

Overview of Unpublished Family Law Decisions 2015

In the Matter of ND, 2015 MT 2N (termination of father's parental rights)

In the Matter of KB, 2015 MT 13N (affirming termination of mother's parental rights)

In the Matter of AJ, 2015 MT 17N (affirming termination of father's parental rights)

In the Matter of JLB, 2015 MT 22N (denial of mother's motion to dismiss dependency and neglect proceedings affirmed)

In the Matter of DS, 2015 MT 23N (denial of mother's motion to withdraw relinquishment of her children affirmed)

In the Matter of DB, EB, TB, and CB, 2015 MT 26N (termination of parental rights affirmed)

In the Matter of JM, NM, EM, and JS, 2015 MT 27N (termination of parental rights affirmed)

In the Matter of SW, 2015 MT 45N (termination of parental rights affirmed)

In the Matter of JS, JS, and JS, 2015 MT 59N (termination of father's parental rights affirmed)

In the Matter of JD and SD, 2015 MT 63N (termination of father's parental rights affirmed)

Cox v. Cox, 2015 MT 78N (affirming denial of Rule 60 motion for relief from order adopting amended parenting plan)

Murray v. Walker, 2015 MT 85N (parenting plan that required father to obtain chemical dependency evaluation and anger management assessment afforded father opportunity to seek amendment of plan if those objectives met)

In the Matter of NB, CB, & AB, 2015 MT 88N (no abuse of discretion in terminating father's parental rights)

Tripp v. Tripp, 2015 MT 89N (4-1, aff'd & rev'd) (Shea, J., for majority; McKinnon, J. dissenting) (dissolution – striking wife's maintenance was too harsh a sanction for discovery abuses and affirming property division) (McKinnon would reverse and remand for new trial)

In the Matter of KF, 2015 MT 114N (Apr. 28, 2015) (Cotter, J.) (5-0, aff'd) (termination of parental rights)

In the Matter of JM, JLM, and JMM, 2015 MT 125N (May 5, 2015) (Wheat, J.) (5-0, aff'd) (termination of father's parental rights affirmed; dept provided reasonable reunification efforts)

In the Matter of JW, FL, AW, & TF, 2015 MT 128N (May 12, 2015) (McKinnon, J.) (5-0, aff'd) (termination of mother's parental rights affirmed)

Marriage of Sichting, 2015 MT 129N (May 12, 2015) (McGrath, C.J.) (5-0, aff'd) (affirming final dissolution and district court's determination it lacked jurisdiction over a third party)

Marriage of Cox, 2015 MT 134N (May 19, 2015) (Shea, J.) (5-0, aff'd) (Parenting plan dispute led to \$10,000 in Rule 11 sanctions on husband's attorney)

In the Matter of TP and JP, 2015 MT 136N (May 19, 2015) (Wheat, J.) (5-0, aff'd) (termination of father's parental rights)

In the Matter of ADL, CSL, TP and JP, 2015 MT 144N (May 26, 2015) (McGrath, C.J.) (5-0, aff'd) (termination of parental rights)

Marriage of Labeau, 2015 MT 174N (June 23, 2015) (Baker, J.) (5-0, aff'd) (affirming distribution of marital property and decision not to award maintenance)

Marriage of Kitzmiller-Kerutis & Kerutis, 2015 MT 191N (July 1, 2015) (Rice, J.) (6-0, aff'd & rev'd) (specific instructions on remand for proposed QDRO with value of 401(k) at time of trial, and proposed distribution of property not distributed in final decree)

Marriage of Barton, 2015 MT 205N (July 21, 2015) (Shea, J.) (5-0, aff'd) (wife an heiress to wealthy Texas oil family; approving maintenance to husband, division of marital estate, children's medical expenses)

In the Matter of RMW, 2015 MT 207N (July 21, 2015) (Baker, J.) (5-0, aff'd) (termination of Mother's parental rights)

Troutman v. Troutman, 2015 MT 235N (Aug. 11, 2015) (Cotter, J.) (5-0, aff'd & rev'd) (final decree of dissolution affirmed, minor errors to be corrected on remand – "We impose this deadline so as to bring these long-delayed proceedings to a swift conclusion. A delay of 29 months between the trial of this fairly uncomplicated dissolution matter and the entry of

the District Court's Findings of Fact, Conclusions of Law and Decree of Dissolution is indefensible.”)

Carr v. Dodson-Carr, 2015 MT 236N (Aug. 11, 2015) (Cotter, J.) (5-0, aff'd & rev'd) (affirming modification of maintenance and QDRO because mistakes made unconscionable, ordering change in modification to date of motion, not date of original decree, and reversing finding that arrearage was offset by retirement payments)

Matter of AA, DA, DA, 2015 MT 268N (Sept. 8, 2015) (Rice, J.) (5-0, aff'd) (judge who served as legal counsel for CASA GAL did not have to recuse himself from termination of parental rights proceeding)

Marriage of Virga, 2015 MT 269N (Sept. 8, 2015) (Wheat, J.) (5-0, aff'd) (final parenting plan upheld)

In the Matter of LMW and RMW, 2-15 MT 280N (Sept. 22, 2015) (Wheat, J.) (5-0, aff'd) (termination of father's parental rights)

Marriage of Linn, 2015 MT 286N (Sept. 29, 2015) (Rice, J.) (5-0, aff'd) (parenting plan awarding primary custody to father)