

MINUTES OF THE MEETING
JUDICIARY COMMITTEE
50TH LEGISLATIVE SESSION
HOUSE OF REPRESENTATIVES

February 12, 1987

The meeting of the Judiciary Committee was called to order by Chairman Earl Lory on February 12, 1987, at 7:00 a.m. in Room 312 D of the State Capitol.

ROLL CALL: All members were present.

EXECUTIVE SESSION:

ACTION ON HOUSE BILL NO. 241:

Rep. Mercer moved that HB 241, DO PASS. Rep. Mercer moved the amendments of the subcommittee. He stated that the first thing that the amendments do is clean up the destructive discharge language. In subsection (5) a new definition for fringe benefits was included. The definition of good cause has been expanded in subsection (6) and an additional condition has been added in a wrongful discharge. Chairman Lory questioned page 3 with regard to a wrongful discharge penalty. Rep. Mercer explained that if the employer has to pay three years wages he will not discharge anyone. He stated that the amendment goes back to the historical wording. Rep. Addy pointed out that litigation of damages concept has been in the law for a long time so it is not a new concept. Rep. Daily asked Rep. Addy if that is the maximum that anyone could receive under this bill but if there is a written employment contract or collective bargaining, this bill would not apply. The maximum damages someone can get is three years lost wages less whatever mitigation costs there are. Question was called and a voice vote was taken. The motion CARRIED unanimously. (See Amendments Attached). Rep. Rapp-Svrcek moved to amend section 5, on page 3, subsection (2), striking the words "emotional distress". Rep. Hannah disagreed with the amendment. Rep. Mercer stated that the issue of emotional distress was discussed very thoroughly by the subcommittee and if emotional distress is put into the bill there is not much reason for the bill and he opposed the amendment. Rep. Rapp-Svrcek pointed out that an employee has a right to a rightful discharge and by pulling this language out of the bill, it leaves in place a number of new protections for the employer. Question was called and a voice vote was taken. The motion FAILED 6-12. Rep. Daily moved an amendment in section 5, inserting "an amount not to exceed \$250,000.00". He pointed out that the main reason for this bill is liability insurance and if insurance companies know that that is

the maximum award then they can adjust their premiums accordingly. Rep. Meyers stated that if we go for a cap then the problem is not solved at all. Rep. Mercer opposed the amendment. Rep. Daily pointed out that this issue pertains to wrongful discharge. Question was called and a voice vote was taken. The motion FAILED 15-3. Rep. Addy moved to amend section 5, including language with regard to damages being capped except where the discharge was wrongful because it was in violation of section 4, subsection (1). Rep. Mercer opposed the amendment stating that public policy speaks to all sectors. Rep. Addy commented that it is best not to throw the clean baby out with the dirty bath water. Rep. Grady stated that it seems this could water down the bill and reminded the committee that what we need is good legislation so he opposed the motion. Rep. Rapp-Svrcek stated that amendment should be adopted so that a loophole can be closed. Question was called. A voice vote was called and the motion FAILED 8-10. Rep. Mercer moved that HB 241, DO PASS as amended. Question was called and a voice vote was taken. The motion CARRIED 14-4, with Reps. Miles, Strizich, Brown and Darko dissenting. HB 241, DO PASS AS Amended.

ACTION ON HOUSE BILL NO. 442:

Rep. Mercer moved DO PASS. He moved the amendments and explained them. Question was called and a voice vote was taken. The motion CARRIED 17-1, with Rep. Addy dissenting. (See Amendments Attached). Rep. Mercer moved that HB 442, DO PASS AS Amended. Question was called and a roll call vote was taken. The motion CARRIED 12-5. (See Roll Call Vote Attached). HB 442, DO PASS AS Amended.

ACTION ON HOUSE BILL NO. 262:

Rep. Mercer moved that HB 262, DO PASS. Discussion on the bill followed. Rep. Addy opposed this bill because the temptation for adults to add or delete details in testimony is very possible since it is such an emotional issue especially when a child has been raped. Rep. Meyers asked how the child would be interviewed and Rep. Mercer stated that the interviewing is done by the judge. Rep. Addy pointed out that the child will not be coming into the courtroom and the judge will rule on hearsay evidence. Rep. Mercer commented that the bill contains safe guards for reliability. Rep. Meyers stated that a guilty verdict must be proven without a reasonable doubt. Rep. Bulger stated that he wants to vote for the bill but is confused if it is really a good bill. Rep. Miles pointed out that the present system is designed for adults and not children. She stated that this bill will protect the children and she is in favor of it. Rep. Eudaily stated that the judge must make a decision

in writing before it goes to the jury. Question was called and a roll call vote was taken. The motion CARRIED 10-8. (See Roll Call Vote Attached). HB 262, DO PASS.

ACTION ON HOUSE BILL NO. 45:

Rep. Darko moved that HB 45 be tabled. Question was called and a voice vote was taken. The motion CARRIED unanimously. HB 45, TABLED.

ACTION ON HOUSE BILL NO. 78:

Rep. Mercer moved that HB 78 be tabled. Rep. Addy called for a roll call vote. The motion FAILED 8-9. (See Roll Call Vote Attached). Rep. Giacometto moved that HB 78, DO PASS. He stated that if people have children then they have an obligation to take care of them. Rep. Miles stated that we should go back to the lump sum and Rep. Addy's amendment because it makes it a good bill. Rep. Hannah moved a substitute motion that HB 78 be tabled and called for a roll call vote. The motion CARRIED 9-8. (See Roll Call Vote Attached).

EXECUTIVE SESSION WAS CLOSED BY CHAIRMAN LORY.

HOUSE BILL NO. 474, Rep. Moore, District No. 65, stated that this bill gives no more or no less rights to corporations than existing law and it simply codifies existing law. She pointed out that the majority of Montana Corporations would not be affected by this legislation because they pay their employees and they do not try to hide behind the corporate shield. HB 474 will only effect fly-by-night companies and will help pierce those corporate shields for those kinds of companies. This bill will not impact people who never intend to be major companies.

PROPOSERS:

GENE FENDERSON, Montana State Building and Construction Council, stated that this bill is good legislation and urged its passage. There were no further proponents, no opponents and no questions. Rep. Moore closed the hearing on HB 474.

HOUSE BILL NO. 256, Rep. Pistoria, District No. 36, sponsor, stated that this bill increases certain filing fees in civil cases, creating new filing fees, requiring the fee increases and new fees to be used to fund District Court operations. He stated that this bill requires that only the users will have to pay and not the taxpayers. He submitted (Exhibit A) as a proposed fee increase schedule. (Exhibit B) was submitted showing various states and what they charge for

court actions. (Exhibit C) contains similar fee schedules as does Exhibit B.

PROPOSERS:

SHAWN EGAN, Consolidated Government of Butte Silver Bow, stated that HB 256 provides for additional funding that the District Courts need. He stated that Gordon Morris wished to go on record in support of this legislation.

MORTON MORRIS, went on record in support of HB 256. There were no further proposers and no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 256.

Rep. Miles stated that a bill was passed that incorporated a \$100.00 filing fee for the substitution of judges and she questioned Rep. Pistoria about disqualification of judges. Chairman Lory stated that that would require an amendment to be made to the bill. Rep. Pistoria closed the hearing on HB 256 by stating that he feels this is badly needed and he urged support. The gavel was handed over to Rep. Mercer.

HOUSE BILL NO. 468, Rep. Lory, District No. 59, sponsor, stated that this bill is very similar to Rep. Pistoria's bill. The source of income is the same but the out go is different. This is a bill that raises the salaries for the judges of the Supreme Court and District Court judges.

PROPOSERS:

PAT MELBY, State Bar Association of Montana, stated that the Justices of the Montana Supreme Court are the lowest paid state Supreme Court Justices in the United States and Montana's District Court Judges rank 48th in compensation out of 50 states. Only District Court Judges in Indiana and Vermont receive less compensation than Montana's District Judges. The State Bar of Montana is concerned about the low level of pay for Supreme Court and District Court Judges. In an effort to analyze the problem and recommend a fair and reasonable level of compensation for these people to the 1987 Legislature, the Board of Trustees of the Bar charged its Committee on the Status Selection and Compensation of Judges with the task of preparing a report on the issue. Submitted as (Exhibit A) is a report from the Committee titled, A Study of Judicial Salaries. He also presented (Exhibit B-D).

SHAWN EGAN, Consolidated Government of Butte Silver Bow, pointed out that the increase from 32% to 37% is what they like in HB 468. He stated that they prefer HB 256.

STEVE BROWN, Chairman of the State Bar's Committee on Compensation and Selection, stated that if the State of Montana continues to keep judicial salaries at the current low level we will not be able to address this problem. He urged support for this legislation.

There were no further proponents, and no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 256:

Rep. ADDY made a statement to Mr. Melby in regards to this bill asking for a raise in judges salaries when we cannot afford the University System, welfare payments or public education, freezing state employees' pay and many other issues. How can we raise the judges' salaries when they are already the highest paid in Montana. Mr. Melby stated that since 1977, judicial salaries have increased by 40% in this state but the consumer price index has increased 80%. He pointed out that there is a crisis in the judiciary at this time and if Montana pays more in salaries we will receive better judiciary.

Rep. Cobb asked Mr. Melby if the legislators were paid more, would that make us better legislators. He answered that the Legislative Council has done studies and it is true that the more you pay legislators the more qualified a legislator can be elected because they will be able to take more time away from their businesses, ranches or careers.

Rep. Lory closed the hearing on HB 468.

HOUSE BILL NO. 566, Rep. Keenan, District No. 66, submitted a letter from MAGGIE MOFFATT, Fergus County, Department of Public Welfare, Lewistown, (Exhibit A). Rep. Keenan stated that this bill does one simple thing and that is it adds new language. This is a piece of legislation that is for children because HB 566 states that if there has been abuse it is not in the best interest of the child to be in a joint custody situation. Many people believe that a divorce will end battering so joint custody will work, she said. In reality it may heighten that violence. She further stated that where there is a history of co-parenting during marriage then it works after divorce but joint custody does not force people to be more responsible after a divorce.

PROPONENTS:

CARYL WICKES BORCHERS, Executive Director, Great Falls Mercy Home, Member of the Montana Coalition Against Domestic Violence, stated that the 1985 Legislature made domestic abuse a criminal act in the state of Montana. She hopes that the 1987 Legislature will follow up with the judges and

courts to say that if there is evidence of abuse to either spouse or child, that under the best interest of the child standard, it prohibits the presumption of joint custody. She submitted written testimony. (Exhibit B). She also submitted as (Exhibit C) a handout titled, Joint Custody is not in the best interest of a child in abuse situations.

ANNA MARIE KELLY, Lewistown, supports this legislation. She submitted written testimony. (Exhibit D).

CONCERNED MOTHER, submitted written testimony supporting HB 566. (See Exhibit E).

BARBARA ARCHER, Women's Lobbyist Fund, submitted testimony for ANN G. EIFERT, Dillon, (Exhibit F). She stated that children should not be left in an environment that is detrimental to them and even in the case of spouse abuse, the incidents can leave some very serious and long lasting scars.

LENORE TALIAFERRO, Friendship Center, Helena, stated that she supports the proposed amendments. She further stated that she is strongly opposed to joint custody in domestic violent spouse abuse cases. Written testimony was submitted. (Exhibit G).

MARY FLORENCE ROOT EVING, submitted a proposed amendment to HB 566. (Exhibit H).

TOM SCHNEIDER, Helena, stated that he strongly supports this legislation and presented written testimony. (Exhibit I).

PAMELA SHONE, Women's Law Caucus, presented written testimony. (Exhibit J).

DAN SHEY, Lawyer, Helena, stated that he favors the amendment proposed and urged support for this legislation.

BRUCE BARROTT, Attorney, urged a do pass on this bill.

PATRICIA GARAY, submitted written testimony in support of HB 566. (Exhibit K).

OPPONENTS:

DOUGLAS GROB, Member of the Governor's Child Support Enforcement Advisory Council, stated that some of these issues that have been brought up are covered in section 3. He questioned the bill with regards to what will protect the children from spouse abuse because there is no level or threshold on a finding. Leaving children with one parent or another parent is not necessarily the answer.

DOC DUTTON, Billings, stated that he opposes this bill because joint custody is necessary for the children. We are concerned for the children and their rights should be recognized.

GLEN R. KAMRET, Billings, stated that he would like to see the bill amended with stronger language because he has a problem with the vague use of the word "threatening". He requested that this bill be killed especially where the children are losing their rights.

