

PACKET “J”

Parenting Plan Default Packet

Form 155. Request for Entry of Default

Form 156. Entry of Default

DISCLAIMER

Documents are not legal advice. These documents are adaptations of the documents distributed by the Montana Supreme Court Commission on Self-Represented Litigants and have been approved by the Judges of the 4th Judicial District. These documents do not constitute legal advice, and no information contained in these documents can be relied upon to replace the advice of competent legal counsel licensed to practice in Montana.

(Revision Date: 10/09)

INSTRUCTIONS & CHECKLIST

PACKET “J”

DEFAULT PARENTING PLAN PACKET

I. THE CO-PARENT HAS NOT RESPONDED.

Wait 21 days from the date the co-parent was served with the papers. Give the Clerk of District Court your cause number and confirm that the co-parent has not filed a Response. If he/she has not filed a Response, then you can ask the Court to grant a default and issue a permanent parenting plan in accordance with your request. Follow the steps below:

STEP 1. -- Filling Out The Forms

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

- Form #155 Fill in every section. Sign page 2.
- Form #156 Fill in caption. The Clerk will sign.
- Form #128 Fill in caption and take to Clerk to see what dates are available to request.
- Form #129 (Form located in Packet “H”) Complete entirely. The Judge will sign at hearing.
- Form #130 Fill in after hearing and mail to other party with a copy of Forms #129.
- Form #131 (Form located in Packet “H”) Complete caption. The Judge will set a date to hear your case. Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #134 (Form located in Packet “H”) Complete the caption. Do not sign. (You will sign later - see Step #11.)

STEP 2. -- Making Copies

- Make 1 copy of Form #155, 156, 128, 130, 131, 134 & 129 for your files.
- Make 2 copies of Form #129.

STEP 3. -- Filing Your Documents With Clerk of Court.

- Deliver the originals of Form #155, 156, 128, 131, & 134 and the two copies of Form #129 to the Clerk of Court.
- You will be notified later of the hearing date.

II. HEARING IN COURT:

You have chosen to represent yourself. Arrive at the courthouse early. While parenting can be very difficult and emotional, the Court expects the parties to be civil and remain focused on the legal issues.

STEP 4. -- Court Hearing - on Default Judgment.

You should be prepared to be sworn in, sit in the witness stand, and answer any questions asked of you by the Judge.

III. AFTER THE HEARING:

STEP 5. -- Final Paperwork.

- After the hearing, you must fully complete Form #129 which you previously delivered to the Clerk of Court.
- 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 the judge has found you to be indigent.
- Copies of the Final Decree will be available at the Clerk of Court’s office. The Clerk’s office charges \$10 per copy. However, you have already supplied two 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. If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part after you complete and file and “Affidavit of Inability to Pay.”

- 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 6. -- Notify The Co-parent.

- Form #134 & 130 Complete, sign, and mail a copy to the co-parent, together with one certified copy of the Final Decree (Form #129) signed by the Judge.
- File original Form #134 with the Clerk of Court.

***** 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. *****

(Revision Date: 01/11)

Fourth Judicial District
Missoula County Courthouse
200 West Broadway
Missoula, Montana 59802
(406) 258-4780
Fax (406) 258-4899

FORM #156

**MONTANA FOURTH JUDICIAL DISTRICT COURT
MISSOULA COUNTY**

In re the Parenting of: _____, Minor child(ren); _____, Petitioner, and _____, Respondent.	Cause No.: _____ Dept. No.: _____ ENTRY OF DEFAULT
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The Default of Respondent is hereby entered on this ____ day of _____,
20____, for his/her failure to appear or answer the Petition within the time allowed by law, or at
all.

(SEAL)

(Clerk of Court)

By: _____
Deputy Clerk