

SUPREME COURT OF MONTANA

In re V.M.D.

2018 MT 280, 430 P.3d 502 · Decided November 20, 2018

SUMMARY

The Montana Supreme Court affirmed a parenting plan awarding the parents equal 50/50 parenting time with their child. The court held that the district court properly applied Montana's statutory best-interest factors and that its findings were not clearly erroneous or an abuse of discretion.

CASE DETAILS

COURT	Supreme Court of Montana
WRITING FOR THE COURT	Justice Ingrid Gustafson; Chief Justice Mike McGrath; Justice Laurie McKinnon; Justice Beth Baker; Justice Dirk M. Sandefur
JURISDICTION	Montana
DECIDED	November 20, 2018
DISPOSITION	affirmed
PROCEDURAL POSTURE	Sarah Jess Hurt appealed from the Sixth Judicial District Court's findings of fact, conclusions of law, and order establishing a parenting plan for V.M.D.
STANDARD OF REVIEW	Findings establishing a parenting plan are reviewed for clear error; conclusions of law are reviewed for correctness. A parenting-plan decision is reviewed for clear abuse of discretion, and absent clearly erroneous findings, the court will not disturb the decision.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Sarah Jess Hurt v. Adam Dunlap

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the district court clearly erred or abused its discretion by determining that a 50/50 parenting plan was in V.M.D.'s best interests.

HOLDINGS

1. The district court did not clearly err or abuse its discretion in determining that a 50/50 parenting plan was in V.M.D.'s best interests.

FACTUAL BACKGROUND

Sarah Jess Hurt and Adam Dunlap are the parents of V.M.D., who was six years old at the time of the appeal. After the parties' relationship deteriorated and they separated, Adam sought establishment of a parenting plan. The district court adopted a 50/50 parenting schedule after considering the statutory best-interest factors and the guardian ad litem's report.

PROCEDURAL HISTORY

After Sarah Hurt and Adam Dunlap separated, Adam initiated an action to establish a parenting plan. Following interim proceedings and a hearing, the Sixth Judicial District Court, Park County, entered a final parenting plan providing for 50/50 parenting time with Sunday exchanges at 5:30 p.m. Sarah appealed, arguing that the equal-time plan was not in V.M.D.'s best interests. The Montana Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- In re Marriage of Williams, 2018 MT 221, 392 Mont. 484, 425 P.3d 1277
- In re the Parenting of C.J., 2016 MT 93, 383 Mont. 197, 369 P.3d 1028