

HON. _____
District Judge, Dept. __
Twenty-First Judicial District
Ravalli County Courthouse
205 Bedford, Suite A&B
Hamilton, Montana 59840
(406) 375-6780
Fax (406) 375-6785

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE MARRIAGE OF:

_____ ,

Petitioner,

and

_____ ,

Respondent.

Cause No. DR _____

Department No. __

**RULE 16(b) ORDER FOR
DOMESTIC RELATIONS CASES**

In order to enable the Court to issue the scheduling order required by Rule 16(b), M.R.Civ.P., the parties (or their attorney(s), if represented) are directed to consult with each other and thereafter file with the Court the attached proposed Domestic Relations Case Scheduling Order within thirty (30) days.

Each party shall read the attached Notice of Informed Consent to Settlement Conference and, pursuant to § 40-4-301, MCA, after conducting any further investigation necessary to make an educated, competent, and voluntary choice, file with the Court a personally signed copy of the attached Notice of Informed Consent to Settlement Conference within twenty-one (21) days.

If such filings indicate that both parties consent to the use of a Settlement Conference in this cause, the attorneys (and any unrepresented party(ies)) are to agree upon a Settlement Master, consult and arrange a date for a Settlement Conference with said Settlement Master, and

state such arrangement in the proposed Case Schedule. The Court will then issue an Order setting out the settlement conference procedures in this matter.

If either party fails to file the attached notice within twenty-one (21) days and (i) the other party has also failed to file a notice or (ii) the other party has filed a notice consenting to the use of a Settlement Conference, the Court will - on its own initiative – appoint a Settlement Master trained in mediations involving domestic abuse, who will first obtain an educated, competent, and voluntary consent from the party who has failed to file a notice before permitting mediated negotiations to begin. The Settlement Master may also require either or both of the parties to sign a separate, detailed disclosure and consent, with content similar to the sample “Form of Consent to Participate in Mediation/Settlement Conference” (available at www.rc.mt.gov, District Court page, “Forms” Tab). The Settlement Master will file any Notice of Informed Consent to Settlement Conference obtained with the Court together with his or her report. The Settlement Master will not permit the Settlement Conference to proceed or will terminate the Settlement Conference if he or she determines that there is a reason to suspect physical, sexual or emotional domestic abuse and a party’s consent has been withdrawn or is not informed as defined in § 40-4-301(5), MCA.

Unless other arrangements are made, the fee charged by the Settlement Master will be shared equally by the parties. In cases in which both parties have consented to the use of a Settlement Conference and such consent is not subsequently withdrawn, the case will not be set for trial or final hearing until the Settlement Master report is filed with the Court.

If a completed proposed Domestic Relations Case Scheduling Order is not filed within thirty (30) days of the date of this Order, the Court will issue a scheduling order sua sponte.

DATED this _____ day of _____, 20____.

District Judge

cc:

Name: _____
Address: _____

Phone: _____

MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE MARRIAGE OF:

_____,
Petitioner,

and

_____,
Respondent.

Cause No. DR-41- _____
Department No. ____

**NOTICE OF INFORMED CONSENT TO
SETTLEMENT CONFERENCE**

I understand that under § 40-4-301(2), MCA, unless I provide written, informed consent, the Court may not permit mediated negotiations in my case if the Court has “reason to suspect” a party (or party’s child) has been physically, sexually, or emotionally abused by the other party.

I am informed that information about domestic abuse and settlement conferences is available at <http://www.rc.mt.gov> (in the District Court’s “Putting Ravalli County’s Kids First” packet), local domestic violence organizations such as S.A.F.E (406) 363-4600), the law kiosk at the Bitterroot Public Library (306 State St., Hamilton), and MLSA (www.mtlsa.org), and through an attorney trained in settlement conferences involving domestic violence.

I understand that if I consent to a Settlement Conference in my case, I may decide to agree only to a Settlement Master who, at my request, will implement certain safeguards during the Settlement Conference, such as allowing a domestic violence advocate to be present with me.

Without admitting or denying any past family history of physical, sexual, or emotional abuse, I have explored the resources listed above to the extent necessary to determine that I can make an educated, competent, and voluntary choice to consent to or to decline the use of a Settlement Conference in my case, and I hereby (check one):

- Consent to the use of a Settlement Conference
- Decline the use a Settlement Conference.

