GRANITE PEAK LAW, PLLC
Adam H. Owens, Esq.
Gregory G. Costanza, Esq.
201 W. Madison Ave, Ste. 450
Belgrade, MT 59752
Office: (406) 589-8546
adam@granitepeaklaw.com
gregory@granitepeaklaw.com
Attorneys for Appellee Tammy Oskerson

IN THE SUPREME COURT OF THE STATE OF MONTANA

Case No. DA 23-0478

DANIEL BRIAN BOUDETTE,

Appellant,

v.

TAMMY MARIE BOUDETTE, n/k/a TAMMY MARIE OSKERSON,

Appellee

OSKERSON'S ANSWER TO BOUDETTE'S OPENING BRIEF

COMES NOW Appellee Tammy Marie Boudette n/k/a Tammy Marie Oskerson ("Oskerson") to respond to Appellant Daniel B. Boudette's ("Boudette") Opening Brief, filed with this Court on December 11, 2023. For the reasons set forth below, this Court should deny the relief requested in Boudette's appeal.

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STATEMENT OF THE CASE

Boudette appeals from the District Court's Order Confirming Oskerson's Petition to Register a Child Support Order Under the Uniform Interstate Family Support Act ("UIFSA") and Request for Order of Enforcement (herein, the "Petition"), citing three baseless grounds in support of his appeal. Boudette is misplaced on each of his three grounds, and therefore the District Court's Order from August 3, 2023 Confirming Registration of the Petition should be affirmed. The District Court's decision contains no prejudicial error with respect to 1) the application of Montana's ten-year statute of limitations to bring an action for collection of child support arrears, 2) the District Court's rightful jurisdiction over Oskerson's Petition under UIFSA, and 3) the ample due process afforded Boudette to present defenses under UIFSA.

STATEMENT OF RELEVANT FACTS

Daniel B. Boudette ("Boudette") and Tammy M. Oskerson ("Oskerson") dissolved their marriage in Arizona in 2009. On November 4, 2009, the Superior Court of Yavapai County issued a Child Support Order (herein, the "Child Support Order") requiring Boudette to make certain payments to Oskerson through their child Jessica's age of majority. *See Docket Entry 2, Declaration of Adam H. Owens, Exhibit 1, Certified Copy of Child Support Order.* Boudette's lump sum and monthly support obligations terminated on January 24, 2012 upon Jessica's 18th birthday. *Id.* By this time in 2012, the Petition reflects that Boudette had skipped some payments between 2010-2012, and thereafter often made underpayments of $50.00 per month through April of 2020. *See Docket Entry 1, Petition, pp. 3-4; See also Docket Entry 2, Declaration of Adam H. Owens, Exhibit 2, Atlas Financial Summary as of 01/27/2020, pp. 1-6.*

On June 8, 2020, Appellee Oskerson filed a Petition to register the Child Support Order for enforcement under the UIFSA, §§ 40-5-1001 *et. seq.* MCA. *See Docket Entry 1, Petition.* Oskerson's Petition sought to collect principal and accrued interest as of May 31, 2020 in the amount of $22,808.71. *Id.* The Petition noted that Boudette's last payment toward his child support arrears was made on May 28, 2020 in the amount of $150.00. *Dkt. 1, Petition, pg. 4.*

On June 22, 2020, Boudette sought to remove Oskerson's Petition to U.S. Bankruptcy Court for the District of Montana through his filing of an adversary proceeding and notice of removal. *In re Boudette, infra, 2021 Bankr. LEXIS 2624, Adv. No. 20-02011-BPH.* On June 24, 2020, Judge Benjamin P. Hursch denied Boudette's

notice of removal and adversary case, citing the Court's reluctance to incur into family law matters, and remanding the Petition to the Montana First Judicial District Court, Broadwater County. *Id.*

