

Opting Out of an Informal Domestic Relations Trial for Your Family Law Case: Form and Instructions

Note: As of October 1, 2023, all family cases will automatically use the Informal Domestic Relations Trial (IDRT) process. If you don't want to use that process, you have the right to request a traditional trial either by using this form or telling the judge during a hearing. Make sure you do so before the deadline. Before you make a decision, read about the differences between the two kinds of trials at <https://courts.mt.gov/idrt/>.

These instructions cannot take the place of advice from a lawyer. Talk to a lawyer if you have **any** questions.

What Terms Do I Need to Know?



Petitioner/Plaintiff- Depending on the type of case, the person who files an action in court is either called the petitioner or the plaintiff. If you were the first person to file something in court, this is you.

Respondent/Defendant- Depending on the type of case, the person who needs to respond to someone else's action in court is either called the respondent or defendant. If the other person filed first, this is you.

Dissolution- Dissolution is the legal word for divorce in Montana.

Modification- If you want to change something about an earlier order (*i.e.*, a dissolution, parenting plan, or order of protection), then you are asking for a modification.

Informal Domestic Relations Trial (IDRT)- This is the new default process for handling family laws cases in Montana, where the rules of evidence are relaxed and the judge takes a more active role. You can learn more about the difference between this and a traditional trial at <https://courts.mt.gov/idrt/>.

Traditional Trial- Previously, family law cases used a traditional trial, where the normal rules of evidence apply. You can learn more about the difference between this and an IDRT at <https://courts.mt.gov/idrt/>.

Montana Rules of Evidence- The laws that govern evidence in a traditional family law case are called the Montana Rules of Evidence. They can be found [in title 26, chapter 10 of the Montana Code Annotated.](#)

Who Can Use the Form?



You can use this form if:

- Your case is in a Montana District Court, AND
- Your case involves a dissolution, parenting and visitation, child and medical support, invalidity of marriage, paternity, grandparent-grandchild contact, an order of protection, or modification of any of those.

What Do I Do with this Form?

1 If don't want to use the Informal Domestic Relations Trial process, fill out the Form.

- ☐ Fill out all the blanks on the Notice to Opt Out of an Informal Domestic Relations Trial.
- ☐ Sign and date your Notice to Opt Out of an Informal Domestic Relations Trial.
- ☐ Fill out the judicial district, county, and caption. If you aren't sure which judicial district you are in, you can look at another document that has been filed in your case or ask the Clerk of District Court. The caption looks like this:

Montana _____ Judicial District Court <i>Number of the judicial district where you are filing</i> _____ County <i>Name of the county where you are filing</i>	
<hr/> Petitioner / Plaintiff, and Respondent / Defendant. <hr/>	<hr/> Case No.: _____ <i>Filled out by Clerk of District Court Unless you have already filed your case and know the number</i> Notice to Opt Out of an Informal Domestic Relations Trial <hr/>

2 Make Copies

- ☐ Make two copies of the form after you have filled it out.

3 File Form at the Courthouse

- ☐ Go to the Clerk of District Court's office in your county courthouse. Give the Clerk of District Court the original Notice to Opt Out of an Informal Domestic Relations Trial
- ☐ Give your copy to the Clerk of District Court and ask them to stamp it as "Filed". Keep the copy in a safe place.

3 Serve Form to the Other Party

- ☐ Mail or hand deliver a copy of the Notice to Opt Out of an Informal Domestic Relations Trial to the other parent. Use the method of service you checked on the form.

Where Can I Get Help?



- **The Court Help Program** is a free service provided by the Montana Supreme Court to assist people with civil, non-criminal legal problems. You can visit their website at <https://courts.mt.gov/selfhelp/> to find your nearest Self-Help Law Center.
- **Montana Legal Services Association (MLSA)** gives free legal help to low and moderate-income people. To find out if you qualify for MLSA, call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at www.lawlibrary.mt.gov. Or you can contact a Reference Librarian at 1-800-710-9827 or by email at mtlawlibrary@mt.gov.

Name

Mailing Address

City State Zip Code

Phone Number

E-mail Address (optional)

☐ Petitioner/Plaintiff ☐ Respondent/Defendant

MONTANA _____ JUDICIAL DISTRICT COURT, _____ COUNTY

<p>_____, Petitioner / Plaintiff,</p> <p>and</p> <p>_____, Respondent / Defendant.</p>	<p>Case No: _____</p> <p>Notice to Opt Out of an Informal Domestic Relations Trial</p>
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My name is _____. I agree to the following:

- I understand that there are two ways for my District Court to handle my case: a traditional trial or an informal trial (also known as an Informal Domestic Relations Trial).
- I understand that in a traditional trial, the Montana Evidence Rules apply, and I will not be able to talk about any issues or provide any documents unless allowed by those rules. I also know that I will have the right to question the other side and the other side will be able to question me.
- I understand that because I am not doing an informal trial, I will not be able to speak directly to the judge without interruption or questions from the other party,

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and I won't be able to explain the issues and present documents unless allowed to under the Montana Evidence Rules.

I have read and understood this document, and I am voluntarily opting out of the informal domestic relations trial process so that I can have a traditional trial.

Signature

Date

Certificate of Service

I, _____, swear (or affirm) under oath that:
(print your name)

I served a copy of the above Notice to Opt Out of an Informal Domestic Relations Trial
upon _____,
(name of the opposing party)

on _____ day of _____, _____, by
(date) (month) (year)

☐ mailing a true and correct copy with postage prepaid and addressed as follows:

(opposing party's name or name of opposing party's attorney, if he/she has one)

(opposing party's mailing address or mailing address of his/her attorney)

(city, state, zip code)

☐ hand delivering a true and correct copy to:

(opposing party's name or name of opposing party's attorney, if he/she has one)

DATED this _____ day of _____, _____.
(date) (month) (year)

(Your signature)

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