RICK JENNISON, Ronan, pointed out that he does not have joint custody of his children, and they are being abused because they are being denied visitation with their father. He stated this seems to favor the mother of the children.

JERRY O'NEIL, Kalispell, opposed this legislation. He stated that people do not need help like this bill to get joint custody out, people need help to get joint custody to be recognized in the court systems more. The present joint custody law needs more time to work.

BOB SILVERNALE, United Fathers of America, Missoula, stated that the way this bill stands is fairly well written. He does not feel that taking children away from parents will solve problems.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 566.

Rep. Miles asked Ms. Shore why we need this bill with regard to clarifying the legal presumption. She stated that currently there are judicial decisions that hold for joint custody when there is documented evidence of abuse. It takes just one parent to apply for joint custody and the courts presume that is in the best interest of the child. Rep. Addy asked Rep. Keenan why is this bill limited to physical abuse only. She stated that she would not mind if this was amended to emotional abuse as well as physical abuse. There must be a court finding that proves that there is a threat and there is physical violence. Rep. Mercer stated that currently the judge can consider threats, but what this bill is saying, is that a threat in and of it self is a sufficient basis to deny joint custody and there are serious threats and non serious threats. Rep. Keenan pointed out that the language in this bill states "that the courts shall consider" and it is saying that a finding by the court is reason for disallowing joint custody.

Rep. Keenan closed the hearing on HB 566 by stating that the opponents of the bill can almost be taken as proponents of the bill because this is a bill that does not speak to gender and they do want joint custody. The court shall find

if joint custody is in the best interest of the child. She stated that she does not have a problem with the proposed amendment.

HOUSE BILL NO. 89, Rep. Winslow, District No. 89, stated that this bill grants immunity for personal injury and property damage to certain private, sports-oriented, non-profit corporations or organizations and to their uncompensated officers and workers. Presently there is a real fear where people are saying that they would like to help out but they do not want to be responsible if someone gets hurt. This points to a need for immunity for personal injury and property damage.

PROPOSERS:

JERRY SEPICH, Great Falls, urged support for this bill. He proposed an amendment that states, that immunity be granted to coaches and referees that have gone through some kind of training, specifically dealing with safety. He further stated that Bruce Moerer, of the Montana School Board is in support of HB 89.

KARL ENGLAND, Montana Trial Lawyers Association, stated that section 1(b) relates to uncompensated workers, directors and officers and that falls in line with the testimony given in the Senate on SB 49 and the Association supports the idea. He suggested the HB 146 procedures should be incorporated into this bill. He is not in support of the section relating to the liability of the corporation. He favors a regular negligent standard.

There were no further proponents and no opponents.

QUESTIONS (or Discussion) ON HOUSE BILL NO. 89:


Rep. Daily asked Mr. Sepich about his proposed amendment stating that he supports the bill, but the training requirement would make it even harder to get coaches on a voluntary basis. He stated that the program he proposes is a video taped program and it takes only four hours to complete. He felt that the coaches would want to get involved because they would have the extra training.

Rep. Lory asked Mr. Sepich what was the charge for the training and he stated that it is \$15.00 for the National Sports Coaches Association and he thinks it is approximately \$25.00 for the American Effectiveness Training.

Rep. Winslow closed the hearing on HB 89 by stating that he hopes the Legislature will deal with this issue and as to the intent of the amendment he feels it is very important

and he would like to see everyone who gets involved in coaching to participate in such a program.

ADJOURNMENT: There being no further business to come before this committee, the hearing was adjourned at 11:45 a.m.



EARL LORY, Chairman

DAILY ROLL CALL
JUDICIARY COMMITTEE

50th LEGISLATIVE SESSION -- 1987

Date Feb. 12, 1987

NAME	PRESENT	ABSENT	EXCUSED
JOHN MERCER (R)	✓		
LEO GIACOMETTO (R)	✓		
BUDD GOULD (R)	✓		
AL MEYERS (R)	✓		
JOHN COBB (R)	✓		
ED GRADY (R)	✓		
PAUL RAPP-SVRCEK (D)	✓		
VERNON KELLER (R)	✓		
RALPH EUDAILY (R)	✓		
TOM BULGER (D)	✓		
JOAN MILES (D)	✓		
FRITZ DAILY (D)	✓		
TOM HANNAH (R)	✓		
BILL STRIZICH (D)	✓		
PAULA DARKO (D)	✓		
KELLY ADDY (D)	✓		
DAVE BROWN (D)	✓		
EARL LORY (R)	✓		

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE Feb. 12, 1987 BILL NO. 78 TIME 10:30 A.M.

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO			✓
BUDD GOULD		✓	
AL MEYERS		✓	
JOHN COBB		✓	
ED GRADY		✓	
PAUL RAPP-SVRCEK			✓
VERNON KELLER			✓
RALPH EUDAILY			✓
TOM BULGER			✓
JOAN MILES			✓
FRITZ DAILY			✓
TOM HANNAH			✓
BILL STRIZICH		✓	
PAULA DARKO			✓
KELLY ADDY		✓	
DAVE BROWN			
EARL LORY		✓	

TALLY

8 - 9

Brock D. Hall
Secretary

Earl Lory
Chairman

MOTION: TABLE

ROLL CALL VOTE

HOUSE COMMITTEE JUDICIARY

DATE 2-12-87 BILL NO. 78 TIME 10:40

NAME	EXCUSED	AYE	NAY
JOHN MERCER		✓	
LEO GIACOMETTO			✓
BUDD GOULD		✓	
AL MEYERS		✓	
JOHN COBB		✓	
ED GRADY		✓	
PAUL RAPP-SVRCEK			✓
VERNON KELLER			✓
RALPH EUDAILY		✓	
TOM BULGER			✓
JOAN MILES			✓
FRITZ DAILY			✓
TOM HANNAH		✓	
BILL STRIZICH			✓
PAULA DARKO			✓
KELLY ADDY		✓	
DAVE BROWN	✓		
EARL LORY		✓	

TALLY

9 8

Frank J. Palle
Secretary

Earl Lory
Chairman

MOTION: Table

Recd - wsh - July 9, 1986 - from Judge Mc Carvel

Complaint Judge Refers State County Ct and appearance

Idaho \$45. \$11.00 \$12.00 \$17 \$35

Divorce \$66

Oregon \$67.20

\$33.60

Utah 75.00

Nevada \$9.00
Divorce \$99

Sub of Judge \$100.

\$44.

Colorado \$75

\$20
Construction \$75.

Arizona \$45
Divorce \$87

\$30
Divorce \$72

California \$101 \$3
Divorce \$104

\$73
Paul P. Pistone

See "Steve Brown", atty
in Nevada for more
information. He will
furnish me more
material.

See Mont Present
Law - 25-1-201

Fri. July 11, 1986
Filed for a Bill.
Raise filing fee from
\$25.00 to \$75.00.

Rec'd - Thur - Dec. 18, 1986 - from

Fee Information Concerning LC 25

Requestor: Representative Paul Pistoria

His menzies

a-12

INCREASES TO EXISTING FEES:

	<u>Current</u>	<u>Proposed</u>
At the commencement of an action or proceeding, from the plaintiff or petitioner (25-1-201(a), MCA)	\$25	\$75
For filing a complaint in intervention, from the intervenor (25-1-201(a), MCA)	25	75
From each defendant or respondent, on his appearance (25-1-201(b), MCA)	15	45
On the entry of judgement, from the prevailing party (25-1-201(c), MCA)	10	30

CREATION OF NEW FEES:

	<u>Proposed</u>
Filing a counter claim or a cross claim	\$75
Disqualification of judge	100
Change of venue	<i>Raise - 50 - to 100</i>

Rec'd - W L H - July 9, 1986 -

Paula Pistoria

Cross-References

Execution of judgment, Title 25, ch. 13.
Time for filing notice of appeal, Rule 5,
M.R.App.Civ.P. (see Title 25, ch. 21).

Execution of judgment in Justice's Court,
Title 25, ch. 31, part 11.
Appeal to District Court from Justices' and
City Courts, Title 25, ch. 33.

25-1-104 through 25-1-110 reserved.

25-1-111. Repealed. Sec. 195, Ch. 575, L. 1981.

History: En. Sec. 1931, C. Civ. Proc. 1895; re-en. Sec. 7201, Rev. C. 1907; re-en. Sec. 9835,
R.C.M. 1921; Cal. C. Civ. Proc. Sec. 1064; re-en. Sec. 9835, R.C.M. 1935; R.C.M. 1947, 93-8802.

Part 2

Fees

25-1-201. (Temporary) Fees of clerk of district court. (1) The clerk of the district court shall collect the following fees:

(a) at the commencement of each action or proceeding, from the plaintiff or petitioner, \$25; for filing a complaint in intervention, from the intervenor, \$25; and for filing a petition for dissolution of marriage, an additional fee of \$30;

(b) from each defendant or respondent, on his appearance, \$15;

(c) on the entry of judgment, from the prevailing party, \$10;

(d) for preparing copies of papers on file in his office, 25 cents per page;

(e) for each certificate, with seal, 50 cents;

(f) for oath and jurat, with seal, 50 cents;

(g) for administering oath, 25 cents;

(h) for taking depositions, per folio, 20 cents;

(i) for filing and docketing a transcript of judgment or abstract of judgment from all other courts, \$5;

(j) for issuing an execution or order of sale on a foreclosure of a lien, \$2;

(k) for transmission of records or files or transfer of a case to another court, \$5;

(l) for filing and entering papers received by transfer from other courts, \$10;

(m) for issuing a marriage license, \$30;

(n) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$35, which includes the fee for filing a will for probate;

(o) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$35;

(p) for filing a declaration of marriage without solemnization, \$30.

(2) Except as provided in subsections (3) and (4), 32% of all fees collected by the clerk of the district court must be deposited in and credited to the general fund of the county. The remaining portion of the fees must be remitted to the state to be deposited as provided in 19-5-404.

(3) In the case of a fee collected for issuing a marriage license or filing a declaration of marriage without solemnization, \$14 must be deposited in and credited to the state general fund, \$6.40 must be deposited in and credited to

the county general fund, and \$9.60 must be remitted to the state to be deposited as provided in 19-5-404.

(4) Of the additional fee for filing a petition for dissolution of marriage, \$25 must be deposited in the state general fund and \$5 must be deposited in the children's trust fund account established by 41-3-702.

25-1-201. (Effective January 1, 1990) Fees of clerk of district court.

(1) The clerk of the district court shall collect the following fees:

(a) at the commencement of each action or proceeding, from the plaintiff or petitioner, \$25; for filing a complaint in intervention, from the intervenor, \$25; and for filing a petition for dissolution of marriage, an additional fee of \$25;

(b) from each defendant or respondent, on his appearance, \$15;

(c) on the entry of judgment, from the prevailing party, \$10;

(d) for preparing copies of papers on file in his office, 25 cents per page;

(e) for each certificate, with seal, 50 cents;

(f) for oath and jurat, with seal, 50 cents;

(g) for administering oath, 25 cents;

(h) for taking depositions, per folio, 20 cents;

(i) for filing and docketing a transcript of judgment or abstract of judgment from all other courts, \$5;

(j) for issuing an execution or order of sale on a foreclosure of a lien, \$2;

(k) for transmission of records or files or transfer of a case to another court, \$5;

(l) for filing and entering papers received by transfer from other courts, \$10;

(m) for issuing a marriage license, \$30;

(n) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for the appointment of a guardian or conservator, from the applicant or petitioner, \$35, which includes the fee for filing a will for probate;

(o) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$35;

(p) for filing a declaration of marriage without solemnization, \$30.

(2) Except as provided in subsection (3), 32% of all fees collected by the clerk of the district court must be deposited in and credited to the general fund of the county. The remaining portion of the fees must be remitted to the state to be deposited as provided in 19-5-404.

(3) In the case of a fee collected for issuing a marriage license or filing a declaration of marriage without solemnization, \$14 must be deposited in and credited to the state general fund, \$6.40 must be deposited in and credited to the county general fund, and \$9.60 must be remitted to the state to be deposited as provided in 19-5-404.

(4) The additional fee for filing a petition for dissolution of marriage must be deposited in the state general fund.

History: En. Sec. 4636, Pol. C. 1895; re-en. Sec. 3169, Rev. C. 1907; amd. Sec. 1, Ch. 88, L. 1917; re-en. Sec. 4918, R.C.M. 1921; re-en. Sec. 4918, R.C.M. 1935; amd. Sec. 1, Ch. 218, L. 1967; amd. Sec. 1, Ch. 33, L. 1977; amd. Sec. 1, Ch. 548, L. 1977; R.C.M. 1947, 25-232; amd. Sec. 1, Ch. 493, L. 1981; amd. Sec. 80, Ch. 575, L. 1981; amd. Sec. 1, Ch. 10, L. 1983; amd.