On August 10, 2020, Oskerson brought an adversary proceeding against Boudette in the Bankruptcy Court to determine the dischargeability of Oskerson's divorce-related judgments, including the Child Support Order. *See Oskerson v. Boudette (In re Boudette), Nos. 20-20147-BPH, 20-02012-BPH, 2021 Bankr. LEXIS 2624 (Bankr. D. Mont. Sep. 24, 2021).* During the pendency of Boudette's bankruptcy action, Oskerson did not seek to confirm or enforce the filed and served UIFSA Petition for child support arrears in Broadwater County District Court to allow the Bankruptcy Court to rule on the dischargeability of the child support judgment debt. On September 24, 2021, Judge Hursch determined that Boudette's Child Support Obligation is non-dischargeable under 11 U.S.C. § 523(a)(5). *In re Boudette*, *supra,* 2:20-ap-02012-BPH, Doc#:84, filed 09/24/21, pg. 7. In his summary judgement ruling, Judge Hursch found "that the Child Support Order has been domesticated in Montana, remains valid, and is enforceable." *Id.*

Upon the conclusion of Boudette's Chapter 7 case in March of 2022, Oskerson sought a request for the clerk's entry of default in her Petition action in Broadwater County District Court (DR-04-2020-0000014-OD), seeing that Boudette had not filed any responsive pleading or motion contesting Oskerson's Petition action post-remand by the Bankruptcy Court. On June 21, 2022, Boudette appeared in the Petition action

seeking to set aside the Entry of Default that Oskerson had obtained from the Clerk of District Court on June 9, 2022. An evidentiary hearing was eventually held on July 21, 2023, and shortly thereafter on August 3, 2023, the Hon. Kathy Seeley confirmed Oskerson's Petition, noting that any collection efforts by Oskerson for child support arrears "will be coordinated by MCSSD and Petitioner." Boudette timely appealed Judge Seeley's Confirmation Order on August 28, 2023.

STANDARD OF REVIEW

Th standard of review of the trial court's findings relating to child support is that a presumption exists in favor of the trial court, and this Court will not overturn its findings unless the court has abused its discretion. *In re Marriage of Nikolaisen* (1993), 257 Mont. 1, 8, 847 P.2d 287, 291. This Court's standard of review of the trial court's conclusions of law on such matters is whether its conclusions are correct. *Burris v. Burris* (1993), 258 Mont. 265, 852 P.2d 616, 619.

ARGUMENT SUMMARY

Through his now familiar pattern, Boudette's Opening Brief vexatiously asserts yet more baseless arguments in his appeal of Oskerson's UIFSA Petition. Oskerson requests that this honorable body impose sanctions on Boudette pursuant to Rule 19 M. R. App. P. for making arguments in his Opening Brief that are frivolous, vexatious, filed for purposes of harassment or delay, or taken without substantial or reasonable grounds. Oskerson seeks sanctions in the form of costs, attorney fees, and restrictions on further actions filed against Oskerson related to the Child Support Order.

Oskerson has incurred over $16,000 for her UIFSA Petition related fees and costs, and both the statutory construction of UIFSA and Rule 19 allow this Court to award fees and costs in Oskerson's favor. Boudette's frivolous and unreasonable arguments needlessly harass Oskerson and delay her ability to enforce the Child Support Order in Montana. Oskerson requests this Court remand to the District Court for a determination of fees and costs. As the arguments below demonstrate, Boudette has had no reasonable basis for bringing this appeal.

ARGUMENT

1. The District Court did not err or abuse its discretion when it found that Oskerson's Petition was not barred by the Montana statute of limitations.

At the hearing and as reflected by the Confirmation Order, the District Court properly considered the applicable statute of limitations as one of the defenses available to Boudette under Mont. Code Ann. § 40-5-1061 (2019). As the Confirmation Order indicates, this provision of UIFSA limits the issues for review at the parties' hearing. Subpart (g) states:

> (1) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses:
>
> (g) the statute of limitations under 40-5-1058 precludes enforcement of some or all of the alleged arrearages.
>
> *§ 40-5-1061(1)(g), MCA (2019).*

This provision of UIFSA was the district court's reference point for applying the statute of limitations to this matter. Oskerson argued both at the

hearing and maintains here that she filed her Petition within the Montana statute of limitations ten-year period and thereby her action is not time barred.

