



ADMINISTRATIVE RULES OF MONTANA

24.219.1201 ORIENTING GUIDELINES

- (1) The purpose of the parenting plan evaluation regulations is to protect both the public, who are the consumers of services, and the licensees, who are the providers of services. These regulations intend to ensure competency of the provider and consistency of the procedures in child custody proceedings, pursuant to Title 40, chapter 4, MCA, Termination of Marriage, Child Custody, Support.
- (2) The purpose of a parenting plan evaluation is to determine, to the extent possible, what is in the best interests of the child. The "fit" between each parent and the child or children is the central issue, not the diagnosis of each parent or of each child. If a parent or child shows any relevant mental, cognitive, physical, or other disorder, the implications of that disorder for the best interest of the child must be addressed.
- (3) Two different parents showing very similar personalities and parenting styles might affect two different children in essentially different ways. It cannot be assumed that qualities generally admired by the population-at-large are necessarily those that make the better parent, or are in the best interests of the child. For example, factors such as which parent has the most money, the most friends, the largest house, is the most religious, the most physically active, has the most education, is home the most, lacks a history of diagnosis or treatment, and so on, may bear on the issue at hand, but are not the determining factors in and of themselves. How each factor supports the child's needs and well-being, or detracts from the child's needs and well-being, is a primary consideration. The intention of a parenting plan evaluation is to make a parenting recommendation that will support the child's development along the healthiest lines possible.

Authorizing statute(s): 37-1-131, 37-39-103, MCA

Implementing statute(s): 37-1-131, 37-39-103, MCA

History: NEW, 2011 MAR p. 2038, Eff. 9/23/11; AMD, 2024 MAR p. 279, Eff. 2/10/24.