



Family Law Information Form

(For use with the HotDocs automated document assembly program)

Parenting Plan Only

- The HotDocs program requires you to create a username and password.
- Please write your username and password below for future reference:

Username:

Password:

Initial Screening I

Are you married?

 Yes No

Are you seeking a dissolution from the other parent? *(In Montana the legal word for divorce is “dissolution.” A dissolution legally ends a marriage. If you are seeking a dissolution, this is not the correct form. You need the Family Law Form titled: “Dissolution with Children.”)*

 Yes No

Do you have one or more children?

 Yes No

If ‘Yes’, how many children? _____

Are any of these children under the age of 18?

 Yes No

Do you still have custody of any of these children? *(Answer ‘No’ if your parental rights have been terminated for all of your children. Otherwise, answer ‘Yes.’)*

 Yes No

Are you seeking a parenting plan for one or more of your children?

 Yes No

Initial Screening II

Are you or the other parent pregnant?

 Yes No

If “Yes,” Are you or the other parent pregnant with a child from this relationship? *(You cannot set up a parenting plan for an unborn child. You will have to wait until the child is born before you can set up a parenting plan for it.)*

 Yes No

Have you lived in the county where you are planning on going to court for more than 90 days?

 Yes No

Initial Screening III

Do you know how to find the other parent?

 Yes NoHas your child(ren) lived in Montana for at least six months? Yes No

Has child support already been set up for the child(ren)?

 Yes No

If “No” you will get a warning message. After you acknowledge that these forms may not be right for you can continue. It is strongly recommended that you contact the Montana Child Support Enforcement Division at 1-800-346-5437 to set a child support order for your children

Initial Screening IV

If you answer "No" to either of the first two questions in this section you will get a warning message that tells you that these forms may not be right for you. These forms are for people who want a simple **uncontested** parenting plan. If you expect the other parent to disagree with this plan you should talk to a lawyer before you continue. You will need to acknowledge this warning before you can continue.

Do you and the other parent agree about the residential and visitation schedule for the children?

Yes No

Are you going to ask that the other parent have supervised or restricted visitation with the children?

Yes No

If you answer "Yes" to either of the next two questions in this section you will get a warning message that tells you that these forms may not be right for you. You should talk to a lawyer. To find out if you qualify for MTLSA services please call the Helpline at 1-800-666-6899. If you need **immediate** help call 911 or a victim advocate near you. To find a victim advocate, call the Montana Coalition Against Domestic and Sexual Violence at: 1-406-443-7794

Has the other parent been violent or abusive toward your children in the past?

Yes No

Has the other parent been violent or abusive toward you in the past?

Yes No

Please fill in all the blanks. Use the back of the paper or additional paper if you need to. **Do not leave any questions blank!** Mark it as "Not Applicable" or "N/A" if a question does not apply to you.

Petitioner Information (Information about You)

First Name: _____ Middle Name: _____ Last Name: _____

Mailing Address: _____

City, State, Zip Code: _____

County of residence: _____ Day Phone: _____

Sex: Male Female Date of Birth: _____ Occupation: _____

How long have you lived in your County? _____ How long have you lived in Montana? _____

Respondent Information (Information about the other parent)

First Name: _____ Middle Name: _____ Last Name: _____

Mailing Address: _____

City, State, Zip Code: _____

County of residence: _____ Day Phone: _____

Sex: Male Female Date of Birth: _____ Occupation: _____

How long has this parent lived in Montana? _____

Filing and Serving Information

You must give copies of your court documents and a Summons to the other parent or the other parent. This is called serving the other party. Then the other parent or the other parent has a chance to respond. **Important:** The court will not give you a dissolution and/or parenting plan unless you file proof that the other party was served.

You can choose one of two ways to serve the other parent or the other parent.

(1) You can mail the documents to the other party. This way of serving is called "Notice and Acknowledgment." The other parent or the other parent must sign a document call an Acknowledgment that tells the court that he or she received the documents. If he or she does not sign the Acknowledgment, you will have to serve him or her by a different method.