(a) Boudette applies the wrong statute of limitations, which leads him to the wrong conclusion from the District Court.

The first issue addressed by Appellant in his Opening Brief is whether the District Court erred in finding that the Montana statute of limitations did not bar Oskerson's Petition to register and enforce the Child Support Order. In his Brief, Boudette mistakenly relies on § 25-9-301, MCA to assert that Oskerson cannot initiate an action to collect on the child support arrears owed because the original judgment *lien* only continues for 10 years from the "entry of a lump-sum judgement or order for support arrears." For purposes of § 25-9-301, instead of relying on the date from the termination of the support obligation (i.e., January 24, 2012), Boudette relies on the later date of May 3, 2012, when the Montana CSSD issued a "formal order liquidating total arrearage[1]." Under Appellant's theory, because the District Court's Confirmation Order was issued after May of 2022, such Order is "*void ab initio*" by misplaced application of this statutory lien provision.

Boudette is mistaken that the District Court erred by allowing the parties to "proceed upon an action where the judgement lien was already time barred by Mont.

[1] This supposed "lump sum" did not include any interest owed to Oskerson that is collectible for child support obligations issued. Under § 40-5-1058(b), MCA, Arizona as the "issuing state" governs "the computation and payment of arrearages and accrual of interest on the arrearages under the support order; and …"

Code. Ann. § 25-9-301" because he fails to apply the appropriate Montana statute of limitations provision applicable to child support arrears, which is the statutory provision called "actions upon judgments" found in § 27-2-201, MCA.

(b) Montana law has applied § 27-2-201, MCA as the applicable statute of limitations and this provision is in harmony with the choice of law provision of UIFSA, § 40-5-1058, MCA.

The Montana Supreme Court stated that "the ten-year statute of limitations for actions upon court judgments or decrees, § 27-2-201(1), MCA, applies to actions by one parent against the other for child support arrearages." *In re Marriage of Hooper (Crittendon)* (1991), 247 Mont. 322, 327, 806 P. 2d 541, 544. Here, Oskerson's Petition, filed on June 8, 2020 under § 40-5-1021(2), MCA and 40-5-1055, MCA (2020), arguably qualifies as an "action by one parent against the other for child support arrearages," as the *Hooper* court envisioned at the time.

Section 27-2-201(1), MCA, provides that "the period prescribed for the commencement of an action upon a judgment or decree of any court of record of the United States or of any state within the United States is within 10 years." In *Brown,* this Court held that the ten-year statute of limitations commences to run as each child support payment obligation comes due. *In re Marriage of Brown* (1994), 263 Mont. 184, 189, 867 P. 2d 381, 384. Answering this question requires an examination of the Child Support Order filed November 4, 2009.

Here, Appellant Boudette's original child support obligation *generally* arose on November 4, 2009 when the obligation was first docketed in Arizona. *See Docket Entry 2, Declaration of Adam H. Owens, Exhibit 1, Certified Copy of Child Support Order.* However, a closer examination of this Order shows that Boudette owed a composite amount, comprised of two types of child support obligations, one of which was for a past support judgment that Boudette paid off by the time Oskerson filed the Petition.

The first category of payment obligation owed by Boudette was for monthly child support, which the Order describes on page two as follows:

> 1. Father shall pay child support in the amount of $477.00 per month to Mother, first payment is due on the 1st day of September 2009, presumptive termination date January 2012.

The plain language of this portion of the Order makes it clear that the ten-year statute of limitations would "come due" as each $477.00 monthly payment obligation arose, starting September 2009. *See also, A.R.S. 25-503(I)*[2].

The Child Support Order further specified that Boudette would owe Oskerson for past care and support, describing this obligation as follows:

> 3. Father owes past care and support in the amount of $3,816.00 for the period of January 1, 2009 to August 31, 2009, judgment is ordered in favor of Tammy M. Boudette, and against Daniel B. Boudette in the principal amount of $3.816.00. Father shall pay $50.00 per month toward the past care and support until paid in full.

