

INSTRUCTIONS & CHECKLIST PACKET "G" -- DEFAULT PACKET

I. YOUR SPOUSE HAS NOT RESPONDED.

Wait 21 days from the date your spouse was served with the papers. Give the Clerk of District Court your cause number and confirm that your spouse has not filed a Response. If he/she has not filed a Response, then you can ask the Court to grant you a dissolution (divorce) by default. 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 #105 Fill in every section. Sign page 2.
- Form #106 Fill in caption. The Clerk will sign.
- Form #46 or #79 From your original packet. Complete - do not sign. The Judge will sign at the hearing.
- Form #107 IF THERE ARE CHILDREN INVOLVED -- AND IF YOU HAVE FILED A PROPOSED PARENTING PLAN, fill in caption. The Judge will sign later. (Don't use this form if there are no children.)
- Form #108 Complete and sign.
- Form #109 Fill in caption.
- Form #110 Complete those sections you can. After the hearing you will be expected to **fully** complete the form.
- Form #111 Complete caption - do not sign. (You will sign later - see Step #5.)
- Form #112 Complete caption only. If you are changing your name back to your former name as part of the divorce, complete this Order for Name Change. This will be a confidential document since it contains your birth date. This Order may then be used to change your name with various agencies such as the Dept. of Motor Vehicles, Social Security office, etc.

STEP 2. -- Making Copies

- Make 1 copy of Form #105, 106, 108, 109, 110, 111, and 112 for your files.
- IF YOU HAVE CHILDREN AND HAVE COMPLETED A PROPOSED PARENTING PLAN, make 2 copies of Form #79 (in Packet E- which you have already filed).
- Make 2 copies of Form #107.
- Make 2 copies of Form #46 or #79.
- Make 2 copies of Form #112 if you are changing a name.

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

- Deliver the originals of Form #105-112 and the two copies of Form #46 or #79 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 divorce 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 and file Form #110 with 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 #46 or #79) is filed. If the Judge decides you cannot afford to pay the filing fee, your fees may be waived in whole or in part once you file an Affidavit of Inability to Pay.
- 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. The Clerk should then certify one copy. The cost for certification is \$2.00 each. This fee may be waived if the judge has found you to be indigent.
- If you are changing your name, you will also need a certified copy of Form # 112 after the judge signs it. You will then take the certified copy of Form # 112 to the Department of Motor Vehicles and other agencies in order to change your name on your driver's license, social security card, bank accounts, etc.
- 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 Other Parent.
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- Form #111 Complete, sign, and mail a copy to your spouse, together with one copy of the Final Decree (Form #46 or #79) signed by the Judge.
- Form #107 & 66 If there is a parenting plan/children involved --- also mail to your spouse a copy of Form 107 (Order Adopting Parenting Plan as Final) and a copy of the proposed Parenting Plan (Form #66).
- File original Form #111 with the Clerk of Court.

***** NOTE --- THE OTHER 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: 12/08)