Sec. 1, Ch. 12, L. 1983; amd. Sec. 1, Ch. 524, L. 1983; amd. Sec. 11, Ch. 709, L. 1983; amd. Sec. 7, Ch. 610, L. 1985.

Compiler's Comments

1985 Amendment: In (1)(a) at end raised fee for petition for dissolution of marriage from \$25 to \$30; in (2) inserted reference to subsection (4); and in (4), at beginning substituted "Of the" for "The", near middle after "marriage", inserted "\$25", and after "general fund", inserted remainder of subsection. Amendment terminates January 1, 1990 (sec. 13, Ch. 610, L. 1985).

1983 Amendments: Chapter 10 inserted (1)(o).

Chapter 12, in (1)(p) and (3), inserted the language relating to declaration of marriage without solemnization.

Chapter 524, in (1)(a), increased fees for plaintiffs and intervenors from \$20 to \$25; in (1)(b) increased fee for defendants from \$10 to \$15; in (2) decreased percentage of fees going to county general fund from 40% to 32%.

Chapter 709, inserted at end of (1)(a), "and for filing a petition for dissolution of marriage, an additional fee of \$25"; in (2) substituted

"must" for "shall" in two places; and inserted (4).

1981 Amendments — Composite Section: Chapter 493 deleted "or oath and jurat" from (1)(e); increased marriage license fee from \$15 to \$30; inserted exception at the beginning of (2); and added subsection (3).

Chapter 575 amended this section in the same manner as Ch. 493 except that the fee was increased to \$25 and, in (3), \$9 was to be deposited to general fund. Because Ch. 575 was a Code Commissioner bill intended to make nonsubstantive clarifications and because the dollar figures of Ch. 575 are included in the higher figures of Ch. 493, the dollar figures of Ch. 493 were chosen by the Code Commissioner in preparing the composite section.

Cross-References

Duties of the clerk, Title 3, ch. 5, part 5.

Payment of naturalization fees, 3-5-515.

Manner of appearance by party, 25-3-401.

Payment of marriage license fee, 40-1-202.

25-1-202. Fee for court reporter. In every issue of fact in civil actions tried before the court or jury, before the trial commences, there must be paid into the hands of the clerk of the court by each party to the suit the sum of \$3, which sum must be paid by said clerk into the treasury of the county where the cause is tried to be applied upon the payment of the salary of the reporter. The prevailing party may have the amount so paid by him taxed in his bill of costs as proper disbursements.

History: En. Sec. 1979, 5th Div. Comp. Stat. 1887; re-en. Sec. 374, C. Civ. Proc. 1895; re-en. Sec. 6377, Rev. C. 1907; re-en. Sec. 8932, R.C.M. 1921; re-en. Sec. 8932, R.C.M. 1935; amd. Sec. 5, Ch. 22, L. 1961; R.C.M. 1947, 93-1905.

Cross-References

Court reporters, Title 3, ch. 5, part 6.

Payment of reporter's fees in military courts, 10-1-406.

Costs generally allowable, 25-10-201.

Costs allowable against the state, 25-10-405, 25-10-702, 25-10-711.

Claiming costs, Title 25, ch. 10, part 5.

Personal liability of public officers for costs, 25-10-701.

Costs allowed in Justice's Court, 25-30-107.

Bill of costs unnecessary in Justice's Court, 25-31-1002.

Part 3

Time

25-1-301. Extension of time. Subject to Rule 6(b), M.R.Civ.P., whenever this code requires or allows an act to be done at or within a specified time, which act relates to the pleadings in the action, the undertakings to be filed, the justification of sureties, the preparation of statements or of amendments thereto, or the service of notices other than of appeal, the time allowed by this code may be extended, upon good cause shown, by the court in which

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FILING FEE SCHEDULE DISTRICT COURT AND MAGISTRATE DIVISION

File Category	DISTRICT COURT FILING FEES	Idaho Code Fund	Judges Retirement Fund	State	County District Court Fund	Total Fees
A. Civil Complaint for more than \$1000						
1. No prior appearance	\$5.00		\$11.00	\$12.00	\$17.00	\$45.00
2. With prior appearance (Fee Category J. Pleadings)				12.00	17.00	29.00
B. Civil Complaint for more than \$300 but not more than \$1,000						
1. No prior appearance	5.00		11.00	5.00	4.00	25.00
2. With prior appearance (Fee Category J. Pleadings)				5.00	4.00	9.00
C. Civil Complaint for not more than \$300						
1. No prior appearance	5.00		11.00	4.00	3.00	23.00
2. With prior appearance (Fee Category J. Pleadings)				4.00	3.00	7.00
D. Unlawful detainer, forcible detainer, forcible entry (with or without rent regardless of the \$ amount)	5.00		11.00	5.00	4.00	25.00
E. Claim and Delivery	5.00		11.00	12.00	17.00	45.00
F. Divorce (\$1.00 for state vital statistics & \$20 for the displaced homemaker account)	5.00		11.00	32.00	18.00	66.00
G. All other actions or petitions (not demanding \$ amounts)	5.00		11.00	12.00	17.00	45.00
H. Small Claims			11.00		7.00	18.00
I. Civil Answers or Appearances						
1. Civil cases over \$1000	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
2. Civil cases for more than \$300, but more than \$1000	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
3. Civil cases not more than \$300						
4. Unlawful detainer, forcible detainer, forcible entry	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
5. Claim and Delivery	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
6. Divorce	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
7. All other actions	5.00		11.00	5.00	4.00	25.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance (Fee Category J. Pleadings)						
8. Small Claims						No Fee
9. Any answer after an appearance						No Fee

File Category	DISTRICT COURT FILING FEES	Idaho Code Fund	Judges Retirement Fund	State	County District Court Fund	Fees
J. Special motions, petitions and pleadings						
1. Petition for change of venue						
a. No prior appearance	5.00		11.00	5.00	4.00	25.00
b. With prior appearance (Fee Category J. Pleadings)				5.00	4.00	9.00
2. Order granting change of venue (pay to new county)						
3. Petition to vacate judgement or reopen case						
a. No prior appearance	5.00		11.00		7.00	23.00
b. With prior appearance (Fee Category J. Pleadings)					7.00	7.00
4. Petition for Intervention	5.00		11.00		5.00	11.00
5. Third party complaint	5.00		11.00		6.00	12.00
a. No prior appearance					6.00	6.00
b. With prior appearance (Fee Category J. Pleadings)						
6. Cross Claim (defendant v. defendant or plaintiff v. plaintiff)	5.00		11.00		6.00	12.00
a. No prior appearance					6.00	6.00
b. With prior appearance (Fee Category I. or J. Pleadings)						
7. Counterclaim (defendant v. plaintiff)	5.00		11.00		6.00	12.00
a. No prior appearance					6.00	6.00
b. With prior appearance (Fee Category I. or J. Pleadings)						
K. Juvenile and family matters						
1. Petition for adoption	5.00		11.00	5.00	4.00	15.00
2. Petition for termination of parent-child relationship	5.00		11.00	5.00	4.00	15.00
3. Consolidated adoption and termination of parent-child relationship in which all minors both parents in common (Administrative Order #2)	5.00		11.00	5.00	4.00	15.00
4. Consolidated adoption and termination of parent-child relationship in which all minors do not have both parents in common (\$20 per cent of parents (Administration Order #2)	5.00		11.00	5.00	4.00	15.00
5. Petition for permission to marry	5.00		11.00	5.00	4.00	15.00
6. Petition under youth rehabilitation act						
7. Petition under child protection act						
8. Petition for commitment of mentally ill						
L. Probate Matter — The following fees to be charged whether it be a probate of a single or joint estate						
1. Application for informal probate	5.00		11.00	5.00	4.00	15.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance						
2. Petition for formal probate (testacy determination)	5.00		11.00	5.00	4.00	15.00
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance						

Fee Category	DISTRICT COURT FILING FEES	Idaho Code Fund	Judges Retirement Fund	State	County District Court Fund	Total Fees
3. Any petition or application of any person for appointment as personal representative after petition or application for probate has been filed						
4. Any petition for formal or informal probate asking for appointment of a personal representative		5.00	11.00	9.00	13.00	22.00
5. Initial petition, motion or appearance of any person, other than an applicant for personal representative (except for items 7, 8 and 11 below)						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
6. Administration of estate under section 15-3-1205, Idaho Code						
a. No prior appearance				5.00	4.00	9.00
b. With prior appearance				5.00	4.00	9.00
In addition to the above fees under Category L, the following probate fees shall be collected from any person filing the following documents, whether or not the person has appeared previously:						
7. Demand for notice (not an appearance)					7.00	7.00
8. Demand for bond (not an appearance)						
a. Before appointment of personal representative						No Fee
b. After appointment of personal representative					7.00	7.00
9. Objection or petition to contest probate of will						
a. No prior appearance		5.00	11.00	12.00	17.00	45.00
b. With prior appearance				12.00	17.00	29.00
10. Any petition for the appointment of a new personal representative filed as a contest to the appointment of a personal representative						
a. No prior appearance		5.00	11.00	12.00	17.00	45.00
b. With prior appearance				12.00	17.00	29.00
11. Petition for approval of compromise						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
12. Intermediate or final accounting of personal representative						
13. Petition for distribution of estate				8.00	7.00	7.00
14. Petition or appearance of any person filed more than 3 years after initial filing and more than 1 year after the last prior filing fee whether or not there has been a prior appearance (fee for reopening inactive file, but no further fee shall be charged such person under fee categories L-1 through 5).		5.00	11.00	12.00	17.00	45.00

Fee Category	DISTRICT COURT FILING FEES	Idaho Code Fund	Judges Retirement Fund	State	County District Court Fund	Total Fees
15. Filing of a copy of appointment of foreign personal representative						
a. No prior appearance		5.00	11.00	12.00	17.00	45.00
b. With prior appearance				12.00	17.00	29.00
If two or more of the above documents or pleadings are filed jointly under Category L as one instrument, the filing fee would be computed as though they had been filed separately						
M. Guardianship Matters						
1. Petition for appointment of Guardian						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
2. Consent to testamentary appointment as guardian without petition						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
3. Any objection by any person to the appointment of a guardian except that no fee shall be charged to the minor or alleged incapacitated person filing an objection						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
4. Initial petition, motion or appearance of any person except the minor involved		5.00	11.00	5.00	4.00	25.00
5. Intermediate or final accounting of guardian					7.00	7.00
N. Conservatorship						
1. Petition for appointment of conservator						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
2. Copy of appointment of foreign conservator						
a. No prior appearance		5.00	11.00	5.00	4.00	25.00
b. With prior appearance				5.00	4.00	9.00
3. Initial petition, motion or appearance of any person		5.00	11.00	5.00	4.00	25.00
4. Intermediate or final account of conservator						
5. Petition for final distribution of estate				8.00	7.00	7.00
O. Joint Guardianship and Conservatorship						
1. Joint petition, same party Guardian and Conservator		5.00	11.00	5.00	4.00	25.00
2. Joint petition, different parties Guardian and Conservator (considered two filings)		10.00	22.00	10.00	8.00	50.00
P. Minor's Claim						
1. Petition for compromise of minor's claim						No Fee
2. Petition for compromise of a minor's claim with the appointment of a conservator						No Fee

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FILING FEES IN THE DISTRICT COURT OF CLATSOP COUNTY
Effective January 1, 1988

CIVIL

Complaint	\$67.20
First Appearance	33.60
FED Complaint	30.80
Additional fees after Def. demands trial	38.40
Appearance Fee	33.60

DIVERSION PETITION DUII 322.00

HEARING FEES

3 hours or less	10.00
More than 3 hours	25.00

SMALL CLAIMS

Filing of Claim	30.80
Defendant's Answer (Demanding a hearing)	20.30
Defendant's Answer (Demanding a jury trial)	83.60
Formal Complaint	38.40

TRIAL FEE

Jury	60.00
No Jury	15.00

TRANSFER

Filing fees on transfer of Small Claims case
to District Court on counterclaim or on de-
fendant's demand for jury trial:

Plaintiff	38.40
Defendant	21.30

Filing fees on transfer from Small Claim case
to Circuit Court on counterclaim:

Plaintiff	60.20
Defendant	33.20

Filing fees on transfer from District Court
to Circuit Court generally

Plaintiff	23.80
Defendant	19.90

Utah

PROBATE

Petition for Adoption (includes adoption form)	77.00
Petitions (all others)	75.00
Certified Copy of Letters (plus copy costs)	2.00

CIVIL

Complaint	75.00
Complaint for Divorce/Annulment (includes health form)	77.00
Petitions (all others)	75.00
Change of Venue (Receiving or outgoing)	10.00
Appeal to Appellate Court (\$125.00 to Appellate Court)	30.00
Appeal to Supreme Court (\$125.00 to Supreme Court)	30.00
Answer.....	-0-
Counterclaim	30.00
All Writs and Motions not specifically named above	5.00
Filing all other documents required by law	2.00
Confession of Judgment.....	6.00

CIRCUIT COURT FILING FEES January 1, 1986

CIRCUIT COURT SUITS AND ACTIONS	BASE	LAW LIBRARY	TOTAL
COMPLAINT 21.110	65.00	26.00	91.00
CROSS-COMPLAINT	32.50	13.00	45.50
THIRD PARTY COMPLAINT 21.110	32.50	13.00	45.50
DISSOLUTION PETITION 21.110	65.00	26.00	91.00
APPEAL (from lower court) 21.110, 21.615	65.00	26.00	91.00
PATERNITY (affiliation) 21.110	65.00	26.00	91.00
PETITION FOR EMANCIPATION 109.560.95	50.00	20.00	70.00
PETITION FOR SUPPORT 108.130	5.00	0.00	5.00
PETITION FOR ADOPTION 21.320(1)(a)	25.00	10.00	35.00
CHANGE OF NAME 21.320(1)(b)	25.00	10.00	35.00
DUII - DIVERSION PETITION 813.240	322.00	0.00	322.00

FIRST APPEARANCE (Civil - Dissolution) 21.110	32.50	13.00	45.50
FIRST APPEARANCE (Paternity) 21.110	32.50	13.00	45.50
FIRST APPEARANCE (Probate) 21.210(5)	12.00	4.80	16.80
FIRST APPEARANCE (Adoption) 21.320(1)(a)	15.00	6.00	21.00

FILING TRANSCRIPT OF JUDGMENT 21.060(2)	4.00	0.00	4.00
TRANSCRIPT OF JUDGMENT FROM DISTRICT COURT 46.274, 52.630	5.00	0.00	5.00
FOREIGN JUDGMENT (or foreign custody decree) 24.115 21.060(3) 24.125 109.850	25.00	0.00	25.00
PREPARE TRANSCRIPT 21.060(1)(2) 46.221 (1)(f)(j)	4.00	0.00	4.00
PREPARE CERTIFICATE OF SATISFACTION 21.060(5)	4.00	0.00	4.00
WRIT OF GARNISHMENT 21.060(4)	3.00	0.00	3.00
WRIT OF EXECUTION 21.060(4)	3.00	0.00	3.00
ASSIGNMENT 21.060(6), CJO 85-44(2)	3.75	0.00	3.75

TRIAL FEES -- Circuit Court - jury - 21.270(3)(a) - per full or partial day	125.00
Circuit Court - no jury - 21.270(2) - per full or partial day	50.00
HEARING FEES -- 21.275(3) 3 hours or less	20.00
21.275(3) more than 3 hours	50.00
Guardianships; Adoptions; Probate & Conservatorship & Change of Name -- 21.320(3), 21.310(7) per full or partial day	25.00

PROBATE 21.310 & CONSERVATORSHIP	NOT MORE THAN	BASE	LAW LIBRARY	TOTAL
10,000.00 --to--	10,000.00	15.00	6.00	21.00
25,000.00 --to--	25,000.00	50.00	20.00	70.00
50,000.00 --to--	50,000.00	100.00	40.00	140.00
100,000.00 --to--	100,000.00	150.00	60.00	210.00
More than	100,000.00	200.00	80.00	280.00
NON PROBATE 21.310		5.00	0.00	5.00
SMALL ESTATES 114.515(2)		15.00	6.00	21.00
GUARDIANSHIP 21.310(5)		15.00	6.00	21.00

COURT CERTIFICATION 21.060(6) CJO 85-44(3)	3.75
LETTERS (Estate; Guardianship and Conservatorship) 21.060(6), CJO 85-44(3) (w/ copy fees)	4.00
EXEMPLIFICATION 21.060(6) CJO 85-44(7)	7.50
PHOTO COPIES OF ANY INSTRUMENT ON FILE OR OF RECORD -- per page	25.00

MISCELLANEOUS FEES CIRCUIT AND DISTRICT COURTS

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Assignment - filing & making entry of assignment of filed document	\$ 3.75
Certified Copies	3.75
Certificate to Department of Motor Vehicles	3.75
Clerk's Certificate of Satisfaction of Judgment	3.75
Copies (each page)	.25
Copies (exemplified) + .25 per page	7.50
Duplicate Audio Tapes	5.00
Issuing Writs of Garnishment/Execution (per writ)	3.00
Transcripts of Judgment:	
Filing & docketing from Justice/District to Circuit	5.00
Filing & docketing from other Counties	4.00
Issuing from District	4.00

Exhibit C
2-12-87
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**OFFICIAL FEES
DISTRICT COURT AND COUNTY CLERK
CLARK COUNTY, NEVADA**

EFFECTIVE JULY 1, 1985

ADOPTIONS	On commencing any adoption proceeding NRS 19.013, 19.020, 19.031	57.00
COMPLAINTS	On commencement of any action or proceeding NRS 19.013, 19.020, 19.030, 19.031	89.00
DOMESTIC	On commencement of any action for divorce or annulment NRS 19.013, 19.020, 19.030, 19.031, 440.605	99.00
PETITIONS TO SEAL RECORDS	On the filing of any Petitions to Seal Records NRS 19.013, 19.020, 19.030, 19.031	89.00
TRANSFER FROM DISTRICT COURT	On the transfer of any action or proceeding from a District Court of another county NRS 19.013, 19.020, 19.031	57.00
APPEALS JUSTICE/MUNICIPAL COURT	On an appeal from a justice's court or municipal court NRS 19.013, 19.020, 19.031	47.00
TRANSFERS JUSTICE/MUNICIPAL COURT	On a transfer from a justice's court or municipal court NRS 19.013, 19.020, 19.031	45.00
ANSWER OR APPEARANCE	On the appearance of any defendant or any number of defendants answering jointly, to be paid upon the filing of the first paper in the action NRS 19.013, 19.031	44.00
PEREMPTORY CHALLENGE	Peremptory challenge of a judge (to be made payable to State Treasurer) SCR Rule 48.1	100.00
PROBATE AND GUARDIANSHIP	On the filing of a petition for letters testamentary or of administration or guardianship where the stated value of the estate is \$1,000 or less Where the stated value is \$1,000 or more NRS 19.013, 19.030, 19.031	No Fee 104.00
CONFESSION OF JUDGMENT	For filing a Confession of Judgment NRS 17.110	20.00
CONTEST/OBJECTIONS	On filing a petition to contest any will or codicil, objection or cross-petition to the appointment of an executor, administrator or guardian or an objection to the settlement of account in an estate or guardianship matter NRS 19.013, 19.031	44.00
NOTICE OF APPEAL	For filing a Notice of Appeal to the Supreme Court NRS 19.013	20.00
APPEALS/SUPREME COURT FEE	For filing a Notice of Appeal (to be made payable to the Clerk of the Supreme Court) NRS 2.250	100.00

DISTRICT COURT

Civil and Criminal Fees

EXHIBIT

DATE

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2-12-87

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STATE OF COLORADO

Title 10, Article 20, Colorado Revised Statutes 1973, as Amended

CIVIL

	FEES	TAX
Plaintiff or Petitioner	\$75.00	\$1.00
Intervenor (Petitioner)	75.00	
Appellant	65.00	
Appellee	20.00	
Defendant or respondent MUST filing a cross-claim or counter-claim	20.00	
This includes answer to complaint, as well as motion to set aside or judgment rendered against the defendant. This means C.R.S. 13-32-104 docket fee.		
Defendant filing answer and cross-claim or counter-claim or both would pay a total of	75.00	
Therefore, the most that any defendant would pay would be \$75.00 unless he becomes a third-party plaintiff. (See Attorney General's letter of May 21, 1983.)		
Defendant filing answer and also filing Third-Party complaint but NOT filing a cross-claim or counter-claim	95.00	
Defendant, filing answer and also filing Third-Party complaint and also filing cross-claim or counter-claim or both	150.00	

Probate Fees

13-32-102. Fees in probate proceedings. (1) For services rendered by judges and clerks of district or probate courts in all counties of the state of Colorado in proceedings had pursuant to articles 10 to 20 of title 10, C.R.S. 1973, the following fees, and no others, shall be charged:		
(a) Docket fee at the time of filing first papers in any decedent's estate eligible for summary administration proceedings under sections 13-12-1200, C.R.S. 1973, or in any small estate of a person under decedent's qualifying under section 13-14-102, C.R.S. 1973, which estates involve no real property	25.00	
(b) Docket fee at time of filing first papers in any estate not coming within the provisions of paragraph (a) of this subsection (1)	75.00	1.00
(c) Additional fee payable by petitioner at time of filing petition for supervised administration of a decedent's estate pursuant to sections 13-12-501 and 15-12-502, C.R.S. 1973, except for contested claims	75.00	1.00
(d) Docket fee to be paid by the claimant prior to hearing on any contested claim, which fee shall be taxed by the district or probate court in the same manner as costs in civil actions	75.00	1.00
(e) Registration fee for registration of trust pursuant to article 16 of title 10, C.R.S. 1973	75.00	
(f) Docket fee at time of filing first papers in each action relating to a trust	75.00	1.00

DISSOLUTION OF MARRIAGE (C.R.S. 14-10-101), DECLARATION OF INVALIDITY, DECLARATORY JUDGMENT CONCERNING MARITAL STATUS

	FEES	TAX
Petitioner — dissolution of marriage, legal expenses, dissolution of invalidity	\$75.00	\$1.00
Petitioner — dissolution of marriage — defendant's lawyer's fee, C.R.S. 14-10-120A, 1973 as amended	5.00	
Petitioner — declaratory judgment concerning marital status	75.00	1.00
Respondent, with or without cross-claim or counter-claim	20.00	

Once a dissolution of marriage action has gone to a default decree and the respondent moves the court for any action, then he or she pays a docket fee of \$12.50 payable at the time he or she files the motion.

Upon entry of order directing payment through registry of court	5.00	\$1.00
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CRIMINAL

C.R.S. 13-32-103(2), 1973. Defendant's docket fee in cases where a motion to dismiss for failure to file a complaint is filed		
no under process in cases where a motion to dismiss is made by answering with the provisions of Rule 120 of the Rules of Civil Procedure (Colorado), the applicant shall pay a docket fee of	75.00	1.00
Respondent's Docket Fee (Rule 120(H) CRCP)	20.00	
Adoption	75.00	1.00
Action under Uniform Parentage Act	75.00	1.00
Change of Name	75.00	1.00
Filing of foreign judgment	75.00	1.00
Docketing of foreign decree of dissolution of marriage, C.R.S. 14-11-101, 1973, as amended	75.00	1.00

NEW AND ADDITIONAL CIVIL DOCKET FEE

C.R.S. 13-32-104(4), 1973, as amended. Docket fee in civil actions.

(4) (a) In a civil case in which there is a contested trial to the court or a trial to a jury and a monetary judgment rendered which is paid in whole or in part in cash or other property, there shall be assessed, against the judgment debtor, by the clerk of the court an additional fee as provided in paragraph (b) of this subsection (4). This additional fee shall be paid to the clerk of the district court upon request for full or partial satisfaction of judgment and before the constitutional satisfaction of judgment is issued.

(b) The additional fee to be paid by the judgment debtor, as provided in paragraph (a) of the subsection (4), is as follows:

	FFF	TAX
(I) Judgments over \$5,000 and not more than \$10,000	\$10.00	
(II) Judgments over \$10,000 and not more than \$20,000	30.00	
(III) Judgments over \$20,000 and not more than \$30,000	50.00	
(IV) Judgments over \$30,000 and not more than \$50,000	70.00	
(V) Judgments over \$50,000: \$30.00 plus an additional fee of \$2.00 for each \$1,000 above \$50,000		

PARTIES APPEARING JOINTLY

Charge only one docket fee. C.R.S. 13-32-101(2)(e), 1973, as amended.

