

Checklist - Late Fees Due to Chronically Delinquent Child Support Payments

- Complete Petition for Order and Judgment Awarding Late Fees Per SDCL 25-7-38.
- Have it notarized in the presence of a notary public or Clerk of Court.
- Complete Notice of Filing (Form UJS-129)
- Make two copies of the Petition for Order and Judgment Awarding Late Fees Per SDCL 25-7-38.
- Make two copies of the Notice of Filing.
- File the original Petition and Notice with the Clerk of Courts.
- Serve the Obligor with a copy of the Petition for Order and Judgment Awarding Late Fees Per SDCL 25-7-38 and Notice of Filing. Service may be completed by one of the following methods:

_____ Service by certified mail – you do not need to send the documents by registered mail, nor do you need to insure it. It is okay if any adult signs for the documents when they are delivered;

_____ Admission of Service – the Obligor can sign an Admission of Service admitting he/she received a copy of the Petition for Order and Judgment Awarding Late Fees Per SDCL 25-7-38 and a copy of the Notice of Filing;
or

_____ Personal Service – the Obligor is personally served by the Sheriff's Office or a process server.

- Immediately file the proof of service with the Court as soon as you receive it. This is the green card, if you chose service by certified mail; the original signed Admission of Service; or the Affidavit of Service from the Sheriff's Office or a process server.
- Calculate 10 days from the date of filing the proof of service, per SDCL 25-7-38. The day the proof of service is filed is not counted. The last day of the period is included, unless it is a Saturday, Sunday or a legal holiday. Also, Saturdays, Sundays and legal holidays are excluded in the computation. See SDCL 15-6-6(a) for a more thorough explanation.

If no objections are filed by the other party in this time period, no hearing is held.

_____ Deliver the Order and Judgment Awarding Late Fees Per SDCL 25-7-38 (No Objections Filed) (Form UJS-132) to the Clerk of Court and request that the Court complete it. The Clerk will send certified copies to each party.

_____ Complete and deliver the Child Support Data Form (UJS-089) to the Clerk of Courts office.

_____ Once you receive the certified copy of the Order, complete the Notice of Entry of Order and Judgment Awarding Late Fees Per SDCL 25-7-38 (Form UJS-133). This document starts the appeal period.

_____ Make two copies of the Notice of Entry, one for you and one to mail to the Obligor.

_____ File the original Notice of Entry with the Clerk of Courts office.

_____ Mail a copy of the Notice of Entry to the Obligor.

If objections are filed by the other party in this time period, a hearing will be scheduled as soon as practical:

_____ Complete the Notice of Hearing (Form UJS-130). The Judge or the Clerk of Court will sign and date it. The Clerk will complete the Affidavit of Mailing, file the original and send out copies to the parties.

_____ Prepare for your hearing. Review “Hearing – Helpful Tips” on the website as well as “A Guide for Representing Yourself in the South Dakota Courts” on the UJS website.

_____ Attend your hearing and, at the beginning of the hearing, hand-deliver the Order and Judgment Awarding Late Fees Per SDCL 25-7-38 (Objections Filed) to the Judge for him/her to complete.

_____ If the Judge grants the late fees at the end of the hearing, he/she will determine the amount and sign the Order. You will need to get two certified copies of the signed Order from the Clerk of Courts office.

_____ Complete the Child Support Data Form (UJS-089) and deliver to the Clerk of Courts office.

_____ Once you receive the certified copies of the Order, complete the Notice of Entry of Order and Judgment Awarding Late Fees Per SDCL 25-7-38 (Form UJS-133). The mailing of this document and the certified copy of the Order starts the appeal period.

_____ Make two copies of the Notice of Entry, one for you and one to mail to the other party.

_____ File the original Notice of Entry with the Clerk of Courts office.

_____ Mail a copy of the Notice of Entry along with a certified copy of the Order and Judgment Awarding Late Fees Per SDCL 25-7-38 to the Obligor.