(2) You can have the sheriff serve the other party. You should have the sheriff serve the documents if the other parent or the other parent is not likely to cooperate by signing an Acknowledgment.

The following information may help the sheriff locate the other parent in order to serve him or her with court documents:

What county do you expect to file in? _____

Have you lived in this county for more than 90 days? (Either you or the other parent have to have lived in a county for at least 90 days before you can file for dissolution or a parenting plan in that county.)

- Yes No

Has the other parent lived in this county for more than 90 days?

- Yes No

If 'Yes', how long? _____

How will the other parent be served? Please mark both selections. It will make things easier should you need the sheriff to serve him or her eventually.

- I will send or personally deliver documents to him or her.
- I will ask the sheriff to serve the documents on him or her.

What county should the sheriff serve the other parent in? _____

What does the other parent look like? (height, weight, hair and eye color, scars, tattoos, etc **be as specific as possible**.) _____

Does he or she carry a weapon?
 Yes No I don't know

What is the other parent's physical address (if different than the one given above)? _____

When can he or she be found at home? (example 5:00pm to 7:00am all days) _____

Employer's Name: _____

Employer's Address: _____

When can he or she be found at work? _____

Are there other places where the other parent can often be found? Where? _____

When can he or she be found there? _____

Children

List **all** of your natural and adopted children of the marriage, under the age of 18. Do **not** include stepchildren or adult children.

Child One

Child's First Name: _____ Middle Name: _____ Last Name: _____
Street Address: _____
City, State: _____
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of Birth: _____

Child Two

Child's First Name: _____ Middle Name: _____ Last Name: _____
Street Address: _____
City, State: _____
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of Birth: _____

Child Three

Child's First Name: _____ Middle Name: _____ Last Name: _____
Street Address: _____
City, State: _____
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of Birth: _____

Child Four

Child's First Name: _____ Middle Name: _____ Last Name: _____
Street Address: _____
City, State: _____
Sex: <input type="checkbox"/> Male <input type="checkbox"/> Female Date of Birth: _____

If there are more than four children of the marriage, please list additional children on another sheet of paper. For each additional child include his or her name, address, sex, and birth date.

Additional Information About Children

Have you been a party or a witness in another court case concerning the custody of or visitation with the child(ren)? Yes No

*If "Yes," when you get to the section that says **Prior Custody Proceedings**, please fill in information about the case or cases.*

Do you know of one or more other proceedings that could affect this case, for example, a criminal case against one of the parents or a case with the Department of Child and Family Services? Yes No

*If "Yes," when you get to the section that says **Prior Custody Proceedings**, please fill in information about the case or cases.*

Do you know of anyone other than you or your spouse who claims rights of custody to, or visitations with the child(ren)? Yes No

If yes, who? _____

Other People Child(ren) Lived With

Has/have your child(ren) lived with someone else besides you and the other parent?

Yes No

*If "Yes," please list every **adult** your child(ren) has/have lived with in the last five years other than yourself and your spouse. For each person, list his or her current address.*

Name	Address (street, city, state, zip code)

*Below, please list **all** the addresses where the child(ren) has/have lived during the past **five** years. **First** list the address where your child(ren) live now, then the address before that one, and so on. If you can't remember the exact address, please list the town and state. If you can't remember the exact dates, please include the month and/or year. Use a separate piece of paper if you need to. **DO NOT LEAVE THIS SECTION BLANK***

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address? PRESENTLY AT THIS ADDRESS	
Who did the child live with at this address? (Check all that apply.)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address?	
Who did the child live with at this address? (Check all that apply.)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address?	
Who did the child live with at this address? (Check all that apply.)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address?	
Who did the child live with at this address? (<i>Check all that apply.</i>)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address?	
Who did the child live with at this address? (<i>Check all that apply.</i>)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Street Address:	
City:	State:
When did the child start living at this address? (For example "May, 2001")	
When did the child stop living at this address?	
Who did the child live with at this address? (<i>Check all that apply.</i>)	
<input type="checkbox"/> Me <input type="checkbox"/> My spouse <input type="checkbox"/> Other _____	

Prior Custody Proceedings

If you are now, or have ever been, involved in another court case that was about the custody or visitation of your child(ren), please answer the following questions. If there have not been any other court cases about the custody of your child(ren), please skip this section. If you don't know the name of the court, please fill in the city, county and state.

