

Hon. _____
 Fourth Judicial District
 Mineral County Courthouse
 PO Box 129
 Superior, Montana 59872
 Phone: (406) 882-3538
 Fax: (406) 822-3822

FORM #79

**MONTANA FOURTH JUDICIAL DISTRICT COURT
 MINERAL COUNTY**

<p>In re the Marriage of:</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.:</p> <p>Department No.:</p> <p>FINDINGS OF FACT, CONCLUSIONS OF LAW AND FINAL DECREE OF DISSOLUTION</p>
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The Petition for Dissolution, filed 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____.
- [] did not appear, but filed a Consent to Entry of Decree.
- [] appeared pro se.
- [] appeared and was represented by _____.

After considering all evidence and pleadings, the Court finds:

FINDINGS OF FACT

- The Respondent was served with the Petition and Summons on the ____ day of _____, 20____.
- 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, M.C.A. §§ 40-3-101, et. seq., and § 40-4-107 do not apply.

6. At least one of the parties has been domiciled within the state of Montana for at least ninety (90) days prior to the filing of this action.

7. There is / are ____ child(ren) of the marriage as follows:

Name (first and last) _____ Age: ____

Name (first and last) _____ Age: ____

Name (first and last) _____ Age: ____

Name (first and last) _____ Age: ____

Name (first and last) _____ Age: ____

If needed, attach additional sheets as Exhibit _____.

8. Choose One:

The child(ren) have lived in Montana for at least six consecutive months immediately before the start of this proceeding. If a child is less than six months old, the child has lived in Montana since his/her birth.

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

The child(ren) and one parent have had significant connections to Montana, and substantial evidence about them is available here.

The child(ren) is/are physically present in Montana, and the child(ren) has/have been abandoned or an emergency exists requiring the child(ren)'s protection.

9. The wife is is not pregnant with a child of this marriage.
10. The Petitioner has signed and filed a Proposed Parenting Plan that has been presented to this Court for examination and approval.

The Respondent agrees does not agree with the proposed parenting plan.
 The Respondent has has not filed a separate proposed parenting plan.

11. The Wife Husband needs financial assistance from the Wife Husband to support the minor child(ren).

Choose One:

The Wife Husband shall pay \$_____ per month per child.

This amount:

is in accordance with the Montana Child Support Guidelines.

varies from the Montana Child Support Guidelines.

(Attach the calculations done according to the Montana Child Support Guidelines.)

or

Child support in the amount of \$ _____ per month per child has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit ____.

12. Choose One:

A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of this Order is attached hereto as Exhibit ____.

or

Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. Choose All That Apply:

The child(ren) are presently covered under the following insurance plan:

Carrier Name: _____

Policy No.: _____

The child(ren) are recipient(s) of medical assistance under Title XIX of the Federal Social Security Act (Medicaid).

The child(ren) is/are not covered under an existing insurance plan.

13. The Department of Public Health and Human Services is is not providing services to the parties or minor child(ren) of the parties under the provisions of Title IV-D of the Social Security Act.

If so, the Montana Child Support Enforcement Division was served with a copy of the Petition in this action and has acknowledged service, a copy of which is filed with the Court.

This action does not establish, enforce, or modify the parties' previously established child support order.

14. The Parties have complied with the preliminary disclosure requirements of MCA §40-4-252.

The Parties have complied with the final disclosure requirements of MCA §40-4-253 & -254.

or in the event of a default:

The Petitioner has complied with the preliminary disclosure requirements of MCA §40-4-252.

Having requested entry of default, Petitioner has waived the final declaration of disclosure.

15. Choose One:

The parties do not own any real property.

or

The Wife Husband both parties are the owner(s) of record of real property located at _____.

The legal description of the property is _____

_____.

16. Choose One:

The parties do not own any vehicles.

or

The parties own _____ vehicle(s).

