

**INSTRUCTIONS & CHECKLIST
PACKET “J”
DEFAULT PARENTING PLAN PACKET**

THE CO-PARENT HAS NOT RESPONDED

Wait 22 days from the date the co-parent was served with the papers. Ask the Clerk of District Court if the co-parent has filed a Response. If he/she has not filed a Response, you may fill out and file the default documents, request a final hearing, and obtain an order making your Proposed Parenting Plan the Final Parenting Plan.

YOU MUST USE THE SAME INFORMATION FROM YOUR PETITION AND PROPOSED PARENTING PLAN FOR YOUR FINAL DECREE, (form 129). YOU CANNOT CHANGE ANYTHING THAT WAS IN YOUR PROPOSED PARENTING PLAN.

(If you decide your proposed Parenting Plan is not what you want the Court to Order, you may fill out and file an Amended Petitioner’s Proposed Parenting Plan, Amended Petition to Establish a Permanent Parenting Plan and Summons. You will need to have the other party served by a Sheriff, Process Server, Notice and Acknowledgment, or Affidavit of Service and wait 21 days to allow the other party to respond to the Amended Proposal.)

If you provide your email address you must confirm with the Clerk of Court that you would like orders either physically mailed or emailed to you.

Follow the steps below:

STEP 1. -- Filling Out The Forms

*Note: You may use a pen with **blue ink** so you always know which documents are originals and which are copies. Also, put N/A (“not applicable”) in any spaces that don’t apply to your situation.*

From this Packet J:

- Form #155 – Request for Entry of Default: Fill in every section. Sign and date.
- Form #156 – Entry of Default: Fill in caption.
- Form #128 – Request for Hearing an Order Setting Hearing: Fill in caption then sign and date.
- Form #129- Findings of Fact, Conclusions of Law and Final Decree: Complete this form. All information on this form must be identical to the information you put on your original Petition and Parenting Plan. The Judge will sign the Final Decree at your hearing.
- Form #130 – Montana State Case Registry and Vital Statistics Reporting Form: Complete this form.
- Form#131 – Notice of Entry of Final Decree Establishing Permanent Parenting Plan- Fill out as much as you can.

STEP 2. -- Making Copies and Filing

- Make 1 copy of all the documents for your files
- Make 2 copies of Forms #129 and #131 and file these copies with your originals.
- If Child Support Enforcement Division (CSED) is enforcing your previously established child support order or **will be** enforcing the court ordered child support order, **make 1 additional** copy of your Final Decree, (Form #129) and file it with the Clerk with your other original documents and copies.

* If you haven’t applied for (CSED) services, you can go online,
<http://www.dphhs.mt.gov/csed/csedforms/index.shtml>
or pick up an application at the CSED office. *

COURT HEARING

Arrive at the courthouse early. Ask the Clerk of District Court which courtroom to go to for your hearing. Sit in the courtroom until your name is called. Go forward when your name is called. You will be sworn in and the Judge will ask you some standard questions. After the Judge issues the Final Decree, he or she will give you your case file to take to the Clerk of District Court's office to complete your paperwork.

AFTER THE HEARING

STEP 3. -- Final Paperwork

- After the hearing, you must fully complete Forms #129 and #131 which you previously filed and complete the 2 or 3 copies you earlier gave the clerk.
- A filing fee of \$45 (subject to change) must be paid to the Clerk of Court before the Final Decree (Form #129) is filed. This fee may be waived if your Inability to Pay Filing Fees and Other Costs was approved at the beginning of your case.
- Copies of the Final Decree will be available at the Clerk of Court's office. The Clerk's office charges \$10 per copy. However, if you have already supplied 2 or 3 extra copies of the Final Decree, the Clerk's office will conform these copies with the original without any cost. If there is a child support order, ask the Clerk to certify one copy. The cost for certification is \$2.00 each. This fee may also be waived.
- If there is a child support order in the Final Decree, you will need to submit a certified copy of the Decree, with calculations attached, to CSED (Child Support Enforcement Division) along with a completed application to CSED and a \$15 fee. The application is available at: <http://www.dphhs.mt.gov/csed/csedforms/index.shtml>

STEP 4. -- Notify The Co-parent

- Mail a copy of the Final Decree (form # 129) and Notice of Entry of Decree Establishing a Permanent Parenting Plan (form # 131), together with one certified copy of the Final Decree to the other party. Make sure the original Notice of Entry of Decree Establishing a Permanent Parenting Plan (form # 131) is filed with the Court once you have completed it.

***** NOTE --- THE CO-PARENT HAS 30 DAYS FROM YOUR FILING OF THE NOTICE OF ENTRY OF DECREE TO APPEAL THE DECREE. FOR THIS REASON, IT IS IMPORTANT THAT YOU FILE THE NOTICE WITH THE CLERK. *****