Court Name: (Example: Fourth Judicial District Court, Missoula County)
Case Number:
What day was the case decided? (Example: 5/6/2004)
What was your role in the case?
<input type="checkbox"/> Party <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____

Court Name: (Example: Fourth Judicial District Court, Missoula County)
Case Number:
What day was the case decided? (Example: 5/6/2004)
What was your role in the case?
<input type="checkbox"/> Party <input type="checkbox"/> Witness <input type="checkbox"/> Other: _____

Other Proceedings

If there are any other proceedings that could affect this case (for example, a criminal case against one of the parents or a case with the Department of Child and Family Services), please answer the following questions. If there are no other proceedings that could affect this case, please skip this section. If you don't know the name of the court, please fill in the city, county and state.

Court Name: (Example: Fourth Judicial District Court, Missoula County)
Case Number:
What type of case was this?

Court Name: (Example: Fourth Judicial District Court, Missoula County)
Case Number:
What type of case was this?

Persons Claiming Rights

If anyone besides you or your spouse is claiming custody of, or visitation rights with, your child(ren), please list all of them. If no one other than you or your spouse is claiming custody or visitation rights, skip this section.

First Name	Last Name

Tell Montana Child Support Enforcement Division (CSED)

You can not calculate child support with this web site. You should get a child support order before you use this web site. If you use this web site with out setting up child support, you will need a help from a lawyer. You must use specific calculations to set up child support. You can not choose the amount of child support on your own.

Do you receive public assistance under Temporary Assistance to Needy Families (TANF)?

Yes No

Do you have an existing child support order from **Montana** Child Support Enforcement Division?

Yes No

Is **Montana** Child Support Enforcement Division (CSED) in the process of establishing a child support order?

Yes No

Child Support

Who needs child support for the child(ren)?

The mother needs child support from the father.

The father needs child support from the mother.

How much should this parent pay per month per each child: \$ _____

When should child support payments begin? (month/day/year such as 5/1/2006) _____

Should the parent paying child support have the child support withheld from his/her income?

Yes, income should be withheld immediately. Payments should be made immediately to Child Support Enforcement Division.

No, child support should not be withheld from income. Payments should be made directly to the parent receiving child support.

No, child support should not be withheld from income. Payments should be made to the Clerk of District Court.

Other _____

Why shouldn't the child support automatically be taken out of the parent's paycheck?

The child support shouldn't be taken out automatically because:

Medical Insurance

Has a medical support order through Child Support Enforcement Division been set up already?

Yes No

Is your child(ren) covered under Medicaid?

Yes No

Is your child(ren) covered by private medical insurance?

Yes No

If "Yes," what is the insurance company's name? _____

What is the insurance carrier policy number? _____

Who provides the insurance?

Me The Other Parent

Sometimes there are medical costs that insurance does not pay for. What percent of these medical costs should you have to pay for? _____ What percent should the other parent pay? _____

Parenting Schedule

You may either fill in the information below to create a suggested residential schedule or, you can create your own custom schedule by writing down the details of the residential schedule.

I want to use the suggested schedule. (Check the boxes below)

I want to write my own custom schedule. ***It is in you and your child(ren)'s best interest to be as specific as possible. If your schedule is specific it will be easier to enforce.***

This is what my child(ren)'s parenting schedule should be: (Use complete sentences) _____

*If you choose to write your own custom schedule, skip to the section called **Transportation Arrangements**. If you choose to use the suggested schedule below, please answer ALL of the questions below.*

I want a preschool schedule.

I want a summer vacation schedule.