17. The parties have accumulated household furnishings and other personal property during the course of their marriage. The personal property of the parties has has not already been divided.

18. Choose One:

There are no debts of the marriage.

The parties have accumulated debts during the course of their marriage.

19. 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.

20. Other Provisions: _____

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 Parties
 - having complied with the Preliminary Disclosure requirements of M.C.A. §40-4-252;
 - having complied with the final disclosure requirements of M.C.A. §§40-4-253 and 40-4-254;

OR in the event of a default:

The Petitioner

- having complied with the preliminary disclosure requirements of MCA §40-4-252;
- having requested entry of default and waived the final declaration of disclosure;

the Court finds good cause to enter this Decree.

4. The Petitioner's Proposed Parenting Plan
 Respondent's Proposed Parenting Plan
 Stipulated Permanent Parenting Plan
 The Court's Permanent Parenting Plan attached hereto

is in the best interest(s) of the minor child(ren) and should be incorporated into this Decree as the Final Parenting Plan.

5. Choose One:
 The Child Support Order attached as Exhibit ____ is a valid order for the child support of the minor child(ren) of the parties.

or

- The Wife Husband is entitled to \$_____ per month per child as child support to be paid according to the provisions as stated below.

6. Choose One:
 The previously established Medical Support Order attached as Exhibit ____ is a valid order for the medical support of the minor child(ren) of the parties.

or

- The best interest(s) of the minor child(ren) require medical coverage according to the provisions of the final Medical Support Order, as stated below.

7. Based on the duration of the marriage and on the parties' age, health, education, skills, and financial circumstances, the division of property and debts is equitable.
8. If requested, the wife should be restored to her former name.
9. 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 of the parties is hereby dissolved.
2. Parenting Plan.
 The Petitioner's Proposed Parenting Plan
 Respondent's Proposed Parenting Plan
 Stipulated Permanent Parenting Plan

 is adopted by this Court as the Final Parenting Plan and made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Final Parenting Plan.

or
 The Court has issued a Permanent Parenting Plan and it is made an integral part of this Decree. The parties are hereby ordered to perform the provisions of the Permanent Parenting Plan -- See Attachment "A."
3. Child Support Order.
 The Court acknowledges that a valid Child Support Order has already been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached as Exhibit _____.

or
 The Court adopts the attached Child Support Order for the support of the minor child(ren) of the parties -- See Attachment "B."
4. Medical Support Order.
 A Medical Support Order has been established by the Montana Child Support Enforcement Division or another appropriate administrative agency or court. A copy of the Order is attached as Exhibit _____.

or

Medical support is needed to cover the medical and dental expenses of the minor child(ren) of the parties. The Court adopts the attached Medical Support Order -- See Attachment "C."

5. Real Property. Choose One:

The parties do not own any real property.

The Wife Husband is hereby granted all right, title, and interest in the real property located at _____, with legal description of _____

_____.

The Wife Husband shall transfer his/her interest in this real property to the Wife Husband.

or

Describe the proposed distribution of the real property: _____

If needed, attach additional sheets as Exhibit _____.

6. Vehicles. 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 Wife is awarded all right, title and interest in following vehicle(s):

Vehicle:	VIN#:
Vehicle:	VIN#:
Vehicle:	VIN#:

b. The Husband 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 _____.

7. Personal Property. 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 Wife:

To Husband:

If needed, attach additional sheets as Exhibit ____.

8. Debts. 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 Wife:

Description of Debt	Creditor	Current Balance	Amount to Wife

ATTACHMENT "A"

PERMANENT PARENTING PLAN

1. Objectives of the Parenting Plan

- a. To protect the best interest(s) of the minor child(ren);
- b. To provide for the physical care of the minor child(ren);
- c. To maintain the child(ren)'s emotional stability and minimize the child(ren)'s exposure to parental conflict;
- d. To provide for the minor child(ren)'s changing needs as they grow and mature;
- e. To set forth the authority and responsibilities of each parent with respect to the minor child(ren);
- f. To help the parents avoid expensive future court battles over the minor child(ren).