CRIMINAL

	FFF	TAX
C.R.S. 13-32-106 (1973), as amended. There shall be charged against the defendant a total docket fee (regardless of the number of defendants — Judicial Department Bulletin #7) of \$15.00 which shall be payable upon the conviction of the defendant. Said fee shall cover all clerk's fees prior to judgment.	15.00	
Appellant: from a county court (criminal), police magistrate or municipal court. C.R.S. 13-32-103(1) 1973, as amended.	20.00	

ADDITIONAL FEES

**NOTE EXCEPTIONS REGARDING PROBATE

C.R.S. 13-32-104, 1973, as amended. "PROBATE. See C.R.S. 13-32-102(4)(a-d), 1973, as amended.

(a) For preparing record on appellate review or for a copy of any record, proceeding or paper on file, if the copy is not furnished — \$10 per folio or \$75 per page for photographic copies.

(b) For issuing and docketing each EXECUTION, and for filing the sheriff's return of same

(c) For a CERTIFICATE OF DISMISSAL or NO SUIT PENDING

(d) For a CERTIFICATE OF SATISFACTION OF JUDGMENT

(e) For taking ACKNOWLEDGMENT of any deed or other conveyance, including clerk's certificate thereof

(f) For CERTIFYING a copy of any record, proceeding, or paper on file

"PROBATE"

(a) For preparing and issuing a TRANSCRIPT OF JUDGMENT

(b) For a CERTIFICATE OF EXEMPLIFICATION of any record, proceeding, or paper on file

"(PROBATE)"

JURY FEE (CIVIL)

C.R.S. 13-32-105, 1973, as amended.

Jury fee — taxed as costs. A jury fee of TWENTY-FIVE DOLLARS shall be taxed as part of the costs of the suit in each cause tried by jury.

In all civil cases if any expenses are incurred in furnishing meals or provisions to jurors impaneled to try such causes, such expenses shall be taxed as costs in the suit against the unsuccessful party.

13-32-106, C.R.S. 1973, as amended.

FEES FOR WITNESSES

	FEES
C.R.S. 13-32-102(1), 1973, as amended.	
Counties of the first class	\$ 1.00 per day
Counties of the second and third class (See C.R.S. 30-1-101, 1973)	2.00 per day
Counties of the fourth, fifth and sixth class (See C.R.S. 30-1-101, 1973)	2.50 per day

EXPERT WITNESSES

C.R.S. 13-32-102(4), 1973, as amended. Witnesses in courts of record called to testify only to an opinion founded on special study or experience in any branch of science or to make scientific or professional examinations and state result thereof, shall receive additional compensation, to be fixed by the court, with reference to the value of the time employed and the degree of learning or skill required.

MILEAGE

C.R.S. 13-32-103, 1973, as amended. Mileage fees of jurors and witnesses.

All jurors and witnesses shall receive the following mileage fees, in counties of every class:

For each mile actually and necessarily traveled in going FROM his place of residence TO place named in subpoena, fifteen cents (\$ 15) per mile.

STATUTE REVISION TAX LEVY

C.R.S. 2-5-110, 1973, as amended. Tax levy on civil actions. There is hereby levied a tax of one dollar (\$1.00) upon each and every action filed in the office of each clerk of a court of record of the state of Colorado.

Except: (NO tax on)

- Criminal actions.
- Cases filed for reviews of findings and orders of the Industrial Commission.
- Petitions relating to the distribution of estates under sections 15-12-1203 and 15-12-1204, C.R.S. 1973.
- Petitions relating to the mentally ill or deficient filed under articles 10 to 16 of title 27, C.R.S. 1973.
- Cases filed by the State of Colorado.
- Case filed by the United States of America or any of its agencies in any matter under articles 10 to 20 of title 13, C.R.S. 1973.
- Cases where a party is allowed to sue as a poor person.

NO FEES TO BE CHARGED

- FOR:
- Filing a disclaimer. C.R.S. 13-32-101(1)(e), 1973, as amended.
 - Acknowledgment of service for the purpose of conferring jurisdiction.
 - An appearance or answer filed by a guardian ad litem. C.R.S. 13-32-101(1)(e), 1973, as amended.
 - A court-appointed attorney. C.R.S. 13-32-101(1)(e), 1973, as amended.
 - Industrial Commission, State of Colorado. C.R.S. 8-1-130, 1973, as amended.
 - Actions filed by the State of Colorado. Letter from the Attorney General to the Judicial Administrator (AG No. 81-3474), dated February 8, 1981, and Judicial Department Bulletin, Vol. 2, No. 1, February 16, 1981.
 - Actions filed by a county or city and county, or governmental subdivision of the State of Colorado. Governmental subdivisions include special use districts, irrigation districts, water districts and other special districts created pursuant to statutory authority. See Attorney General's opinions Nos. 81-3474, 72-4714, 73-0017 and 74-0092.
 - A certified copy of a public record required by the Veterans Administration to be used in determining the eligibility of any person for participation in the Veterans Administration benefits. C.R.S. 28-5-217, 1973, as amended.
 - Mental health proceedings under Article 9 or 10 of title 27, C.R.S. 1973.
 - Procedural requests for judgment on pleadings.
- C.R.S. 13-32-104(3), 1973, as amended.
- School attendance levy. No fee if a PARENT OR A CHILD files for a court review of an order of the board of education. C.R.S. 22-33-104(2), 1973, as amended.

SPECIAL NOTICE

C.R.S. 20-4-105, 1970, as amended. "All officers of this state who are required to collect fees for their services are hereby required to make fair tables of their respective fees and keep the same posted in their respective offices in some conspicuous place, for the inspection of all persons who shall have business in said office," penalty \$5.00 per day for each day not posted.

C.R.S. 20-4-114, 1970, as amended. (1) Every officer shall collect every fee, as prescribed, for services performed by him in advance, if the same can be ascertained, and when any officer shall negligently or willfully fail to collect any such fee, the same shall be charged to him on account of his salary. (2) In proceedings where a public administrator, special administrator, receiver, or other person is appointed by the court to take possession of assets of an estate in which there are no funds immediately available to pay fees, the fees need not be paid in advance, but shall be paid as soon as funds become available.

Sections referred to in this table are contained in the Colorado Revised Statutes, 1973, as Amended.

E SCHEDULE IN SUPERIOR COURT

EFFECTIVE DATE: AUGUST 3, 1984

EXHIBIT

DATE

R.S.S		ADOPTIONS	
-127		Petition or application.....	HB # 256 \$20.00
-127		Contested adoption.....	10.00
		Severence petition.....	N/C
		CIVILS	
2-311		Complaint or petition.....	45.00
2-311	Plaintiff	Answer or initial appearance.....	30.00
2-311		Separate answer.....	30.00
2-311		Petition for stay or Special Action (includes actions arising from lower court criminal cases).....	45.00
2-312A		Intervenor's fee.....	45.00
2-312B		Additional plaintiff's fee.....	45.00
2-312B		Additional defendant's fee.....	30.00
2-1705		Foreign judgment.....	60.00
-415		Foreign custody (filed under FCD case number).....	45.00
1-554B1		Affidavit seeking only release of exempt wages in garnishment.....	N/C
1-554B3		Garnishee's contesting garnishment.....	30.00
1-554B		Answer of garnishee-defendant.....	N/C
2-407B		Change of venue transmittal fee (payment within 5 days).....	20.00
2-407E		Change of venue for jurisdiction (\$12-404) plaintiff/petitioner pays fee	10.00
2-407C		Change of venue received for filing (failure to pay within 30 days deems case abandoned & returned to court of origin).....	45.00
2-407C		Change of venue for jurisdiction, plaintiff/petitioner pays filing fee within 30 days, or case is to be filed and dismissed with prejudice.....	45.00
1-554C		O.S.C.--to appear and defend; respondent may stipulate or consent to a non-affirmative order.....	N/C
11-554C		O.S.C. which does one or more of the following:	
		a. Request affirmative or counter relief;	
		b. Attacks process of proceedings;	
		c. Takes other affirmative action.....	30.00
12-2107		Notice of appeal filing fee.....	40.00
12-2107		Notice of cross-appeal filing fee.....	40.00
12-2023		Petition for Habeas Corpus.....	N/C
1-151F		Petition for tax appeal.....	45.00
11-251(3)		Petition for election recount.....	N/C
		DOMESTIC RELATIONS	
25-311		Petition for dissolution of marriage (filing fee 45.00, conciliation fee 30.00, surcharge 12.00).....	87.00
.A,B&E			
25-311		Response or initial appearance in dissolution (filing fee 30.00, conciliation fee 30.00, surcharge 12.00).....	72.00
25-311		Petition for legal separation (filing fee 45.00, conciliation fee 30.00, surcharge 12.00).....	87.00
.01A&B			
25-311		Response or initial appearance in legal separation (filing fee 30.00, conciliation fee 30.00, surcharge 12.00).....	72.00
.01A,B&E			
25-311		Petition for annulment (filing fee 45.00, conciliation fee 30.00, surcharge 12.00).....	87.00
.A,B&E			
25-311		Response to petition for annulment (filing fee 30.00, conciliation fee 30.00, surcharge 12.00).....	72.00
.A,B&E			
13-3602B6		Domestic violence originating in Superior Court.....	45.00
		(if case proceeds to dissolution, additional conciliation fee 30.00, 12.00, must be collected).....	42.00
		SAME RULES GOVERN CHARGES AS \$25-311.01 (Dissolutions)	
12-407B		Change of venue transmittal fee (payment within 5 days).....	20.00
12-407E		Change of venue for jurisdiction (\$12-404) plaintiff/petitioner pays fee	10.00
12-407C		Change of venue received for filing (failure to pay within 30 days deems case abandoned & returned to court of origin).....	87.00
12-407E		Change of venue for jurisdiction, plaintiff/petitioner pays filing fee within 30 days, or case is to be filed and dismissed with prejudice.....	87.00
11-554C		O.S.C.--to appear and defend; respondent may stipulate or consent to a non-affirmative order.....	N/C
11-554C		O.S.C. which does one or more of the following:	
		a. Request affirmative or counter relief;	
		b. Attacks process of proceedings;	
		c. Takes other affirmative action.....	72.00
		MISCELLANEOUS	
284		Federal passport application fee.....	7.00
12-554A2		Issuance of any writ.....	6.00
12-554A3		Marriage license.....	22.00
12-554A4		Certified copy of marriage license or application.....	5.00
12-554A5		Notary Public, oath & bond.....	8.00

1-554A7	Additional carbon copies.....	\$ 1.00
1-554A8	Photographic copies per page (also appeals).....	.25
1-554A9	Certification as to correctness of document.....	.50
1-554A15	Comparison fee, per page, of documents furnished by party.....	3.00
1-554A15	Exemplification/Authentication (two seals).....	.50
1-554A10	Certification of official capacity of notary public/justice of the peace.....	6.00
1-554A11	Certification of any matter not specifically provided.....	3.00
1-554A12	Alimony/child support handling charge 12.00 annual payment/or pro rata amount to first of the year, then 12.00 annually.....	3.00
1-554A1	Filing transcript of judgment from any other court (i-Judgment).....	12.00
1-554A13	Abstract of judgment (sometimes called transcript). <i>abolished Aug. 8/7/83</i>	7.00
1-554A13	Demand for notice; safekeeping of will; or performing any act for which a specific fee is not provided by statute.....	4.00
1-554A13	Issuance of each subpoena in civil cases.....	3.00
1-554A11	Annual certification of bail bondsmen.....	3.00
1-554A11	Certification of private process server (renewed--3 years).....	3.00
1-554A14	Researching records to copy documents, each year searched.....	3.00
-1038	Power of attorney.....	8.00

PROBATE, CONSERVATORSHIP, GUARDIANSHIP & FIDUCIARY FEES

2-313A1	Petition in a formal testacy or appointment.....	45.00
2-313A2	Application for informal probate or informal appointment.....	45.00
2-313A3	Petition for supervised administration.....	45.00
2-313A4	Petition to appoint guardian.....	45.00
2-313A5	Petition to appoint conservator or make protective order.....	45.00
2-313A5	Single estate application or petition (same Petitioner) under Chapter 3, Title 14 (§14-3938), any new petition (when previously settled).....	30.00
2-313B	Opposing petition in testacy, guardianship/conservatorship.....	45.00
2-313B	Any person opposing contested petition, if no prior payment.....	30.00
2-3101B	If husband & wife both die, & administration of one estate is not completed prior to the commencement of the other, the estates may be combined in a single administration, with the same P. R. (no additional fee is required, if filed in the same case number).....	N/C
14-3791F	Petition for transfer of real property by affidavit (no other probate)...	45.00

TRANSFERS FROM JUSTICE COURTS

13-3601E	Domestic violence transferred from lower court.....	N/C
	(if the case proceeds to dissolution, same fees apply as for filing dissolution..see §25-311)..Petitioner.....	87.00
	Response on domestic violence proceeding to dissolution.....	72.00
22-283	Appellant(s)' fee (when appealed from lower court).....	45.00
22-283	Appellees' fee (to be paid within 20 days of filing in Superior Court)...	30.00
22-201D	Ownership of real property becomes an issue (plaintiff).....	45.00
22-201D	Ownership of real property becomes an issue (defendant).....	30.00
22-201F	Jurisdiction exceeded (by party exceeding jurisdiction).....	30.00
28-1078	Civil traffic appeal (follows rules of Supreme Court Civil appeals).....	45.00

A.R.S. §12-301. Time of payment of fees; effect of failure to collect

- All fees are payable at the time the service is rendered, unless otherwise provided by law. An officer may refuse to perform any service in any action or proceeding, criminal proceeding excepted until the fees are paid.

