disclosure requirements §§ 40-4-252 through 254, M.C.A.

Parenting Plan *Choose One*

The court finds the following parenting plan to be in the best interests of the child.

- Petitioner's Proposed Parenting Plan as modified
- Respondent's Proposed Parenting Plan as modified
- The Agreed Proposed Parenting Plan as modified
- The Court's Parenting Plan.

Property Distribution. *Choose One.*

The court finds the following property disbursement is an equitable apportionment between the parties of the marital property, assets, and liabilities

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

Spousal Maintenance

Spousal maintenance was not requested by either party.

OR

The court finds that spousal maintenance is necessary because the requesting party lacks sufficient property to provide for the spouse's 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

The court denies spousal maintenance because: _____

Additional Findings: _____

Previous Names

Petitioner Respondent Co-Petitioner requested to have their previous name restored.

Additional Findings

The court makes additional findings of fact as follows: _____

Additional Findings of Fact and Conclusions of Law attached as Exhibit ____ are also incorporated into this decree.

DECREE OF DISSOLUTION OF MARRIAGE

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

The Court dissolves the marriage between Petitioner and Respondent.

The court dissolves the Temporary Economic Restraining Order issued in this matter under M.C.A. § 40-4-121(3).

The Court has signed and adopts the Parenting Plan identified as Exhibit _____. The Court orders the parties to follow this Parenting Plan.

The Court has signed and adopts the Property Distribution identified as Exhibit ____.
The Court orders the parties to follow this Property Distribution.

Each party is ordered to take any action necessary to carry out the terms and conditions of this decree including the signing or transfer of titles, deeds, or other documents. All necessary actions must be completed no later than: _____.

Petitioner's name will remain be restored to:

First Middle Last

Respondent's name will remain be restored to:

First Middle Last

Spousal Maintenance: *Choose One*

No spousal maintenance is awarded in this case.

OR

Court orders Petitioner Respondent pay \$_____ per month until *(date of last payment)* _____ in spousal support. The payment must be made on the ____ of each month directly to Petitioner Respondent

Other Provisions:

_____.

DATED this ____ day of _____, 20____.

DISTRICT COURT JUDGE