[2] A.R.S. § 25-503(I) provides: "The right of a party entitled to receive support or the department to receive child support payments as provided in the court order vests as each installment falls due. Each vested child support installment is enforceable as a final judgment by operation of law. The department or its agent or a party entitled to receive support may also file a request for written judgment for support arrearages."

See Docket Entry 2, Declaration of Adam H. Owens, Exhibit 1, Certified Copy of Child Support Order. pg. 2. The Arizona's Division of Child Support Services provided Oskerson with an "Arrears Calculation Report," which detailed each payment made by Boudette beginning in November of 2010 and continuing in various amounts, often in $50.00 increments, through January of 2020. S*ee Docket Entry 2, Declaration of Adam H. Owens, Exhibit 2, Arrears Calculation Report*. This report reflects that by January of 2020, Boudette had paid off his "past care and support obligation," but interest continued to accrue on the unpaid portion of his monthly child support obligation, which had matured into a lump sum obligation by the end of January, 2012. Id., pg. 1.

The last page of the Child Support Order exhibit states:

> This Order of Assignment terminates on the last day of January, 2012 unless it includes an arrearage payment, in which case, the total amount listed above shall continue to be withheld until further order.

While the original "child support obligation" became due upon each $477.00 monthly payment obligation arising between September 2009 and January 2012, Boudette's total underpayment became a lump sum arrearage at the end of January 2012. Therefore, "on the last day of January, 2012," by operation of the Child Support Order, a lump sum arrearage obligation arose against Appellant Boudette for his total underpayments, comprised of two categories of arrears: the monthly child support payment obligation and the past care and support obligation.

Oskerson, having filed her Petition action or proceeding in June of 2020, was well within the either ten-year Montana limitations period or the Arizona unlimited filing period to register and confirm the Child Support Order in Montana District Court. Through her filing, Oskerson satisfied the § 27-2-201, MCA criteria. Specifically, § 27-2-201(4) states: "[t]he period prescribed for the commencement of an action to collect past-due child support that has accrued under a support order issued in another state, in a foreign country, or in a tribal court is as provided in subsection (3) or as provided in the law of the issuing jurisdiction, **whichever period is longer**." (emphasis added). As argued below, Arizona does not have a statute of limitations period for collecting on child support arrearages, and therefore Oskerson cannot have violated any statutory limitations period.

Should the Arizona limitations period be determined to be shorter for any reason, then under § 27-2-201(3), MCA, the Montana limitations period "is within 10 years of the termination of support obligation or within 10 years from entry of a lump-sum judgment or order for support arrears, whichever is later." Through application of this limitations period, the termination of the support obligation was January of 2012, and therefore Oskerson would need to commence her action by January of 2022, which she of course satisfied by filing in June of 2020.

Accordingly, the date that Ms. Seeley issued her Confirmation Order is immaterial for applying the statute of limitations. The critical inquiry under § 27-2-201(3) and (4) is to determine which state has the longer limitations period (10-year

vs. no expiration), and then to compare that period to when the Petition to register was filed in Montana district court, and not when the judge issues a ruling.

The Arizona arrears calculation report also includes interest accruing on the principal balance of the arrearage owed at a rate of ten per cent (10%) per annum, which is provided for under Arizona law on the arrearage balance[3]. *Id.* The Arizona arrears calculation report indicates that by January of 2020, the interest was only accruing on the unpaid "current child support" arrearage balance and not the "past support judgment" portion of Boudette's total child support obligation, as that had been paid in full by 2020. Section 40-5-1058(4), MCA directs the district court, after determining the controlling child support order, to "prospectively apply the law of the state or foreign country issuing the controlling order, including its **law on interest** on arrears, on current and future support, and on consolidated arrears." (emphasis added). Accordingly, UIFSA makes it clear that the Montana district court is to consider Arizona's interest calculation when deciding on the total arrearages owed.