A.R.S. §38.433. Nonfeasance in public office; penalty

A Public officer or person holding a position of public trust or employment who wilfully omits to perform any duty the performance of which is required of him by law is guilty of a misdemeanor unless special provision has been made for punishment of such omission.

California C
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EFFECTIVE JANUARY 1, 1986

	MICRO- GRAPHICS	CLERK FEE	LAW LIB.	REPORTERS FEE	JUDGES RETIRE.	TOTAL FEE
CIVIL FILING FEES						
1. Filing first paper in a civil action or special proceeding, except adoption or a proceedings to establish birth, marriage or death (GC 26820.4)	1.00	75.00	9.00	13.00	3.00	101.00
2. Filing Petition for Dissolution of Marriage, Nullity or Separate Maintenance (GC 26820.4)	1.00	79.00*	9.00	13.00	3.00	104.00
*FEE INCLUDES \$ 3.00 JUDGMENT FEE WHICH IS NOW COLLECTED AT TIME OF FILING PETITION.						
2a. Certified copy of Marriage Dissolution Record (\$7.00 for first page - \$.50 for each additional page) (GC 26831)		7.00				7.00
4. Filing Petition to Establish Birth, Marriage or Death (H&S 10554)		6.00	9.00			15.00
5. Filing any Notice of Motion or any other paper requiring a hearing subsequent to the first paper, or any notice of intention to move for a new trial of any civil action (GC 26830)		14.00				14.00
6. Transferring papers on a change of venue of a Superior Court case to another county (plus fees charged by the Court to which transferred) (GC 26823)		14.00				14.00
7. Filing appeal from Municipal or Justice or Small Claims Court (GC 26824)		20.00	9.00			29.00
8. Filing action or special proceeding on change of venue from another court	1.00	75.00	9.00	13.00	3.00	101.00
9. Filing first paper, except disclaimer for defendant, intervenor, respondent, co-respondent, adverse party or third party:						
Each party	1.00	47.00	9.00	13.00	3.00	73.00
Two parties	1.00	94.00	9.00	13.00	6.00	123.00
Three parties	1.00	141.00	9.00	13.00	9.00	173.00
(Add \$50.00 for each additional party appearing jointly) (GC 26826)						

	GRAPHICS	FEE	LIB.	FEE	RETIRE.	FEE
10. Filing any document or paper by the plaintiff in an appeal or transfer from Small Claims Court	NO FEE					
11. Filing of Complaint and Affidavit for Order of Examination for examination of third person outside of county where action filed (CCP 491.030)		12.00				12.00
12. Filing Statement Confessing Judgment (CCP 1134)		15.00				15.00
13. Filing an Abstract of Judgment on supplemental proceedings against a non-resident judgment debtor (CCP 722)		12.00				12.00
14. Filing a Petition for Mediation (Marriage)		15.00				15.00
15. Filing first paper where plaintiff or petitioner is State of California, or any county, city, district, or other political subdivision, etc. (Except State Compensation Ins., who pays)	NO FEE					
16. Filing first paper by the State, any county, etc. as Defendant, etc. as Defendant, etc. as in Item 15.	NO FEE					
17. Filing Statement Confessing Judgment (CCP 1134)		15.00				15.00
18. Notice of Appeal - Must be accompanied by a check in the amount of \$200.00, payable to the Clerk of the Court of Appeal (Pursuant to Rule 1, California Rules of Court)	(Also a fee of \$50.00 payable to County Clerk upon filing notice of appeal. Deposit to be credited against amount chargeable for the clerk's transcript.) (Gov. Code 68926.1)					50.00 200.00
<u>PROBATE FILING FEES</u>						
19. Filing first Petition for Letters of Administration, Special Letters of Administration, Letters Testamentary, Letters of Guardianship, Letters of Conservatorship, etc. (GC 26827)	1.00	75.00	9.00	13.00	3.00	101.00
20. Filing Second or Subsequent Petition for Letters of Administration, Special Letters of Administration, Letters Testamentary, Letters of Guardianship, etc., or a Petition to Contest any Will or Codicil in Pending Probate Action (Other than by same petitioner)	1.00	75.00	9.00	13.00	3.00	101.00

	MICRO- GRAPHICS	CLERK FEE	LAW LIB.	REPORTERS FEE	JUDGES RETIRE.	TOTAL FEE
21. Filing Petition to Terminate Joint Tenancy (by establishing fact of death)	1.00	75.00	9.00	13.00	3.00	101.00 <i>7-12-87</i> <i>256</i>
22. Filing a Petition for Approval of Compromise of a Minor's Claim (Except in a pending civil action)	1.00	75.00	9.00	13.00	3.00	101.00
23. Filing of a subsequent paper in a probate action which requires a court hearing (GC 26827.4)	NO FEE					
24. Petition for Adoption (unless petition is accompanied by a statement from State Agency directing fees to be waived) <u>PER PERSON BEING ADOPTED</u>						16.00
<u>MISCELLANEOUS FEES</u>						
25. Issuing Marriage License						35.00
26. Confidential Marriage License						41.00
27. Filing a Petition for Naturalization						50.00
28. Copy of any Dissolution Decree (certification included)		7.00				7.00
29. Issuing a Writ of Attachment		3.50				3.50
30. Issuing a Writ of Execution, Restitution, Possession, Prohibition, or any Writ for Enforcement of any order or judgment		3.50				3.50
31. Issuing an Abstract of Judgment (GC 26834)		3.50				3.50
32. Issuing Writ of Execution Against a Dwelling House (when sought in court of a county other than one issuing judgment) (CCP 690.31)		12.00				12.00
33. Issuing an Order of Sale (plus cost of comparing and certifying, if any) GC 26829		7.00				7.00
34. Certificate for Filing Notice of Motion Prior to Filing Record on Appeal (GC 26838)		14.00				14.00

	MICRO- GRAPHICS	CLERK FEE	LAW LIB.	REPORTERS FEES	JUDGES RETIRE.	TOTAL FEE
35. Filing Power of Attorney for Admitted Surety, Financial Statement, Revocation, etc.		3.50 (IF MORE THAN ONE, \$2.25 FOR EACH NAME ON POWER OF ATTORNEY)				3.50
36. Filing bond of Notary Public (includes \$5.00 recording fee) GC 26849.1		12.00				12.00
37. Issuing of Duplicate of Marriage License (CC 4203)		5.00				5.00
38. Certificate to the Official Capacity of any Public Office (GC 26852)		2.25				2.25
39. Taking affidavit of acknowledgment (except criminal or adoption) GC 26853		2.25				2.25
40. Filing and indexing Certificate of Fictitious Name First Name Each name thereafter		10.00 2.00				10.00 2.00
41. Filing Statement of Withdrawal from Partnership Operating Under a Fictitious Name		5.00				5.00
42. Filing Statement of Abandonment of Fictitious Name		5.00				5.00
43. Filing and indexing all papers for which a charge is not elsewhere provided other than papers filed in actions or special proceedings (GC 26850)		2.25				2.25
44. Taking a passport application (Does not include fee to Passport Service)		7.00				7.00
45. Searching records or files- for each year (GC 26854)		1.75				1.75
46. Copying, when photographed, per page (EXCEPT FAMILY LAW)		.50				.50
47. Comparing with original on file, per page (GC 26837)		.50				.50
48. Certifying to a copy of any record on file (GC 26833)		1.75				1.75
49. Exemplification of a record or other paper on file (GC 26839)		7.00				7.00

	MICRO- GRAPHICS	CLERK FEE	LAW LIB.	REPORTERS FEE	JUDGES RETIRE.	TOTAL FEE
50. Certificate for which fee not otherwise fixed (GC 26836)		1.75				1.75
51. Filing fee for process servers (must be accompanied by \$2,000 bond executed by a corporate surety - Term, 2 years)		100.00				100.00
52. Filing late campaign statement		10.00 per day, not to exceed \$50.00				
53. Jury deposit		\$10.00 per juror requested, plus \$50.00 mileage.				

RECORDER'S FEES

54. Recorded Documents (1st Page) (Each additional Page)	5.00 (Includes \$1.00 micrographic fee) 2.00
55. Dual Documents (1st Page) (Each additional page)	10.00 (Includes \$1.00 micrographic fee) 2.00
56. Release of Liens (State, County, etc.)	9.00
57. Lien Notification (per notice)	3.00
58. Filed Documents (Contracts, etc.)	4.00
59. Maps (First Page) (Additional Pages)	6.00 2.00 each
60. U.C.C's - Recorded (Same as Item No. 54)	See Item #54
61. Additional Indexing Charges	
a. Per group of 10 (or fraction of)	1.00
b. Different references (each)	1.00
c. Mining Claims (per name or group)	1.00
62. Copies	
a. Maps	1.50
b. Recorded or filed documents (First Page)	1.00
(Additional Page)	.50 each
c. Birth Certificates	9.00
d. Death Certificates	5.00
e. Marriage Certificates	9.00
63. Certifications	1.00
64. Vital Statistics Search (INDEX ONLY)	None
65. Vital Statistics Search (EACH RECORD)	9.00 Birth Record 9.00 Marriage Record 5.00 Death Record

A.

2-12-87

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A Study of Judicial Salaries
In The Montana Supreme Court and
District Court

Prepared by the State Bar of Montana's
Committee on the Status, Selection and Compensation
of Judges in Montana
May, 1986

INTRODUCTION

EXHIBIT A
DATE 2-12-87
HB # 468

The Justices of the Montana Supreme Court are the lowest paid state Supreme Court Justices in the United States and Montana's District Court Judges rank 48th in compensation out of the 50 states. Only District Court Judges in Indiana and Vermont receive less compensation than Montana's District Judges.

The membership of the State Bar of Montana is concerned about the low level of pay for Supreme Court and District Court Judges. In an effort to analyze the problem and recommend a fair and reasonable level of compensation for these people to the 1987 Legislature, the Board of Trustees of the Bar charged its Committee on the Status, Selection and Compensation of Judges with the task of preparing a report on the issue.

This report is the product of the Committee's work. The Committee analyzed judicial compensation of Montana judges from several viewpoints. First, the Committee compared judicial salaries to the income of Montana attorneys of an age and experience level that should form the nucleus of Montana's future judges. Second, the Committee compared judicial salaries to the national consumer price index. Finally, a comparison was made between Montana judicial salaries and the compensation paid to judges in western and neighboring states.

Montana's Judiciary has the responsibility of making decisions on a daily basis that have a significant impact upon the lives of our citizens. A Judge is charged with deciding issues of life and death, incarceration or freedom, child custody and many other significant issues that impact our citizens on a daily basis. It was felt, therefore, that the main thrust of this analysis should be a

EXHIBIT 11
DATE 2-12-87
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comparison of judges's salaries with the income of people that the Legislature should attempt to attract to the bench to perform important Judicial functions, and with judges in Western and neighboring states.

The statistics that form the basis for the exhibits dealing with the income of Montana attorneys were compiled from a 1986 State Bar of Montana survey. All statistics and exhibits were prepared for the Committee by Econsult Inc., Butte, Montana.

