

How do I get a divorce?

In Montana, the legal name for divorce is dissolution. The court can give you a dissolution even if your spouse does not want one. Before you can do this, you must be sure that:

- You are legally married. This includes common law marriage.
- The one who wants the dissolution must have lived in Montana for at least 90 days before filing for dissolution.
- If you have children from the marriage, usually they must have lived in Montana for six months.
- One spouse must believe that the marriage cannot be fixed.

What does a dissolution solve?

In a dissolution, the judge will end the marriage. The judge will also:

- Divide the property and debts of the two sides
- Order any alimony (spousal support) or child support
- Change the name of the wife, if she asks for it to be changed
- Decide living arrangements and support for the children

What about legal separation?

If you don't want a dissolution, you could get a legal separation. If you get a separation, you will still be legally married. Still, the judge makes the same kinds of decisions as in a dissolution.

You cannot get married to another person until you get a dissolution. Either side can ask for the separation to be changed to a dissolution. This can't happen until six months after the court says you are officially separated.

What about having the marriage declared invalid?

A judge can void a marriage. This is also called an annulment. An annulment says that the marriage never existed. The judge may call this a, "declaration of invalidity." You need to meet certain conditions to do this.

Some examples of when you can annul are:

- If one spouse was too young to marry
- If one spouse is married to someone else
- If the spouses are related by blood

There are other reasons you can get an annulment, too.

How do I start a dissolution?

First, you must file a petition for dissolution with the Clerk of the District Court. You can find the Clerk of Court's office at the local county courthouse. You must have the petition and a summons officially delivered (served) to your spouse. The petition tells the court and your spouse what you are asking for in the dissolution. Depending on your case, you may need to file other forms. These must then be served on your spouse.

Is there a fee to file for dissolution?

Yes. The court charges fees to file the petition. The court also charges a fee when the dissolution decree is issued. For more information about the court fees, you should contact your local Clerk of District Court. There may also be costs to serve the petition on your spouse. If you cannot afford to pay the fees and costs, you can ask the judge to excuse you from paying them.

How long will my dissolution take?

If you and your spouse both agree on the terms, it can go fairly quickly. The dissolution may be finalized 20 days after the other spouse is served with the dissolution papers. But if the parties don't agree, it can take much longer.

Do I need an attorney?

You do not need a lawyer to get a dissolution. But a lawyer can help protect your rights. This is very important if you and your spouse disagree on the terms of the dissolution. You may also have rights that you do not know about. You could lose these if you do not get expert advice.

If you and your spouse agree on all issues, you may get a dissolution fairly easily without a lawyer.

These next two actions may help you:

Summary dissolution proceedings

This action is for people who agree on the terms of the dissolution. This process is good for people who do not have children. It can also work for people who do have children, but you and your spouse need to already agree on parenting arrangements. You must also have a child support order. Both sides must have a low income. You need to already know how to divide your money, property, and debts.

Dissolution clinics

Montana Legal Services Association gives dissolution classes. These classes are for qualified people with low incomes. The class teaches you how to file your own uncontested dissolution. You'll get all the forms that you need. You will also get help filling out the forms.

How do I get more help?

Montana Legal Services Association (MLSA) provides free civil legal help to low-income people. Contact us to see if you qualify:

- Apply anytime online at mtlsa.org;
- Call our Helpline at 1-800-666-6899 (Helpline hours are limited).

What help can I find at MLSA?

- Legal advice and representation;
- Referrals to volunteer attorneys and other providers;
- Self-help clinics and materials.

www.MontanaLawHelp.org

Need legal information or forms? Visit www.MontanaLawHelp.org.

Can't find what you want? Use LiveHelp. Click on the LiveHelp picture and get help finding the information you need.

www.MTLSA.org

Find copies of all our brochures online. They are all available for free download!

This pamphlet is meant to give basic legal information, not legal advice about your problem. The law changes often and each case is different. We recommend you talk to an attorney about your legal problem.

Montana Legal Services Association

Families and Kids: Dissolution of Marriage



*Providing, protecting, and enhancing
access to justice.*

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