



ADMINISTRATIVE RULES OF MONTANA



37.62.919 NOTICE OF HEARING, SCHEDULING ORDER AND LOCATION OF HEARING

- (1) If a request for hearing is timely and properly filed according to these rules, the OALJ shall assign the case to an ALJ and schedule a time, date and place for the conduct of the hearing. The OALJ shall serve a notice of hearing and scheduling order on all parties. In support enforcement, paternity establishment, and support order establishment cases where the obligee is not a party, the OALJ shall also send a copy of the notice of hearing to the obligee. In those instances, the obligee is not a party to those proceedings but may attend as a nonparty observer or witness.
- (2) The notice of hearing and scheduling order shall:
 - (a) set the date, time and place for the hearing;
 - (b) set the date by which the witness and exhibit list must be filed with the OALJ and by which a copy of the list must be served on all other parties;
 - (c) set the date by which exhibits must be exchanged with other parties if exhibits are not served as attachments to the witness and exhibit list;
 - (d) set the date by which a party must request discovery or request subpoenas for the attendance of witnesses or the production of documents;
 - (e) inform the party that the hearing will initially be held by telephone conference;
 - (f) if the hearing is by telephone conference, inform the party that before the hearing record is closed, the party will have an opportunity, at the party's request or upon a showing that a party's case was prejudiced by the lack of an in-person hearing, to request a de novo in-person hearing;
 - (g) give the party directions for the conduct of telephone hearings;
 - (h) direct the party to provide a telephone number at which the party will be available for the hearing and further direct that if the party does not provide the number or fails to be at the number when called for the hearing, the ALJ may either enter the party's default or proceed with the hearing in absentia; and
 - (i) inform the party that if the party does not have a telephone available for a telephone hearing, at the party's request, a telephone will be made available to the party at the nearest regional CSSD office or at the public assistance office in the county where the party resides.
- (3) The time of the hearing will be during the CSSD's regular business hours. The place of the hearing may be:

- (a) for a telephone hearing, at the location of the telephone number provided by each party and, if applicable, the obligee; or
 - (b) for an in-person hearing, as provided in 40-5-231(3), MCA.
- (4) The parties may agree to an in-person hearing in another location which is mutually convenient to all the parties and the CSSD.

Authorizing statute(s): 17-4-105, 40-5-202, 40-5-262, 40-5-272, 40-5-273, 40-5-405, 40-5-713, 40-5-825, 40-5-906, MCA

Implementing statute(s): 17-4-105, 40-5-157, 40-5-202, 40-5-208, 40-5-226, 40-5-233, 40-5-261, 40-5-271, 40-5-273, 40-5-414, 40-5-431, 40-5-703, 40-5-710, 40-5-821, 40-5-822, 40-5-823, 40-5-824 and 40-5-906, MCA

History: NEW, 2000 MAR p. 3547, Eff. 12/22/00; AMD, 2020 MAR p. 966, Eff. 5/30/20.