Under UIFSA's "choice of law" provision, § 40-5-1058, MCA, related to a "proceeding for arrears under a registered support order," as is the situation here, the statute directs that, "the statute of limitations of this state, or of the issuing state or foreign country, whichever is longer, applies." This provision is in harmony with

[3] A.R.S. 25-510(E) (2022). "In calculating support arrearages not reduced to a final written money judgment, interest accrues at the rate of ten per cent per annum beginning at the end of the month following the month in which the support payment is due, and interest accrues only on the principal and not on interest. A support arrearage reduced to a final written money judgment accrues interest at the rate of **ten per cent per annum** and accrues interest only on the principal and not on interest." (emphasis added)

§ 27-2-201, which either applies Montana 10-year limitations period or Arizona, should that be longer.

Arizona, being the issuing state, does not have a statute of limitations for child support arrearages. *See A.R.S. 25-503(F)*[4]. Should this Court find that Arizona's statute of limitations, being longer, are controlling for the child support arrears, then Oskerson's Child Support Order will never expire and Oskerson's registered Petition and the District Court's Confirmation Order remain valid, timely and enforceable.

(c) Under § 27-2-409, MCA, the statute of limitations tolled as Boudette made installment payments.

Notwithstanding whether Arizona's statute of limitations applies as the longer period, § 27-2-409, MCA (2023) makes it clear that when Boudette made partial payments on his child support obligation to Oskerson, this constituted "sufficient evidence to cause the relevant statute of limitations to begin running anew." Here, the Petition and the Arizona Arrears Report establish that Boudette made his last payment

[4] A.R.S. 25-503(F). On petition of a person who has been ordered to pay child support pursuant to a presumption of paternity established pursuant to section 25-814, the court may order the petitioner's support to terminate if the court finds based on clear and convincing evidence that paternity was established by fraud, duress or material mistake of fact. **Except for good cause shown, the petitioner's support obligations continue in effect until the court has ruled in favor of the petitioner.** The court shall order the petitioner, each child who is the subject of the petition and the child's mother to submit to genetic testing and shall order the appropriate testing procedures to determine the child's inherited characteristics, including blood and tissue type. If the court finds that the petitioner is not the child's biological father, the court shall vacate the determination of paternity and terminate the support obligation. Unless otherwise ordered by the court, an order vacating a support obligation is prospective and does not alter the petitioner's obligation to pay child support arrearages or any other amount previously ordered by the court. If the court finds that it is in the child's best interests, the court may order the biological father to pay restitution to the petitioner for any child support paid before the court ruled in favor of the petitioner pursuant to this subsection. (emphasis added).

of $150.00 on or about May 28, 2020. *See Petition, pg. 4.* To the extent the Montana limitations period applies here, this statutory provision provides that Oskerson was also well within the limitations period when she filed within a month of this "part payment" date. *In re Brown, supra,* 867 P. 2d 381, 384-385.

2. <u>The District Court did not err when it found that Oskerson had standing to bring her UIFSA action in the District Court.</u>

The second issue addressed by Appellant in this appeal is whether Oskerson's alleged prior assignment of her right to collect child support to Arizona denies her standing to bring her action in the District Court. Boudette alleges that because Oskerson received cash assistance from the state of Arizona, she presumptively had to assign her rights to collect child support. First, Boudette is misrepresenting the facts of this matter. Ms. Oskerson did not in fact receive cash assistance from the State of Arizona. Nor did Oskerson receive cash assistance from Montana because Petitioner is not a resident of Montana. Had Appellant requested a copy of the transcript of the July 21, 2023 proceeding and transmitted it to the Supreme Court as required by M.R.App.P Rule 8, the Court would be able to see from the record that Appellant's assertions are false.[5]

[5] Montana Rules of Appellate Procedure Rule 8 requires the Appellant to present a sufficient record of the proceedings to the Supreme Court, which includes original papers filed in the district court and the transcript of the proceedings, if any, and a certified copy of the docket entries prepared by the clerk of the district court. See Rule 8(1) M.R.App.P. "Failure to present the court with sufficient record on appeal

Moreover, whether Ms. Boudette received cash assistance from the State of Arizona is irrelevant in this matter. § 40-5-1061, MCA provides specific defenses that a party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of pricing. See §40-5-1061, MCA. A defense for a lack of standing or for whether Petitioner received cash assistance amounts is not among those defenses.