I want a school schedule

I want a spring vacation schedule.

I want a holiday and special occasion schedule.

I want a winter schedule

I want an additional vacation schedule.

I want supervised or limited visitation schedule.

I want to add another schedule.

Preschool Schedule

Please choose one of the following:

- I don't need a preschool schedule. All our child(ren) are school age. *(If you choose this option, skip to the section called **School Schedule**.)*
- One or more of our child(ren) is under school age, but I want the regular school schedule to apply no matter how old the child(ren) is/are. *(If you choose this option, skip to the section called **School Schedule**.)*
- Before the child(ren) enters school, I want the child(ren) to live with one parent most of the time and see the other parent at certain times. *(If you chose this option, please answer the following two questions.)*

Who should the child(ren) live with most of the time:

- Me
- The Other Parent

When should the other parent get to spend time with the child(ren)?

- I want to write my own preschool schedule. (Use complete sentences)

School Schedule

*Please choose **one** of the following:*

- I want the child(ren) to live with one parent most of the time and see the other parent at certain times. *(If you choose this option, please answer the following two questions.)*

Who should the child(ren) live with most of the time?

- Me
- The Other Parent

When should the other parent get to spend time with the child(ren)?

- I want to write my own school schedule.

Write in your parenting schedule for your school age child(ren). (Use complete sentences)

Holiday / Special Occasions

For each of the following holidays, you can choose whether the regular residential schedule will still apply for that holiday, whether the child(ren) will be with one parent on that holiday every year, or if the parents will trade off each year by one parent taking even numbered years and the other taking odd numbered years. Please choose one for each holiday that you choose to observe.

Holiday/Special Occasion	With Mother			With Father			I don't want a special schedule for this holiday
	Odd Years	Even Years	Every Year	Odd Years	Even Years	Every year	
New Year's Day							
Martin Luther King Day							
Presidents' Day							
Easter							
Mother's Day							
Memorial Day							
Father's Day							
July 4 th							
Labor Day							
Halloween							
Veterans' Day							
Thanksgiving							
Christmas Eve							
Christmas Day							
Mother's Birthday							
Father's Birthday							

Do you want to add any additional holidays or special occasions? If so, please list:

Name of additional holiday or special occasion	With Mother			With Father			I don't want a special schedule for this holiday
	Odd Years	Even Years	Every Year	Odd Years	Even Years	Every year	

Birthday Schedule

Choose whom the child(ren) should spend birthdays with.

Children's Birthdays	With Mother			With Father			I don't want a special schedule for this holiday
	Child's Name	Odd Years	Even Years	Every Year	Odd Years	Even Years	

Do you want specific beginning time and ending time for holidays or special occasions?

- Yes No

If you answered “Yes,” please put the beginning and ending times for each holiday you are observing below. If you answered “No,” skip this section and go to the next one.

Holiday/Special Occasion	Begin Time	End Time
New Year’s Day		
Martin Luther King Day		
Presidents’ Day		
Easter		
Mother’s Day		
Memorial Day		
Father’s Day		
July 4 th		
Labor Day		
Halloween		
Veterans’ Day		
Thanksgiving		
Christmas Eve		
Christmas Day		
Mother’s Birthday		
Father’s Birthday		
Child’s Birthday:		
Child’s Birthday:		
Child’s Birthday:		

Do you want the holidays that are on Friday or Monday and are traditionally considered three-day holidays to include Saturday and Sunday immediately before or following the holiday?

- Yes. I want Saturday and Sunday included.
 No. I don’t want Saturday and Sunday included.

Should the child's attendance at school take priority over the holiday and special occasion schedule?

- Yes No

Vacation Schedule

Winter Vacation

- I don't want a winter vacation schedule.