2. Residential Schedule for the Child(ren) *This schedule is designed to provide for the child(ren)'s changing needs as they grow and mature. It specifies the periods of time during which the child(ren) will reside with each parent, including holidays, vacations, and other special occasions.*

a. Pre-School Schedule (Choose One):

- There are no child(ren) under school age.
- There are child(ren) under school age, but the school schedule set forth in 4(b) below shall apply to the child(ren) regardless of their age(s).
- Prior to enrollment in school, the child(ren) shall reside primarily with the Mother Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

_____.

or

- Describe the residential schedule for the minor child(ren) prior to their enrollment in school: _____

_____.

b. School Schedule (Choose One):

- Upon enrollment in school, the child(ren) shall reside with the Mother Father, except for the following days and times when the other parent shall have parenting time with the child(ren):

_____.

or

Describe the residential schedule for the minor child(ren):

c. Holiday and Special Occasion Schedule

No holiday and special occasion schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

The following schedule shall apply for the holidays and special occasions listed below:

HOLIDAY	(Specify Odd or Even)	
	MOTHER	FATHER
Thanksgiving (Wed. 5:30 p.m. – Sun. 7:00 p.m.)		
Christmas Eve (Chr. Eve Noon -- Chr. Day Noon)		
Christmas Day (Noon to 9:00 p.m.)		
New Years (NY Eve Noon -- NY Day Noon)		
Easter Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Memorial Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Labor Day Weekend (Fri. 5:30 p.m. – Mon. 7:00 p.m.)		
Fourth of July		
Halloween		
Mother’s Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Father’s Day Weekend (Fri. 5:30 p.m. – Sun. 7:00 p.m.)		
Child(ren)’s Birthday		
Mother’s Birthday		
Father’s Birthday		

The child(ren)’s school attendance shall take priority over the holiday and special day schedule. The child(ren) **shall not** miss school because of the holiday or special occasion schedule.

d. Winter Vacation (Choose One):

No winter vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

(i) The parent exercising parenting time with the child(ren) on Christmas Eve

(as outlined above) shall have the following additional parenting time with the child(ren) over winter vacation:

_____.

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

_____.

or

- Describe the residential schedule for the child(ren)'s winter vacation:

_____.

e. Summer Vacation (Choose One):

- No summer vacation schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

- The child(ren) shall reside with the Mother Father during summer vacations, except for the following days and times when the child(ren) shall be with the other parent: _____

_____.

or

- Describe the residential schedule for the child(ren)'s summer vacation:

_____.

f. Spring Break (Choose One):

- No Spring Break schedule shall apply. The school year or pre-school schedule set forth above shall apply.

or

- The child(ren) shall reside with the Mother Father during Spring Break, except for the following days and times when the child(ren) shall be with the other parent: _____

_____.

or

- Describe the residential schedule for the child(ren)'s Spring Break:

_____.

g. Other Vacations with Parents

Describe the schedules for any other vacations with the parents:

h. Priorities under the Residential Schedule

If the residential schedule outlined above results in a conflict where the child(ren) are scheduled to be with both parents at the same time, the conflict shall be resolved by priority being given as follows:

- Rank the order of priority, with 1 being the highest priority
- _____ Preschool and School Schedule
 - _____ Holidays/Special Occasions
 - _____ Winter/Summer/Spring Break Vacations
 - _____ Other Vacations with Parents

or

- Other: _____
-

i. Supervised and Limited Visitation (Choose One):

- The residential schedule listed above is not subject to any additional restrictions or limitations on parenting time.

or

- (i) The Mother's Father's parenting time shall be supervised or limited because he/she has exhibited the following behavior which is not in the best interest(s) of the minor child(ren):

- (ii) It is in the best interest(s) of the minor child(ren) that the Mother's Father's parenting time be subject to the following conditions:

How Often/ For How Long: _____

Where: _____

Supervised by Whom: _____

- (iii) The supervised and limited visitation conditions shall take priority over any other terms of the residential schedule above.