DATED this _____ day of _____, 201_.

(signature)

(printed name)

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MONTANA TWENTY-FIRST JUDICIAL DISTRICT COURT, RAVALLI COUNTY

IN RE THE MARRIAGE OF:

_____ ,

Petitioner,

and

_____ ,

Respondent.

Cause No. DR-41-2013- _____

Department No. __

**DOMESTIC RELATIONS
CASE SCHEDULING ORDER**

The following schedule shall govern further proceedings in this matter:

1. On or before _____: All motions to join parties and all motions to amend the pleadings are to be filed.
2. On or before _____: Names and addresses of Petitioner's expert witnesses together with the information described in Rule 26(b)(4)(A)(i), M.R.Civ.P., must be furnished to Respondent on or before this date.
3. On or before _____: Names and addresses of Respondent's expert witnesses together with the information described in Rule 26(b)(4)(A)(i), M.R.Civ.P., must be furnished to Petitioner on or before this date.
4. On or before _____: All discovery in this matter shall be completed on this date; i.e., all responses to discovery shall be due on or before this date.
5. On or before _____: Exchange exhibits and final witness lists.

***ESTABLISHING DEADLINES FOR THE IDENTIFICATION OF EXPERT WITNESSES,
WITNESSES AND EXHIBITS DOES NOT SUPERSEDE THE REQUIREMENT OF ALL***

PARTIES TO FAIRLY AND ACCURATELY RESPOND TO OTHER DISCOVERY. THAT IS TO SAY, BY ESTABLISHING THESE DEADLINES, IT IS NOT INTENDED THAT THE PARTIES CANNOT IDENTIFY EXPERTS, WITNESSES, OR EXCHANGE EXHIBITS IN RESPONSE TO OTHER DISCOVERY BY CLAIMING THAT THE EXCHANGE OF INFORMATION IS NOT DUE UNTIL THE DEADLINES ESTABLISHED BY THIS ORDER. ALL DISCOVERY IS TO BE FAIRLY AND ACCURATELY RESPONDED TO AND FAILURE TO DO SO MAY RESULT IN APPROPRIATE SANCTIONS.

6. On or before _____: All pretrial motions, along with supporting briefs, shall be filed and served on the opposing party on or before this date. Filing of answer briefs and reply briefs shall comply with the schedule provided by Rule 2(a) of the Uniform District Court Rules.

7. On or before _____: Hearings on motions or submission of the motions on briefs shall be accomplished by this date. It shall be the responsibility of the moving party to advise the Court either that the motions are submitted on briefs or to request a hearing in accordance with Rule 3 of the Local Rules of the Twenty-First Judicial District.

8. Unless a party files the proper written nonconsent, on or before _____: A Special Settlement Master shall be jointly nominated, as provided in Rule 11 of the Local Rules.

9. Unless a party files the proper written nonconsent, on or before _____: A settlement conference shall be held before the Special Settlement Master. The Special Settlement Master should be knowledgeable in the area of domestic violence and the current best practices in mediating domestic violence cases. The Settlement Master shall submit a report to the Court within five (5) days of the scheduled conference. Upon submission of the Settlement Master's report, the case will be set for trial. The parties shall advise the Settlement Master and the Settlement Master shall include in the report to the Court the anticipated length of trial and the dates the parties or key witnesses are unavailable for trial. If both parties have filed a written consent in a Notice of Consent to Settlement Conference and no party has subsequently filed a written withdrawal of such consent, no case will be set for trial unless a master-supervised settlement conference has been held. In the event a trial setting is necessary, the Court will issue a final scheduling/trial preparation order *sua sponte* upon receipt of the Special Settlement Master's report.

10. If child custody remains at issue following a scheduled Settlement Conference and no provision has earlier been made, Petitioner shall be obligated to so inform the Court, and the Court shall thereupon order a child custody evaluation and/or home study by suitable professional persons and/or agencies, and trial shall not be held until said evaluation and/or home study has been received by the Court.

11. There shall be no changes in this Scheduling Order absent Court order upon showing of good cause. All motions for continuance shall be submitted in writing, supported by affidavit, and shall bear the signatures of the parties.

DATED this _____ day of _____, 20_____.

Approved: _____

_____, District Judge

Approved: _____

cc: _____