*If you choose this option, skip to **Summer Vacation** box below.*

- I want the child(ren) to live with one parent most of the time and see the other parent at certain times during the winter vacation. *If you choose this option, please answer the following two questions.*

The parent exercising parenting time with the child(ren) on Christmas Eve shall have the following additional parenting time with the child(ren) over the winter vacation:

The parent exercising parenting time with the child(ren) on Christmas Day shall have the following additional parenting time with the child(ren) over the winter vacation:

- I want to write my own winter vacation schedule. Write in your winter vacation schedule. (Use complete sentences.)

Summer Vacation

- No summer vacation schedule shall apply. The school year or preschool schedule shall apply.

*If you choose this option, skip to **Spring Vacation** box below.*

- I want the child(ren) to live with one parent most of the time and see the other parent at certain times during the summer vacation. *If you choose this option, please answer the following two questions.*

During summer vacation, the child(ren) shall reside primarily with:

- Me The Other Parent

During the summer, the child(ren) shall be with the other parent the following days and times:

- I want to write my own summer vacation schedule. Write in your summer vacation schedule. (Use complete sentences.)

Spring Vacation

I don't want a spring vacation schedule. The school year or preschool schedule shall apply. *If you choose this option, skip to **Other Vacations** box below.*

I want the child(ren) to live with one parent most of the time and see the other parent at certain times during the spring break vacation. *If you choose this option, please answer the following two questions.*

During spring vacation, the child(ren) shall reside primarily with:

Me The Other Parent

During the spring break, the child(ren) shall be with the other parent the following days and times:

I want to write my own spring vacation schedule. Write in your summer vacation schedule. (Use complete sentences.) _____

Other Vacations

Write in any other vacation schedule. Use complete sentences. *(If none, leave blank.):*

Priority of Schedules

If the Residential Schedule results in a conflict where the child(ren) is/are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being as follows, with 1 being the highest priority:

- Priority of the holiday and special occasion schedule.
- Priority of the winter, spring and summer vacation schedule
- Priority of preschool and school schedule

Supervised Visitation

*If you feel that visitation with the other parent should be supervised or limited, please indicate which parent should have supervised or limited visitation by checking one of the boxes below. If you don't feel that supervised or limited visitation is necessary, please skip this section and go on to the section called **Transportation Arrangements**.*

Whose parenting time shall be supervised or limited?

Mother Father

In most cases, the court will assume it best for the child(ren) if they have frequent contact with both parents. If you are asking that the other parent's visitation be supervised or limited, you will need to explain to the Court why it is needed to protect the children.

I want supervised visitations because of the following behavior:

When should supervised visits occur?

(For example, "The first and third Sunday of each month from 11:00 am to 2:00 pm.") _____

The supervised visit shall take place at the following location: _____

The supervisor for the supervised visits shall be the following: _____

Which parent shall be responsible for the costs of the supervised visits?

- Father shall pay all costs
- Mother shall pay all costs
- Parents shall equally split all costs

If the supervised parent has completed all recommendation by the evaluator, less restricted visitation will be allowed after how many months of supervised visit? _____

If the supervised parent has completed the following, less restricted visitation will be allowed:

- Alcohol / drug evaluation
- Substance abuse treatment
- Psychological evaluation
- Anger management counseling
- Parenting classes
- Other: _____

Do you want to add any other parenting schedule provisions?

Transportation Arrangements

Include the following provisions (*Choose all that apply*)

Transportation arrangements for the child(ren) between parents shall be as follows:

Unless both parents agree upon a different meeting place, the exchange of the child(ren) shall be at:

Transportation costs shall be distributed as follows:

If the transporting parent is late to pick the child(ren) for a visit, that visit shall be canceled.

This applies to: Mother Father

If the parent is more than ____ minutes late in picking up the child(ren), the visit shall be cancelled.

Telephone Contact

While the child(ren) are with one parent, the other parent shall be permitted to speak by telephone with the child(ren) at "reasonable" times OR only at certain times? (*Choose one*)

- Reasonable times Only at specific times:
-

Co-Parenting Guidelines

Following are a list of rules that many parents put in their Parenting Plan to tell the parents how to treat each other and the child(ren). Please check the ones you want in your parenting plan.