Notwithstanding, Petitioner is an obligee, defined as "an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order or a judgment determining parentage of a child has been issued." See § 40-5-1002(16), MCA. As an obligee of a child support order, Petitioner is permitted to and did register the Order for Child Support pursuant to § 40-5-1055, MCA. Section 40-5-1055, MCA provides: "[a] support order… issued in another state…. may be registered in [the state of Montana] for enforcement."

Similarly, Arizona's UIFSA statute, Arizona Revised Statute ("A.R.S"), § 25-1241(B) provides: "[a]n individual petitioner… may initiate a proceeding authorized

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may result in dismissal of the appeal or affirmance of the district court on the basis the appellant has presented an insufficient record." See Rule 8(2), M.R.App.P.

Rule 8 further provides that the Appellant shall order from the court reporter in writing, a transcript of the proceedings deemed necessary for the record on appeal on the same date the notice of appeal is filed, with a copy of the written request for transcripts to be filed with the clerk of the district court and served on the appellee.

Appellant failed to request a copy of the transcript of the proceeding held on July 21, 2023, let alone file it with the Supreme Court when he submitted his brief. Therefore, Appellee requests the court to dismiss Appellant's appeal for failure to present sufficient record to the Court, or at least for this portion of the argument.

under this chapter… by filing a petition or a comparable pleading directly in a tribunal of another state… that has or can obtain personal jurisdiction over the respondent." A comparison of A.R.S. § 25-1241(B) to § 40-5-1021, MCA shows nearly identical language. Oskerson's Petition conforms with the procedures allowed by these harmonized UIFSA statutes.

Lastly, §§ 40-5-202 and 203, MCA, as testified by the Montana Department of Public Health and Human Services, Child Support Services Division ("MCSSD"), permits MCSSD to coordinate collection of support arrears with Petitioner, with all payments to be made to MCSSD, which will then send those funds to Arizona for disbursement. See *August 3, 2023 Order*, pg. 2:23 – 3:4. See also *footnote 2*. Boudette argues that whether or not §§ 40-5-202 and 203, MCA permits simultaneous enforcement by MCSSD and an individual petitioner (who had not assigned away their right to child support) was not the issue. This argument is based on the allegation that Ms. Oskerson had assigned away these rights. This argument fails because, again, any alleged assignment of child collection rights by Oskerson does not prohibit Oskerson from initiating a proceeding by filing a petition in a tribunal of another state that has or can obtain personal jurisdiction over the respondent." See A.R.S § 25-1241(B) and § 40-5-1021, MCA. Moreover, Oskerson never did assign any of her rights to MCSSD.

For these reasons, it is clear that Petitioner had standing to bring her UIFSA petition to enforce the Arizona Child Support Order and that therefore Boudette's arguments to the contrary fail.

3. **Boudette was afforded sufficient due process to present factual and legal arguments to support his position, but failed to raise sufficient facts to establish a defense under § 40-10-1061, MCA**

The third issue addressed by Appellant in this appeal is whether Boudette was denied due process by the District Court. Boudette's first claim is that the hearing and subsequent order Boudette is appealing took too long after the filing of the Petition. Boudette, specifically, relies on the fact that it wasn't until two years after the filing of the Petition that Oskerson moved for entry of default. And that the July hearing didn't occur until eight months after he requested.

What Boudette does not mention is that he filed bankruptcy on May 22, 2020 and shortly after the petition was filed, he filed a Notice of Removal of Oskerson's UIFSA petition to remove it to bankruptcy court. *See Docket Entries 3-4.* The Montana Bankruptcy Court then remanded the UIFSA matter back to the District Court. Oskerson then waited for the bankruptcy matter to be resolved. Upon resolution of the bankruptcy case, Oskerson filed her Motion for Entry of Default. *Docket Entry 6.*

Boudette also fails to mention that when he filed he made his request for hearing on August 26, 2022, that he failed to submit a proposed order to the Court.

