

The Supreme Court of Montana
Office of the Court Administrator

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TO: Ryan Osmundson
Governor's Budget
Director

Rep. Bill Mercer
Section D Interim
Committee

FROM: Beth McLaughlin
Supreme Court
Administrator

RE: HB632 Quarterly
Update

As required by HB632, Section 21, the Judicial Branch must report quarterly on program implementation, expenditure of funds, and measurable outcomes. The Branch was allocated \$944,721 in HB632 to streamline and expediate the processing of family law matters, which were delayed by the COVID-19 pandemic. The funding is supporting early mediation and simplified case

processing for self-represented and low-income litigants.

The program has two components:

Informal Domestic Relations Trials (IDRTs):

The Branch piloted simplified domestic relations trials, which allow litigants to agree to an informal process that does not adhere to the formal court process, in the 1st Judicial District (Lewis and Clark and Broadwater counties), the 4th Judicial District (Missoula and Mineral counties), and the 12th Judicial District (Hill, Chouteau, and Liberty counties).

The following progress has been made:

- The IDRT process is now available to litigants statewide. After reviewing the pilot report and addendum along with public comments, the Supreme Court ordered that IDRT become the default process across Montana for all domestic relations cases where at least one party is self-represented.
- The Branch created an IDRT bench guide (attached), and it was distributed to all district judges, standing masters, clerks of court, law clerks, judicial assistants, and court administrators. Additionally, the bench guide will soon be shared with all members of the Family Law Section of the Montana State Bar.
- The Branch is current planning

two CLEs to spread the word about this change in the Uniform District Court Rules. The first will be available to all attorneys, and the second will be specifically designed to support standing masters as they implement the IDRT process.

The Montana Family Transition Project:

The Branch, through a contract with the Montana Legal Services Association, provides family law mediators in certain cases where litigants meet financial requirements, are self-represented, and need a parenting plan as part of the domestic relations case. Through MLSA, litigants also receive legal advice before mediation.

The following progress has been made:

- Of the cases that have proceeded to mediation so far, parties

reached full agreement in ten cases, partial agreement in five cases, and no agreement in four. Seven cases are currently in progress, and MLSA continues to receive new inquiries about the program.

- In addition to legal advice and mediation, the program now offers access to a child support calculation performed by a knowledgeable professional.
- The program is now accepting court-ordered cases from the judicial districts serving Cascade, Yellowstone, Gallatin, Lincoln, Flathead, Lake, Sanders, Missoula, Mineral, and Ravalli Counties. The Branch will continue to work district by district to expand acceptance of court-ordered cases.
- The Branch continues to accommodate self-referred cases (i.e. cases in which the parties contact MLSA directly about mediation services) from any district in Montana.

Please let me know if you need additional information.

Cc: Justice Beth Baker
Emma Schmelzer, Project Manager
Walker Hopkins, Legislative Fiscal
Analyst
Montana Legal Services Association