BE

NATURE OF THE PROBLEM

EXHIBIT A
DATE 2-12-87
HB # 468

Montana has been fortunate in attracting qualified and dedicated attorneys to serve as Supreme Court and District Court Judges. As a result the citizens of Montana have been the direct beneficiaries of an excellent judicial system. However, the quality and morale of the Montana Judiciary are approaching a critical period. In the next two years, 12 District Court Judges or 34% of the District Bench will be eligible for retirement. In the next seven years over one half of the District Bench will be over 65 years of age. (See Exhibit One) If no action is taken by the 1987 Legislature, this will occur at a time when our Supreme Court Justices are the lowest paid in the nation, and our District Court Judges rank 48th in compensation out of the 50 states. (See Exhibit 2)

The crucial challenge for the 1987 Legislature will be to create a judicial atmosphere that will enable the State to retain a significant number of these experienced judges in service and attract eminently qualified candidates as replacements for those who choose to retire. Unreasonably low judicial compensation will have an adverse affect on both goals.

It is not in the best interest of the citizens of Montana to have a high turnover in its Judiciary, nor is it beneficial to the State's citizens to attract as replacements the inexperienced, mediocre or only the wealthy for judicial positions. However, it is submitted that unless the compensation level for judges is attractive to successful practitioners, those are precisely the type of candidates who will seek judicial positions.

The Committee feels that as a very general guideline, the

Legislature should attempt to create a judicial environment that will attract competent, experienced and respected practitioners from private, government and corporate practice to fill judicial vacancies. In general, the Legislature should attempt to attract men and women to the bench who have between ten and twenty years of solid legal experience and are in their forties to mid fifties. This general guideline will allow the State to draw from the Bar's best practitioners, yet provide time for a sufficient tenure on the Bench for the State to realize a meaningful return on its financial investment. Unfortunately, we are asking people to leave their practice at a time when their income is rapidly increasing, and to remain on the Bench during that period of their professional career when their earning power would be at its peak. Exhibit 3 shows the average annual income for Montana attorneys in 1985 by age. The median income for attorneys in the 41-45 age group was \$46,000; the 46-50 group was \$62,000 and the 51-55 group was \$64,000. If one uses the mean, the figures are even higher.

Exhibit 4 is an analysis of income based upon years of practice and reveals similar results: the practitioners that are at the most desirable experience level are in the group with the most rapidly advancing income. The Exhibit indicates that a person practicing 10 to 14 years had a median income of \$47,000; 15 to 19 years \$55,000 and 20 to 29 years \$70,000. Again, if the mean is used the figures are significantly higher.

While it may not be practical or even appropriate to attempt to compensate judges at the same level as practitioners, it is not unrealistic to strive to keep judicial salaries near the level of the Montana practitioner. Although a judge should not expect the

EXHIBIT A
financial rewards of private or corporate practice, neither should the
DATE 2-12-87
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State expect the most desirable candidates for these positions to make unacceptable financial sacrifices for themselves and their families to become or remain a Judge. In this regard, it is appropriate to note that a Judge, although theoretically a career jurist, faces the expense and uncertainty of an election every six or eight years and always runs the risk of opposition from someone with a better known name or more money for the campaign. Of course, when this occurs, the defeated Judge has not only lost his or her job, but whatever practice or career path may have existed before he or she went on the bench has long since disappeared.

It is worthwhile to briefly note the comparison of Montana Judicial salaries and the national consumer price index. Exhibit 5 indicates that while the CPI has increased over 80% between 1977 and 1986, judicial salaries have increased only 40% during that same period of time.

Finally, it is appropriate to compare Montana Judicial salaries with salaries of judges from western states in general and neighboring states in particular. Exhibit 6 indicates that when Montana Judges are compared with judges in the seven other western states that they rank last in compensation. The average for the seven other western states is \$69,350 for Supreme Court Justices, and \$61,961 for District Judges. A similar analysis of judicial salaries in neighboring states is found in Exhibit 7. The result is the same: the compensation of Montana judges is last in comparison. Here, the average annual salary for a Supreme Court Justice for the five neighboring states is \$58,578 and for the District Court Judges \$55,098.

CONCLUSION AND RECOMMENDATIONS

EXHIBIT A

DATE 2-12-87

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Virtually any reasonable comparison of judicial salaries in Montana to people in the legal profession or similar judicial positions leads one to the inescapable conclusion that our Supreme Court and District Court Judges are inadequately compensated considering the significant powers and responsibilities imposed upon them by statute. We hope that the 1987 Legislature agrees with this proposition, and with the concept of attracting and retaining the best qualified candidates to judicial posts in the coming years. The alternative is a commitment to attracting candidates that do not have the experience, temperament or judicial qualities necessary to properly serve the citizens of this State.

Based upon the information available to it, the State Bar of Montana concludes that if Montana's judges were paid:

- (1) The same as the median of attorneys in this state aged 46 to 50, their annual salary would be \$62,000.
- (2) To equal CPI increases since 1977, Associate Justices of the Supreme Court would have an annual salary of \$65,350 and District Court Judges, \$63,550.
- (3) The average of seven other Western states, Justices of the Supreme Court would have an annual salary of \$69,350 and District Court Judges, \$61,961.
- (4) The average for our four neighboring states, Justices of the Supreme Court would have an annual salary of \$58,722 and District Court Judges, \$55,372.

EXHIBIT 1

AGES OF DISTRICT COURT JUDGES AND
SUPREME COURT JUSTICES

Montana, 1986

Exhibit A
Date 2-12-87
#468

<u>Description</u>	<u>District Judges</u>	<u>Supreme Court Justices</u>
1. Total Number	35	7
2. Age Range	41 - 73	49 - 73
3. Median Age	58	64
4. Mean Age	57	64
5. Percent of Current Total Age 65 or Over	23%	43%
6. Percent of Current Total Age 65 or Over In Two Years	34%	71%
7. Percent of Current Total Age 65 or Over In Five Years	43%	86%

Source: Supreme Court Administrator, 1986.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of last Salary Change
Alabama	63,000	62,700	54,000 (75,420) 70,398+	10-1-84
Alaska	85,728 to 97,728 85,728+	79,992	77,304 to 90,828 77,304+	7-16-85
Arizona	67,500	65,500	62,500	1-1-85
Arkansas	66,010	63,763	61,513	7-1-86
California	94,751	88,830	77,624	7-1-85
Colorado	63,000	58,500	54,000	7-1-84
Connecticut	69,103	65,938	62,878	7-1-86
Delaware	79,500		75,300	7-1-86
Florida	78,064	70,448	67,276	1-1-86
Georgia	73,722	73,154	60,654 (79,706)	7-1-86
Hawaii	78,500	73,500	69,500	1-1-86
Idaho	59,750	58,750	56,000	7-1-86
Illinois	88,825	83,600	71,560 to 76,785	7-1-86
Indiana	60,000	55,000	47,000 to 50,000	1-1-85
Iowa	60,900	57,800	54,000	7-1-84
Kansas	64,268	61,974	55,872	8-1-86
Kentucky	62,507	59,956	57,405	7-1-86
Louisiana	73,766	70,567	67,369	9-4-85
Maine	65,244		63,625	7-1-86
Maryland	73,500	70,500	68,300	7-1-86
Massachusetts	80,500	74,500	71,520	7-1-86
Michigan	81,400	78,144	57,200 (74,888) 74,888+	1-1-86
Minnesota	71,136	65,624	62,920	1-1-86
Mississippi	58,000		51,000	1-1-84
Missouri	78,300	72,900	67,500	7-1-85
Montana	50,452		49,178	7-1-85
Nebraska	61,662		57,038	1-1-86
Nevada	61,500		56,000	1-1-83
New Hampshire	57,641		56,133	6-7-85
New Jersey	78,000	75,000	70,000	1-19-82
New Mexico	60,375	57,330	54,350	7-1-86
New York	92,500	87,500	82,000	1-1-85
North Carolina	69,144	65,472	58,140	7-1-85
North Dakota	59,140		55,519	7-1-86
Ohio	73,000	68,000	50,500 to 64,500	1-1-86
Oklahoma	68,006	63,756	56,672	7-1-85
Oregon	58,380	56,988	52,956	9-1-85

Source: National Center for State Courts, August, 1986

Numbers in parenthesis () represent State base pay
plus highest possible local supplement

+ Median Salary

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of last Salary Change
Pennsylvania	76,500	74,500	65,000	12-1-83
Rhode Island	75,278		57,877	9-1-85
South Carolina	73,333		to 69,452	
South Dakota	75,773	72,935	72,935	6-2-85
Tennessee	66,975		53,210	7-1-86
Texas	65,650	63,125	60,600	7-1-83
	78,795	70,916	56,135	9-1-85
		(77,795)	(76,795)	
Utah	58,000		54,000	7-1-85
Vermont	55,325		52,600	7-1-86
Virginia	78,463	74,539	72,839	7-1-86
Washington	66,000	63,000	60,000	7-1-84
West Virginia	55,000		50,000	7-1-84
Wisconsin	73,903	69,556	65,208	8-1-86
Wyoming	63,500		61,000	1-1-82
District of Columbia	74,880		70,830	1-1-85
Federal System	104,100	83,200	78,700	1-1-85
American Samoa	70,026			7-15-81
Guam			60,000	7-23-85
Porto Rico	60,000		32,000	7-1-85
			to 38,000	
Virgin Islands			57,200	10-1-82

EXHIBIT 3

1985 AVERAGE ANNUAL INCOME FOR ATTORNEYS
IN MONTANA BY AGE

<u>AGE</u>	<u>NUMBER</u>	<u>% OF TOTAL</u>	<u>MEAN INCOME</u>	<u>MEDIAN INCOME</u>	<u>RANGE</u>
25-30	109	12.85	\$34,344.56	\$24,000.00	\$4,000 - \$1,000,000
31-35	225	26.53	38,770.33	31,100.00	2,000 - 137,000
36-40	214	25.28	53,224.55	41,000.00	6,000 - 502,000
41-45	102	12.03	57,042.97	46,000.00	1,700 - 194,000
46-50	50	5.90	69,587.94	62,000.00	16,000 - 130,000
51-55	43	5.07	84,567.90	64,000.00	22,000 - 180,000
56-60	45	5.31	72,435.24	55,500.00	3,000 - 175,000
61-65	36	4.25	78,634.08	60,000.00	7,500 - 450,000
66-70	17	2.00	48,292.00	38,000.00	7,320 - 115,000
70 and Above	7	.83	58,428.57	45,000.00	9,000 - 135,000
TOTAL	848	100	52,232.57	40,723.85	

Source: February, 1986 Survey of Members of the State Bar of Montana

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2-12-81
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EXHIBIT 4

1985 ANNUAL INCOME FOR ATTORNEYS IN MONTANA
BY YEARS OF PRACTICE

<u>YEARS ADMITTED TO A BAR</u>	<u>NUMBER</u>	<u>% OF TOTAL</u>	<u>MEAN INCOME</u>	<u>MEDIAN INCOME</u>
0-4	197	23.23	\$24,154.72	\$23,750.00
5-9	232	27.36	46,235.60	34,500.00
10-14	163	19.22	59,611.00	47,000.00
15-19	75	8.84	70,053.41	55,000.00
20-29	85	10.50	79,806.53	70,000.00
30-39	75	8.84	76,874.28	60,000.00
40 or More	17	2.00	46,318.82	40,000.00

Source: February, 1986 Survey of Members of State Bar of Montana

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X-12-87
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EXHIBIT 5

THE CONSUMER PRICE INDEX AND MONTANA
JUDICIAL SALARIES, 1977 - 1986

(1967=100)

<u>YEAR</u>	<u>CONSUMER PRICE INDEX</u>	<u>PERCENT CHANGE</u>	<u>SALARIES MONTANA JUDICIARY</u>	
			<u>ASSOCIATE JUSTICES</u>	<u>DISTRICT JUDGES</u>
1977	181.5	6.5	\$36,000	\$35,000
1978	195.3	7.6		
1979	217.7	11.5		
1980	247.0	13.5	38,000	37,000
1981	272.3	10.2	40,000	39,000
1982	288.6	6.0	43,360	42,273
1983	297.4	3.0	47,023	45,841
1984	307.6	3.4	47,963	46,758
1985	318.5	3.5	48,923	47,693
1986	329.6 (est.)	3.5 (est.)	50,452	49,178

ANNUAL RATES, 1977 - 1986

	<u>CONSUMER PRICE INDEX</u>	<u>MONTANA SALARIES</u>	
		<u>ASSOCIATE JUSTICES</u>	<u>DISTRICT JUDGES</u>
TOTAL PERCENT CHANGE	81.6%	40.1%	40.5%
ANNUAL COMPOUND GROWTH RATE	6.85%	3.82%	3.85%