This was the likely cause of why the hearing was not set until sometime later. See Docket Entry 16 and Petitioner's Request for Hearing dated April 14, 2023, Dkt. 17.

Boudette next argues he didn't receive proper notice of the registration. However, Boudette's Notice of Removal on June 22, 2020 shows that he did receive notice of Petitioner's filing. He also subjected himself to jurisdiction when he appeared in the action through multiple filings. Therefore, this argument also fails.

Boudette next alleges that in BDV-12-49 Oskerson failed to appeal the order granting Boudette's Motion to Extinguish Judgment with regard to Oskerson's claim for child support, which Boudette claims the District Court dismissed. However, Boudette ignores that this Court ruled in DA 19-0196 that the district court's order in BDV-12-49 was reversed and remanded, thus re-establishing any alleged dismissal of Oskerson's child support claims. Moreover, the District court in the present action accurately determined that the BDV-12-49 order merely determined that the BDV-2012-49 action did not address the child support order and therefore Boudette's argument did not assist Respondent in blocking Petitioner's registration in this action. Similarly, Boudette's argument that Oskerson's failed to appeal the BDV-12-49 court's alleged dismissal of the child support claims also fails. Boudette, as he has done time and time again in the twelve proceedings between them, continues misrepresenting facts and law to the Court.

It is important to again note that Boudette continues to reference what the transcript of the July 21, 2023 UIFSA hearing says and doesn't say in support of his

appeal. However, Boudette never submitted the transcript of the hearing to the Supreme Court as required by M.R.App.P. Rule 8 and therefore did not present the Court with a sufficient record for it to rule on Boudette's appeal. As such, the Court should disregard Mr. Boudette's assertions as to what the transcript says and doesn't say and dismiss Appellant's appeal for failure to comply with Rule 8.

For these reasons, Boudette's due process claims should be denied.

CONCLUSION

The District Court did not abuse its discretion in confirming Oskerson's Petition under UIFSA. The District Court correctly concluded that Oskerson has a co-extensive right to enforce the Child Support Order. Boudette was afforded adequate due process to present affirmative defenses to Oskerson's Petition, but he failed to convince the District Court of his position. For these reasons, the District Court's confirmation of Oskerson's Child Support Order should be affirmed.

Respectfully submitted this 12th day of February 2024.

GRANITE PEAK LAW, PLLC

/s/ Adam H. Owens
Adam H. Owens, Esq.

/s/ Gregory G. Costanza
Gregory G. Costanza, Esq.
Counsel for Appellee Oskerson

CERTIFICATE OF COMPLIANCE

This document is proportionately spaced using the sans-serif typeface Goudy Old Style, 14-point font size, with a word count of 4701 words.

Respectfully submitted this 12th day of February 2024.

GRANITE PEAK LAW, PLLC

/s/ Adam H. Owens
Adam H. Owens, Esq.

CERTIFICATE OF SERVICE

I, Gregory G. Costanza, certify that on February 12th, 2024, I have filed **Appellee Oskerson's Response to Appellant's Opening Brief** with the Clerk of the Montana Supreme Court through the Montana Supreme Court Electronic Filing System and also served Appellant with a true and accurate copy via email and U.S. Mail as follows:

Daniel B. Boudette
P.O. Box 7101
Helena, MT 59604
Northbronco1@msn.com

/s/ Adam H. Owens
Adam H. Owens, Esq.

CERTIFICATE OF SERVICE

I, Adam H. Owens, hereby certify that I have served true and accurate copies of the foregoing Brief - Appellee's Response to the following on 02-12-2024:

Daniel B. Boudette (Appellant)
P.O. Box 7101
Helena MT 59604
Service Method: Conventional

Patrick A. Quinn (Other)
2675 Palmer Street, Suite C
Missoula MT 59808
Service Method: Conventional

Electronically Signed By: Adam H. Owens
Dated: 02-12-2024