

SUPREME COURT OF THE STATE OF MONTANA

Helt v. Guess

Helt, 2026 MT 117 (Supreme Court of the State of Montana 2026) · No. DA 25-0628 · Decided June 2, 2026

SUMMARY

The Montana Supreme Court affirmed an order of protection protecting Chelsey Mae Helt from Jeremy Stephen Guess but reversed the child-related provisions. The court held that eliminating Guess’s parenting contact and naming the children as protected parties required the child-specific findings prescribed by section 40-15-204(4), MCA, and an explanation why supervised visitation or narrower safeguards would not adequately address the safety concerns. The court remanded for further proceedings while distinguishing protection-order relief from parenting-time determinations under Title 40, chapter 4, MCA.

CASE DETAILS

COURT	Supreme Court of the State of Montana
WRITING FOR THE COURT	Justice Katherine M. Bidegaray; Katherine M. Bidegaray; Cory J. Swanson; Laurie McKinnon; Beth Baker; Jim Rice
JURISDICTION	Montana Supreme Court
DECIDED	June 2, 2026
DOCKET	DA 25-0628
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Guess appealed a final order of protection entered by the Montana Eighteenth Judicial District Court. He challenged only the child-related provisions, not the provisions protecting Helt from contact, threats, harassment, abuse, stalking, or proximity.
STANDARD OF REVIEW	The court reviews the continuation, amendment, or permanence of an order of protection for abuse of discretion; factual findings for clear error; legal conclusions for correctness; statutory-compliance questions, constitutional due-process questions, and statutory-interpretation questions de novo.
PRECEDENTIAL VALUE	Published Montana Supreme Court opinion
PARTIES	Jeremy Stephen Guess v. Chelsey Mae Helt

TOPICS

family law procedure

domestic violence

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the appeal was moot after the parties obtained a later parenting plan.
2. Whether the District Court properly protected Helt under Title 40, chapter 15, MCA.
3. Whether the District Court abused its discretion and legally erred by restricting Guess's contact with the children without making the child-specific findings required by § 40-15-204(4), MCA, and without explaining why supervised visitation or other narrower safeguards would not address the proven safety concerns.

HOLDINGS

1. The appeal was not moot because the three-year protection order continued to name the children as protected persons and continued to impose child-related restrictions, and effective relief remained available through vacatur or clarification of those provisions.
2. The District Court properly entered and continued protection-order provisions protecting Helt from contact, threats, harassment, abuse, and proximity by Guess.
3. A Montana court may not restrain a respondent's contact with minor children in a Title 40, chapter 15, MCA, protection-order proceeding without making the child-specific findings required by § 40-15-204(4), MCA: that the child was a victim of abuse, a witness to abuse, or endangered by the environment of abuse.
4. Child-related relief in a protection-order proceeding must remain tied to Title 40, chapter 15's protective purpose, be supported by the required child-specific findings, and explain why supervised visitation or other narrower safeguards would not adequately address the proven safety concerns.
5. The court did not separately decide Guess's constitutional due-process claim because the child-related provisions were reversed on statutory grounds.

KEY QUOTATIONS

“It does not allow a court to restrain parent-child contact based only on generalized concerns about the respondent’s conduct toward the other parent.” (¶ 26)

“The court may enter protective conditions necessary to prevent further injury or harm to a child, but it may not use the protection-order docket to decide parenting time as though it were adjudicating a parenting plan.” (¶ 34)

“Any child-related relief in this protection-order proceeding must remain tied to chapter 15’s protective purpose, rest on the findings required by § 40-15-204(4), MCA, and explain why supervised visitation or other narrower safeguards would not adequately address the proven safety concerns.” (¶ 39)

FACTUAL BACKGROUND

Helt and Guess were unmarried former partners with two minor children. Helt testified about relationship conflict, threats, harassment, alleged tracking and privacy violations, threats of self-harm, and an incident in which Guess struck her with a pillow; she also described conduct involving the children, including unsafe driving, statements about taking the children, discussing the court proceedings with a child, and raising a plastic bat toward one child. Helt requested protection from Guess and supervised visitation with the children, but the District Court ultimately entered an order giving Helt exclusive physical care and eliminating Guess's parenting contact until a parenting plan was established.

PROCEDURAL HISTORY

Helt petitioned for a temporary order of protection, and the District Court issued an ex parte temporary order. After an April 22, 2025 show-cause hearing, the court entered a July 7, 2025 three-year final order protecting Helt, naming the parties' children as protected minor family members, placing the children exclusively with Helt, and eliminating Guess's parenting contact until a parenting plan was negotiated. The Montana Supreme Court affirmed the protections for Helt, reversed the child-related provisions, and remanded.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Affirm the protections entered for Helt, but reverse the provisions naming the children as protected parties, requiring them to reside with Helt at all times, and eliminating Guess's parenting contact until a parenting plan is negotiated. On remand, the District Court may enter child-related protection-order provisions only if hearing-tested evidence supports the findings required by § 40-15-204(4), MCA; any such relief must remain tied to chapter 15's protective purpose and explain why supervised visitation or other narrower safeguards would not adequately address the proven safety concerns. Parenting-time determinations must be made in the separate Title 40, chapter 4 parenting-plan proceeding.

CASES CITED

- Fritzler v. Bighorn, 2024 MT 27, ¶ 7, 415 Mont. 165, 543 P.3d 571
- Boushie v. Windsor, 2014 MT 153, ¶ 8, 375 Mont. 301, 328 P.3d 631
- In re G.W., 2018 MT 192, ¶ 12, 392 Mont. 269, 423 P.3d 575
- In re T.H., 2005 MT 237, ¶ 35, 328 Mont. 428, 121 P.3d 431
- In re Adoption of A.K.M., 2025 MT 212, ¶ 5, 424 Mont. 152, 575 P.3d 1008
- In re Big Foot Dumpsters & Containers, LLC, 2022 MT 67, ¶ 10, 408 Mont. 187, 507 P.3d 169
- Bock v. Smith, 2005 MT 40, ¶ 27, 326 Mont. 123, 107 P.3d 488
- In re the Parenting of D.C.S., 2025 MT 179, ¶ 22, 423 Mont. 365, 574 P.3d 791
- In re A.J.C., 2018 MT 234, ¶ 31, 393 Mont. 9, 427 P.3d 59

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