



How to Register a Foreign Judgment or Order

Disclaimer

Information Not Legal Advice. This document is for general purposes only. The information provided is not legal advice. Legal advice depends on the specific circumstance of each situation. Also, the law may vary from state to state, so that some information may not be correct for your jurisdiction. Finally, the information contained in the document is not guaranteed to be up to date. The information cannot replace the advice of competent legal counsel licensed in your state.

What Words Do I Need to Know?



Register a Foreign Order – This is the process for giving Montana jurisdiction to enforce a custody or parenting order from another state. A Montana court will not have the power to enforce a custody or parenting order from another state unless it is registered in Montana.

Letter Requesting Registration of Foreign Judgment or Order – This what you will file with the court to ask the court to register your custody or parenting order from another state. You will need to include a certified copy of the judgment or order that you are registering.

Certified Copy – This when a clerk of court or notary has certified that the copy is a true and exact copy of the original. A certified copy will have a stamp or notary block on it saying it is a true and exact copy. You may need to contact the Clerk of Court that issued the custody or parenting order from another state if you have questions about getting a certified copy. There may be a fee to get a certified copy.

Notice of Registration of Child Custody Determination – This is the form that the District Court will send to all parties in the custody or parenting case from another state. The notice tells the parties that the judgment or order has been registered in Montana.

Fee Waiver – If you can not afford to pay the Filing Fee, you can ask the Court to allow you to file your papers without paying the fee. A Fee Waiver is also called a Statement of Inability to Pay Court Costs and Fees. You can find this form at www.MontanaLawHelp.org, or by contacting the clerk of court where you will register your foreign order or judgment.

Who Can Use the Form?

You can use this form if:

- Another state court has issued a custody or parenting order.

You can't use this form if:

- You need to establish a Parenting Plan. This form is only if you already have a custody or parenting order and you want Montana to be able to enforce that order.

How Do I Use the Form?

1 Fill in the Letter Requesting Registration of a Foreign Judgment or Order

- You will need to add the date and the address of the District Court where you want to register your custody or parenting order from another state.
- You will need to write the name and address of anyone who was awarded custody, visitation, or parenting time in the blank lines in the middle of the letter.
- You will need to provide your name, address and phone number in the blank lines on the bottom of the letter. If you want to keep your address or phone number confidential for safety reason, write in "confidential." Be sure to give another address where you can receive court notices (such as a domestic violence shelter or a post office box).
- Sign the form on the blank line above your printed name.

2 Fill in the Notice of Registration of Child Custody Determination form. You will fill in only the header (top left area of form) and caption.

- (A)** Write the name, address, and phone number of the District Court in Montana where you want to register your custody or parenting order from another state in the blank spaces above the court caption "Notice of Registration..."

- (B)** Write in the judicial district and county of the District Court in Montana where you want to register your custody or parenting order from another state in the blank lines in the caption.
- (C)** Write the initials of the children covered by the custody or parenting order from another state on the blank line above Minor Children in the caption.
- (D)** Write your name in the blank above Petitioner and the other parent's name in the blank above Respondent in the caption.
- The caption looks like this:

_____ Judicial District Court
 _____ County Courthouse A

 (406) _____ - _____
 Fax (406) _____ - _____

B MONTANA _____ JUDICIAL DISTRICT COURT
 _____ COUNTY

<p>In re the Parenting of:</p> <p style="text-align: center;">_____ C, Minor Child(ren).</p> <p style="text-align: center;">_____ D, Petitioner,</p> <p>and</p> <p style="text-align: center;">_____ D, Respondent.</p>	<p>Cause No.: _____</p> <p>Department No.: _____</p> <p style="text-align: center;">NOTICE OF REGISTRATION OF CHILD CUSTODY DETERMINATION</p>
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3 Get a Certified Copy

- You may already have a certified copy of your custody or parenting order from another state. Contact the Clerk of Court that issued your custody or parenting order from another state if you need a certified copy.
- Keep a copy for yourself. You will want to keep a copy of the custody or parenting order from another state that you are registering. Keep your copy safe.