- Each parent shall promote a healthy, beneficial relationship between the child(ren) and the other parent and shall not demean or speak out negatively in any manner that would damage the relationship between either parent and the child(ren).
 - Each parent shall notify the other parent at least _____ days in advance when a particular parenting time shall not be exercised. The missed time shall not be substituted unless mutually agreed to by both parents. The parents are expected to fairly modify visitation when family necessities, illnesses, or other commitments reasonably so require. The requesting parent shall act in good faith and give as much notice as circumstances permit.
 - Each parent shall supply the appropriate child(ren)'s clothing with them for their scheduled time with the other parent. These clothes are to be considered the child(ren)'s clothes and shall be returned with the child(ren).
 - Each parent shall provide separate clothes for the child(ren) at their own residence, unless mutually agreed to by both parents. In the cold months of the year, both parents are required to have adequate boots, gloves, hats, and jackets for the child(ren) unless other arrangements have been made that are mutually agreeable to by both parents.
 - If a parent plans a special activity that requires clothing and/or equipment that would normally not be with the child(ren), it is that parent's responsibility to check and see if the child(ren) has/have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travel with the child(ren), and to ensure that the clothing and/or equipment is returned with the child(ren).
 - Each parent shall be responsible for ensuring that the child(ren) attend regularly scheduled activities, including, but not limited to, sports and extra-curricular activities, while the child(ren) is/are with that parent.
 - Neither parent shall permit the child(ren) to be subjected to: (Choose all that apply.)
 - Persons abusing alcohol or using illegal drugs within 24 hours of contact with the child(ren).

This includes the abuse of alcohol or the use of illegal drugs by the parent.
 - Smoking environment.
 - Use of profane language.
 - Removal of the child(ren) from Montana, except as authorized by the Court or mutually agreed to by both parents.
 - I want to add additional parenting prohibitions:
-
- Any violation of these terms will result in the immediate termination of that parent's contact with the child(ren).

- Relationships between the child(ren) and relatives and family friends on both sides of the family shall be protected and encouraged. The parents shall have their child(ren) maintain ties with both the maternal and paternal relatives.
- In Montana, grandparents have a legal right to request a court to order reasonable visitation with their grandchild(ren) if it is in the best interest of the child(ren). Usually the child(ren) will visit with the father's relatives and family friends during those times when they are with their father; likewise, the child(ren) will visit mother's relatives and family friends during those times they are with their mother.

Decision Making

Should sole decision making power regarding the child(ren) be given to just one parent?

- Yes No

Which parent should make decisions about the parenting for the child(ren):

- Mother Father

WHY SHOULD THIS PARENT BE THE ONLY DECISION MAKER?

Who should make important decisions about the children's education?

- Mother Father Both Parents

Who should make important decisions about the children's health care?

- Mother Father Both Parents

Who should make important decisions about the children's spiritual development?

- Mother Father Both Parents

Resolving Disputes

Have you or your child been physically abused or threatened with physical abuse by the other parent?

- Yes No

Has the other parent been convicted of deliberate homicide, mitigated deliberate homicide, sexual assault, sexual intercourse without consent, deviate sexual conduct with an animal, incest, aggravated promotion of prostitution of a child, endangering the welfare of children, partner or family member assault, or sexual abuse of children?

- Yes No

Should you and the other parent be required to go to mediation if you can't work out an agreement about the parenting plan?

- Yes No

Who do you want to settle your disagreements? (Give the name of a person or organization you want to mediate your disagreements.)

How should mediation be paid for?

- The mediator should decide how much each parent should pay.
- Each parent should have to pay part of the cost.

Other Parenting Plan Provisions

For the purpose of all other state and federal statutes that require a designation or determination of custody, which parent should be designated the custodian? *(The designation will not affect either parent's rights or responsibilities under this parenting plan.)*

- The Mother
- The Father

Do you want to add anything else to your parenting plan? Yes No

What would you like to add to your parenting plan? (Use complete sentences)