- (iv) If the Mother Father has completed the following and has followed through with any and all recommendations by the evaluator, treatment counselor, and/or other professional recommendations, the Mother Father agrees to consider a modification to allow less restricted visitation after _____ months of supervised and limited visitation.

(Check All That Apply):

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

j. **Other:** _____

_____.

3. Designation of Primary Parent

For the purpose of all other state and federal statutes which require a designation or determination of parenting, the Mother Father shall be designated the primary parent. However, this designation shall not affect either parent's rights and responsibilities under this parenting plan.

4. Transportation Arrangements (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 Mother Father is more than _____ minutes late to pick the child(ren) up for a visit, that visit shall be canceled.

5. Telephone Contact (Choose One):

- While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at reasonable times.

or

- While the child(ren) reside with one parent, the other parent shall be permitted to speak with the child(ren) at the following times only: _____
_____.

6. Co-Parenting Guidelines (Choose All That Apply):

- 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 mutually agreed 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 to see if the child(ren) have such clothing and/or equipment with the other parent, to ask that the clothing and/or equipment travels with the child(ren), and to ensure that the clothing and/or equipment returns the same 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) 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.
 - Other: _____.
 - Other: _____.
 - 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(s) of the child(ren). Usually the child(ren) will visit with the paternal relatives during times the child(ren) are with their father and with the maternal relatives during times they are with their mother.

7. Decision Making

a. Day-to-Day Decisions

Each parent shall be authorized to make decisions regarding the day-to-day care and control of the child(ren) while the child(ren) are residing with that parent, unless or except as provided below (Choose All That Apply):

Sole decision making shall be granted to the Mother Father for the following reasons: _____

_____.

- Major decisions concerning the child(ren)'s education shall be made by the Mother the Father both parents jointly.
- Major decisions concerning the non-emergency health care of the child(ren) shall be made by the Mother the Father both parents jointly.
- Major decisions concerning the spiritual development of the child(ren) shall be made by the Mother the Father both parents jointly.
- The consent of both parents shall be required before any minor child(ren) shall be permitted to (Choose All That Apply):
 - Get a tattoo
 - Pierce any body part
 - Marry
 - Enlist in the armed services
 - Other:
 - Other:
 - Other:

b. Emergency Decisions

Regardless of the allocation of decision making in this parenting plan, each parent shall be authorized to make emergency decisions affecting the health or safety of the child(ren).

8. Access to Information

- a. As required by M.C.A. § 40-4-225, both parents shall have access to all information relating to their child(ren) including, but not limited to, school records, counseling records, medical and dental records.
- b. As required by M.C.A. § 40-4-204(6)(a), both parents shall update each other and the Court with written notice of changes to the following information:
 - (i) Residential and mailing addresses;
 - (ii) Telephone number;
 - (iii) Social Security number;
 - (iv) Driver's license number;
 - (v) Name, address, and phone number of employers;
 - (vi) Health insurance coverage for the child(ren);
 - (vii) Health insurance available through either parent's employer which could cover the minor child(ren).

- It is appropriate that the personal information of the Mother Father shall remain confidential and shall not be provided to the other parent because:

_____.

9. Residential Changes

As required by M.C.A. § 40-4-217, if a parent's change in residence will significantly affect the other parent's contact with the child(ren), written notice shall be served personally or sent by certified mail to the other parent not less than 30 days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the court that adopted the parenting plan. Failure of the parent who receives notice to respond to the written notice or to seek amendment of the residential schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

10. Dispute Resolution

The following shall apply when disputes arise between the parents in carrying out or amending this parenting plan (Choose One):

