

Outline for Forms CLE April 6, 2106

*Provided by Erin Farris-Olsen
SCSRLs Forms Sub Committee*

CLE Description:

April 6th, 12:15-2:15p. DPHHS Auditorium and Live Stream.

Title: Pro bono and Limited Scope Representation with Revised Supreme Court Forms for Dissolution with Children

Summary: The long awaited Revised Dissolution with Children Forms are here! This program will provide an overview of the revised dissolution with children forms and explain how these forms were designed to help self represented litigants navigate the dissolution with children process. We will specifically discuss how lawyers in pro bono and limited scope practice can utilize the new forms.

Erin Farris-Olsen, Esq., is the current chair of the Forms Sub Committee of the Standing Committee on Self Represented Litigants, a facet of the Supreme Court Access to Justice Commission. Mrs. Farris-Olsen has worked as Equal Justice Coordinator for the Montana State Bar and Supreme Court, Court Help Program Administrator. Farris-Olsen started actively working on form revisions in 2011 and is excited to share the Committee's final product.

Major Complaints:

1. Too long
2. Empty pages
3. Formatting in general
4. Duplicate information
5. Child Support

Process:

1. Revisions-June-2012
2. Public Comment- September 2014
3. Revisions
4. Pilot Project in Cascade & Gallatin Counties-coming soon, Spring 2016
5. Automation-underway

Result: Total overhaul. Had to redefine the process along the way. Modular approach. [Show chart]

Major Changes:

1. Notary block removed for oath.
2. Separated Petition from Financial Disclosure. *tricky one because income & expenses needs to be exchanged but can't be filed.

- a. Separate petition allows for a modular approach.
- 3. Proposed Parenting Plan-attachments to combat form length. *One-size fits all challenge
- 4. Service: New forms-Notice to a person not named, and “Request for Sheriff to Serve Documents”
- 5. Response-mirrors the petition exactly. Respondent files Proposed PP & Proposed Property Distribution
- 6. Additional procedures: (1) Interim Parenting Plan and (2) Mediation
- 7. Request for Hearing-includes default option.
- 8. Decree-can incorporate petitioner’s, respondent’s, or court ordered PP or Property Distribution.

BIG Remaining Question- gender neutrality ->Automation.

PETITION:

- #12 Parenting Plan
- #13 Preliminary Disclosure. Affirmative statement of what is required by law
- #14 Property Distribution. Previous version not completed by many SRLs. Allows for not filing this document if no marital property is claimed. Also, pre nupt is a new option.
- #16 Maintenance. This is new as it must be requested in the Petition.

PARENTING PLAN-can be used by petitioner, respondent, co petitioner, or court. “Agreed” may be developed through mediation.

- Header-includes petitioner, respondent, as well as “Court Ordered” if the court chooses to adopt this version of the parenting plan.
- #4 Choose same or different schedules for all children. Previous forms divided children by age. This has more options but also eliminated form pages for people opting for the same arrangement for both children which is most common.

PARENTING SCHEDULE- 300-A

- Choose visitation of one parent, other parent gets all time not specifically mentioned. Includes 5th weekend,
- Child Care Options revised
- Transportation details added.

HOLIDAYS, VACATION, and SPECIAL OCCASIONS 300-B

- Optional! A part of the previous forms often skipped.
 - #6 Supervised or “Limited Parenting Plan”- all new language and options that include things other than paid supervision*not available in most places in MT
- LIMITED PARENTING TIME MP 300-C**
- Travel Specifications revised
 - Passport new

- #10 State & Federal Benefit Programs. * diminished the designation of “custody” language which was removed from MT code but still exists for the purpose of state and federal programs.
- #18 Notice to CSED if a case is pending.
- #19 Child Support Calculation options. Old forms required the completion of a child support calculation but many people went through the system without filing this information and the Court was stuck. Some courts refused to set a hearing while others would issue an order without one.
 - New options:
 - (1) CSED Order attached
 - (2) Order prepared elsewhere
 - (3) Order prepared elsewhere*Opp for LSR. MLSA calculation program?
 - (4) No one has calculated. Requires that a case be opened. Overcomes mis reporting on the forms.
- #22 Medical Support Options. Shorten the forms for people with CSED order (majority).
- Order by the Court section for Court approval.

PROPOSED PROPERTY DISTRIBUTION

- Large Warning
- Attachments for additions here address length issues.
- End-can be adopted by the court.

INTERIM PP MOTION

MP – 610.1 Motion to Adopt Proposed Parenting Plan as Interim Plan and Statement in Support

MP - 610.2 Response to Motion to Adopt Proposed Plan as Interim Plan

MP - 610.3 Reply to Response to Motion to Adopt Proposed Plan as Interim Plan

MP - 610.4 Order Adopting Interim Parenting Plan and Setting Hearing

MEDIATION MOTION

MP - 611.1 Motion requesting Order for Mediation

MP - 611.2 Mediation Summary

MP - 611.3 Order for Mediation

MP – 612 Notice of Agreement

REQUEST FOR A HEARING

- Case status -new
- Update on child support information-new
- Financial disclosure compliance-new
- Request for contested, uncontested, or default hearing options-new

ORDER ON HEARING

- Explanations of why hearing not set.

DECREEE

- Parenting Plan procedural history
- Proposed Property procedural history
- Property Distribution adopted by reference & court signature
- Parenting Plan adopted by reference & court signature.

NOTES for committee edits:

- (1) .rtf needs to ne fixed
- (2) formatting on proposed property distribution
- (3) header on disclosure of income and expenses