4 File the Forms at the Office of the Clerk of Court

- Go to the office of the clerk of court where you want to file the papers.
- File the **Letter Requesting Registration of a Foreign Judgement or Order**
- File the **Certified Copy of the Custody or Parenting Order from Another State** with your letter. The Court will determine whether to register the foreign judgment or order.

5 Serve the Other Party

- The District Court will complete the Notice of Registration of Child Custody Determination.
- The Court will serve the other party with a copy of the Notice of Registration of Child Custody Determination.
- The other party will have 20 days after they are served to contest the registration. If the other party contests the registration, the court will schedule a hearing. If the other party does not contest, the court will confirm the registration of the custody or parenting order from another state.
- The custody or parenting order from another state is enforceable in Montana once it is registered or until a Montana Court determines that the registration is not valid.



Where Can I Get Legal Help?

These organizations may be able to help you:

- **Montana Legal Services Association (MLSA)** gives free legal help to low income people. To find out if you qualify for MLSA, apply online at www.mtlsa.org or call the MLSA HelpLine at 1-800-666-6899.
- **The State Bar Lawyer Referral and Information Service (LRIS)** refers people to Montana lawyers who might be able to help. The referral is free. Call LRIS at 1-406-449-6577.
- **The State Law Library** can help you find and use legal resources such as books, forms, and websites. You can visit the Law Library website at courts.mt.gov/library. Or you can contact a Reference Librarian at 1-406-444-3636 or by email at mtlawlibrary@mt.gov.
- **Self Help Law Centers** located throughout the state are able to assist you in finding additional legal and court information. To find out center hours or arrange an appointment, call a center near you: **Billings** (406) 869-3531; **Bozeman** (406) 582-2158; **Great Falls** (406)454-6713/(406)437-2034; **Helena** (406)444-9300; **Kalispell** (406)758-2496; **Missoula** (406)258-3428. For a complete list of self help services by area visit: <http://courts.mt.gov/selfhelp>.

Letter Requesting Registration of a Foreign Judgment or Order

Date: _____

To: _____ County District Court

Re: MCA § 40-7-305 Request for Registration of Child Custody Determination

To Whom It May Concern:

I am requesting that you register the enclosed Foreign Judgment or Custody Order in your Court. I have included two copies of the Judgment or Order, one of which is certified. I swear under penalty of perjury that to the best of my knowledge and belief the Judgment or Order included with this letter is the most recent Judgment or Order and has not been modified by the issuing court.

The name and address of the other parent and / or any other individuals awarded custody, visitation or parenting time in the Judgment or Order are:

As a courtesy to the Court, I have also included a Notice of Registration of Child Custody Determination for the Court to serve as required by MCA § 40-7-305(2)(b).

Please contact me with any questions.

Sincerely,

Signature

Printed Name

Street Address

City, State and Zip Code

Phone Number

_____ Judicial District Court
_____ County Courthouse

(406) _____ - _____

**MONTANA _____ JUDICIAL DISTRICT COURT
_____ COUNTY**

<p>In re the Parenting of:</p> <p>_____, Minor Child(ren).</p> <p>_____, Petitioner,</p> <p>and</p> <p>_____, Respondent.</p>	<p>Cause No.: _____</p> <p>Department No.: _____</p> <p>NOTICE OF REGISTRATION OF CHILD CUSTODY DETERMINATION</p>
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A request to register the child custody determination entered _____,
20__, by the _____
(enter name of foreign court, county/state)

has been made by _____ pursuant to § 40-7-305 of
(enter name of Petitioner)

the Montana Code Annotated. The Request is hereby **GRANTED**.

The Respondent is hereby notified that this registered determination is enforceable as of the date of registration in the same manner as a determination issued by a court of this state. If you contest the validity of the registration, you must request a hearing within 20 days of service of this notice. Failure to contest to the registration will result in confirmation of the child custody determination.

Dated this _____ day of _____, 20__

District Court Judge

cc: _____ (petitioner)

_____ (other parties having custody, visitation or parenting time in the registered order)