- No alternative dispute resolution process, except court action, shall apply unless ordered at the discretion of the Court.
- No alternative dispute resolution process is appropriate. The following limiting factors exist, as provided in M.C.A. § 40-4-219(9) (Choose All That Apply):
- This is a case of physical abuse or threat of physical abuse by one parent against the other parent or the child(ren).
 - A parent has 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.

or

- a. Disputes between the parents shall be submitted to mediation, counseling, or arbitration by: _____.
- b. The cost of this process shall be allocated between the parents as follows (Choose One):
- Based on each parent's proportional share of income as determined from the child support worksheet.
 - As determined in the dispute resolution process.
 - Mother: _____ % , Father: _____%.
- c. A parent will begin the dispute resolution process by notifying the other parent by written request sent by certified mail.
- d. In the dispute resolution process:
- (i) Preference shall be given to carrying out this parenting plan.
 - (ii) Unless an emergency exists, the parents shall use the designated process to resolve disputes relating to implementation of the plan, except those related to financial support.
 - (iii) A written record shall be prepared of any agreement or arbitration award

reached in counseling or mediation, and a copy shall be provided to each parent.

- (iv) If the court finds that a parent has used or frustrated the dispute resolution process without good reason, the court may award attorney's fees and financial sanctions to the other parent.
- (v) The parents have the right of review from the dispute resolution process to the district court.

11. Other Provisions:

WARNING: One parent's failure to comply with a provision of the parenting plan will not affect the other parent's obligation to comply with the parenting plan. Violation of any provision of this order with actual knowledge of its terms is punishable by contempt of court and may be a criminal offense under M.C.A. §§ 45-5-631 or 45-7-309. Violation of the Final Parenting Plan may subject a violator to arrest and a fine up to \$500 or imprisonment in the county jail.

ATTACHMENT "B"

CHILD SUPPORT ORDER

- a. The Wife Husband shall pay \$_____ per month per child.
This amount:
 is in accordance with the Montana Child Support Guidelines.
 varies from the Montana Child Support Guidelines.
- b. The first payment is due the ____ day of _____, 20____, with subsequent payments to be made on the ____ day of each month thereafter.

Payments should continue until such time as each child reaches the age of 18 years and has completed high school, or attained the age of 19 years, or is emancipated by court order, whichever shall first occur.

- c. Payments should be made to (Choose One):
- The Child Support Enforcement Division.
The parties request do not request income withholding.
- Mineral County Clerk of Court, 200 West Broadway, Mineral, MT 59802.

WARNING: If a parent is delinquent in payments, that parent's income may be subject to income withholding procedures under MCA Title 40, Chapter 5, without need for any further action by the Court. Support is delinquent when it is 8 days overdue.

- d. Whenever the case is receiving services under Title IV-D of the Social Security Act, support payments must be paid through the Department of Public Health and Human Services Child Support Enforcement Division as provided in M.C.A. § 40-5-909.
- e. This order is subject to review and modification by the Department of Public Health and Human Services upon the request of the Department or a party under M.C.A. §§ 40-5-271 through 40-5-273, when the Department is providing services for enforcement under Title IV-D of the Social Security Act.
- f. The obligations to provide financial child support, provide medical care for a child, and provide or comply with parenting arrangements shall be independent of each other, and the failure or inability to provide one or more shall not reduce any other obligation.
- g. Each party should promptly inform the Court of any changes in the following information:
- (i) Name, social security number, mailing address, residential address, telephone number, and driver's license number; and

- (ii) Names, addresses, and telephone numbers of current employers.

WARNING: In any subsequent child support enforcement action, on sufficient showing of diligent efforts to locate the party, due process requirements for notice and service may be met by delivering written notice by regular mail to the last address of the party or the party's employer reported to the Court.

ATTACHMENT “C”

MEDICAL SUPPORT

1. Existing Coverage

- The child(ren) are presently covered under the following insurance plan:
Carrier Name: _____
Policy No.: _____

The Mother Father shall continue to provide medical coverage through the plan as long as it is available at a reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.

- The child(ren) are recipient(s) of medical assistance under Title XIX of the Federal Social Security Act (Medicaid).
- The child(ren) are not covered under an existing insurance plan.

2. Contingency Medical Support

If the minor child(ren) are either (i) covered by Medicaid, (ii) are not covered under an existing insurance plan, or (iii) if the existing coverage becomes no longer available, the following provisions shall apply:

- a. The Mother shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- b. The Father shall provide medical coverage through individual insurance or a health benefit plan for the child(ren), as long as it is available at reasonable cost, and as long as no other plan or individual insurance is available that will better serve the interests of the parties.
- c. If health benefit plans are available to both parties at a combined cost that is reasonable or cost-beneficial and with benefits that are complementary or compatible as primary and secondary coverage, both parties shall provide coverage for the child(ren).
- d. Coverage is presumed to be available at reasonable cost if the cost of premiums does not exceed 25 percent of the obligated party's total child support obligation when calculated under the child support guidelines without credit for the medical support obligation.

- e. If circumstances change and a party believes that corresponding changes in cost are not reasonable or cost-beneficial, the party may move to petition any appropriate tribunal for relief.

3. Duties of the Parties

- a. The Mother shall be responsible for ____% and the Father shall be responsible for ____% of all medical expenses of the minor child(ren), including the costs of the premium for coverage, all co-payments and deductibles required for coverage, and any uncovered medical expenses.
- b. Each party shall promptly execute and deliver to the insurance provider all forms necessary to ensure the child(ren)'s continuous participation in insurance coverage. Each party shall timely submit claims for processing, verification, and payment. Each party shall provide the other party with identification cards or other methods for access to coverage.
- c. If a party receives a reimbursement but did not pay the underlying bill, that party shall promptly pay over the proceeds to the proper party.
- d. If the party responsible for providing medical insurance coverage for the child(ren) allows such coverage to lapse without securing a comparable replacement, that party shall be liable for all the child(ren)'s medical expenses and shall indemnify the other party, the Department of Public Health and Human Services, or any third-party custodian for the cost of obtaining medical coverage and medical expenses.
- e. Any liability for unpaid medical costs and expenses may be entered as a judgment for unpaid support against the obligated party. A party may apply to the Court for expedited enforcement procedures.
- f. If an obligated party fails to pay a required premium, the other parent, the Department of Public Health and Human Services, or the custodian may advance the cost of premiums and keep benefits continually in force for the child. The advance should be entered as a judgment for unpaid child support in favor of the advancing party and against the obligated parent.
- g. The obligation to provide medical coverage for the child(ren) ceases only when the child support obligation ceases.
- h. The costs of providing individual insurance or a health benefit plan may not be used as a direct offset to the child support obligation. However, as provided by the child support guidelines, the costs may be considered in making or modifying a child support order.

- i. Each party shall promptly inform the Court of any changes in the following information:
 - (i) If the child(ren) are covered by a health or medical insurance plan, the name of the plan, the policy identification number, and the name(s) of the person(s) covered;
 - (ii) If the child(ren) are not covered by a health or medical insurance plan, whether health insurance coverage for the child(ren) is available through the party's employer or other group, and if so, whether the employer or other group pays any portion of the coverage premium.

- j. A civil penalty not to exceed \$25 per day may be imposed for an intentional violation of this medical support order or the provisions of M.C.A Title 40, Chapter 5, Part 8 or the regulations promulgated under that Part.

- k. If medical insurance is available for minor children through a parent's employer, this Order will allow automatic enrollment without any need for further court order.

WARNING: The obligations to provide medical care, provide financial child support, and provide or comply with visitation and custody arrangements are independent of each other, and the failure or inability to provide one or more does not reduce any other obligation.

4. Other Provisions: _____