ESTIMATED ANNUAL SALARY IN 1986 TO EQUAL CPI INCREASE SINCE 1977

Associate Justices = \$65,350.00
District Judges = \$63,550.00

Sources: U.S. Department of Labor, Bureau of Labor Statistics and
State Bar of Montana

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JUDICIAL SALARIES IN MONTANA AND IN
WESTERN UNITED STATES, 1985 - 1986

ANNUAL SALARIES

<u>STATE</u>	<u>SUPREME COURT</u>	<u>RANK</u>	<u>DISTRICT COURT</u>	<u>RANK</u>
MONTANA	\$51,452	(8)	\$49,178	(8)
ARIZONA	67,000	(4)	62,500	(4)
CALIFORNIA	94,147	(1)	77,129	(1)
COLORADO	63,000	(5)	54,000	(6)
IDAHO*	59,750	(6)	56,000	(5)
NEVADA**	73,500	(2)	67,000	(2)
OREGON***	69,552	(3)	63,096	(3)
UTAH	58,000	(7)	54,000	(6)

ANNUAL AVERAGE FOR SEVEN OTHER WESTERN STATES

Supreme Court = \$69,350.00

District Court = \$61,961

* Effective July 1, 1986
 ** Effective January 5, 1987
 *** Effective September 1, 1986

Source: National Center for State Courts, Survey of Judicial Salaries, November, 1985

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 2-12-87
 #468

EXHIBIT 7

JUDICIAL SALARIES IN MONTANA AND
NEIGHBORING STATES, 1985 - 1986

<u>ANNUAL SALARIES</u>				
<u>STATE</u>	<u>SUPREME COURT</u>	<u>RANK</u>	<u>DISTRICT COURT</u>	<u>RANK</u>
MONTANA	\$50,452	(5)	\$49,178	(5)
IDAHO*	59,750	(2)	56,000	(2)
NORTH DAKOTA	56,856	(3)	53,383	(3)
SOUTH DAKOTA	54,784	(4)	51,106	(4)
WYOMING	63,500	(1)	61,000	(1)

AVERAGE ANNUAL SALARY FOR FOUR NEIGHBORING STATES

Supreme Court = \$58,722

District Court = \$55,372

* Effective July 1, 1986

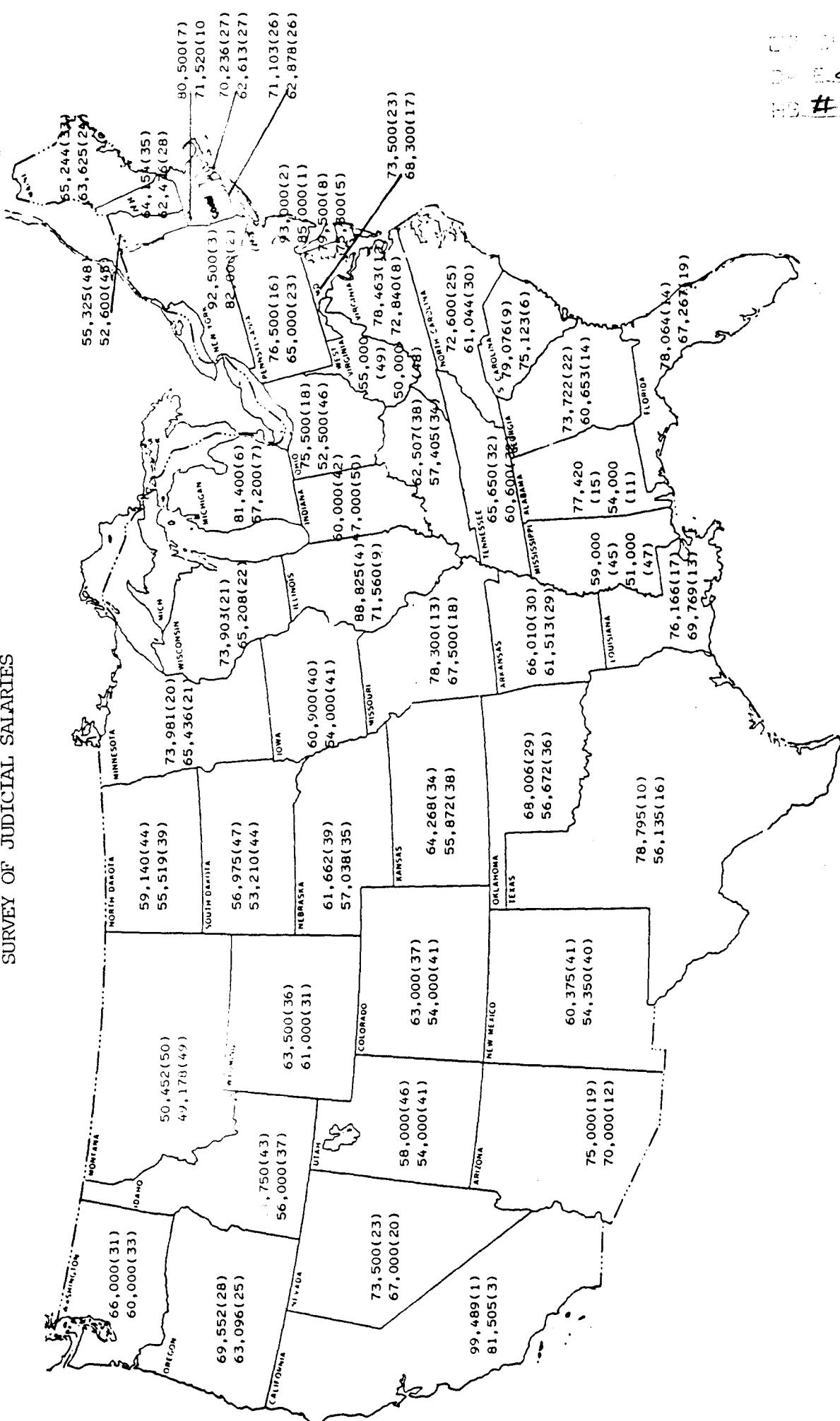
Source: National Center for State Courts, Survey of Judicial Salaries, November, 1985

FEDERAL SYSTEM \$104,104

\$78,700

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2-12-87
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SURVEY OF JUDICIAL SALARIES



DT A
 2-12-87
 # 468

Top salary in each state is for the Supreme Court.
 Bottom salary in each state is for the general trial courts.
 Number in parenthesis is the ranking out of 50 states (1 being highest - 50 being lowest)
 Source: Survey of Judicial Salaries, National Center For State Courts, Volume 12, Number 2
 (Williamsburg, Va.: November, 1986).

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2-12-81
468

**FISCAL IMPACT OF HB 468
WITH PROPOSED AMENDMENTS**

Increase in revenue from fees for 88/89 biennium	\$2,293,076
County share of increased revenue.....	(932,204)
Remainder to State General Fund.....	\$1,360,872
Biennial expenditure for proposed increase in judicial salaries	(382,287)
Allocation to Judge's Retirement System mandated by 19-5-404,MCA.....	(141,446)
Net increase to State General Fund.....	<u>\$837,139</u> ----- -----

PROPOSED AMENDMENTS TO HOUSE BILL 468

D
2-12-89
#468

1. Page 2, line 7.
Delete: "\$59,722"
Insert: "\$56,722"
2. Page 2, lines 7 and 8.
Delete: "and \$61,722 for fiscal year 1989"
3. Page 2, line 10.
Delete: "\$58,452"
Insert: "\$55,452"
4. Page 2, lines 10 and 11.
Delete: "and \$60,452 for fiscal year 1989"
5. Page 2, line 15.
Delete: "\$57,178"
Insert: "\$53,178"
6. Page 2, lines 15 and 16.
Delete: "and \$59,178 for fiscal year 1989"

FERGUS COUNTY
DEPARTMENT OF PUBLIC WELFARE
308 Bank Electric Building
Lewistown, Montana 59457
(406) 538-7468



February 11, 1987

A
2-12-87
566

Dear Legislators:

I am writing out of concern on the issue of joint custody and the bill 566. I feel strongly that you need to consider alternatives to joint custody in cases where abuse is present. Custody issues should be granted with the child's or children's best interest in mind.

I am a social worker presently working in Child Protective Services and worked formerly as co-ordinator of a Spouse Abuse program. In most of our cases, the children were used as tools to hurt the other parent. In cases where spouse abuse was present, joint custody forced the abused parent into seeing the abusive parent when visitation with the children would take place. National statistics show 75% of spouse abuse occurs after divorce.

I believe it is also important to understand the effect on children when they see one parent abusing the other, and in essence, that is abusive in itself. Children have become a part of the vicious cycle of abuse. 95% of the abusers, (be it spouse abuse or child abuse) were either victims of abuse themselves or saw violence happen in their homes. Therefore, we know that violence is a learned behavior. A child who is a victim of abuse by a parent should not be forced into an unprotected visitation.

I think as adults, we owe it to our children to protect them, both physically and emotionally. It is time for us to set some legislation to help with this protection.

Sincerely,

Maggie Moffatt
Social Worker II

MM:lz



February 6, 1987

EXHIBIT B

DATE 2-18-87

HB # 566

Capitol Station
Helena, Montana 59601-

Dear Legislators,

I am here today to ask your Support for HOUSE BILL 566 (CHILD ABUSE OR SPOUSE ABUSE TO PRECLUDE JOINT CUSTODY), as a member of the MONTANA COALITION AGAINST DOMESTIC VIOLENCE.

I have worked with over 5,000 Battered Women and Children since I started the 1st Shelter in Montana in May/1977 (one of 30 Shelters in the United States addressing the Problem of Spouse Abuse at that time).

In 1986, The Mercy Home Staff and I worked with 538 Women and Children 'in' the Shelter and an additional 1,381 Family Units in Outreach. Due to our EDUCATIONAL efforts we are doing much more Prevention Work. We use an in-depth 4 Page 'Confidential Intake' form to get the Case Histories of the Types of Abuse/Family Backgrounds/Types of Parenting Skills & Nurturing each Spouse Uses/ and the affects on the Children. We also have the Women write Journals--documenting the History of the Abuse to her/ Abuse to the Children/ or what the Children witnessed or heard. They also document how the Children are learning this 'ROLE-MODELED BEHAVIOUR' as NORMAL BEHAVIOUR.

I have testified in 8 different District Courts (as an EXPERT WITNESS) on the Dynamics of Abuse; Cycle Theory; Learned Helplessness; Intergenerational Cycle of Family Violence; & Affects on the Children. I have also ADVOCATED with many other VICTIMS and have witnessed how the ABUSIVE PARENT will try to Regain CONTROL over the other Spouse by using the Child or Children as "PAWNS" to get his Spouse back in the Relationship. Some of the Next Personal Testimony here today will exemplify this Dynamic of using the Children as 'PAWNS'.

JOINT CUSTODY does not force AN ABUSIVE PARENT to become a 'Responsible Parent' (just as there exists no means of forcing a Parent to exercise their right of visitation under a sole custody order).

COURT IMPOSED JOINT CUSTODY increases the Rights but not the Responsibilities of the Parent who does not Primarily Care for the Child. Further, it endangers Battered Women by decreasing their ability to Protect themselves and their Children from further Violence, and endangers all of them by aggravating their already-strained Economic Circumstances due to the Abusive Relationship.

COURT IMPOSED JOINT CUSTODY gives the ABUSIVE PARENT a guaranteed continuing and frequent access to his Victim, while the Battered Woman lives under the ever-present Threat of Losing Custody altogether if she appears to "OPPOSE" or "INTERFERE" with the Batterer's Role.

The 1985 LEGISLATURE made DOMESTIC ABUSE A CRIMINAL ACT in the STATE OF MONTANA. I hope that the 1987 LEGISLATURE will follow up with the JUDGES & COURTS to say that if there is: 'Evidence of Abuse to either Spouse or Child-- that under the 'BEST INTEREST OF THE CHILD STANDARD'--it prohibits the Presumption of Joint Custody.

Sincerely yours,

Caryl Wickes Borchers
Caryl Wickes Borchers

Executive Director, Great Falls Mercy Home
Chair, Montana State Task Force on Spouse Abuse (1978-1982)
Rep., Montana Coalition Against Domestic Violence (1982-87)

DATE 2-13-87

HB # 566

JOINT CUSTODY IS NOT IN THE BEST INTEREST OF THE CHILD IN ABUSE SITUATIONS

CONTINUING THE CHILD'S EXPOSURE TO ANTI-SOCIAL AND AMORAL BEHAVIOR IS AGAINST THE STATE'S INTEREST

CHILDREN ARE FREQUENT WITNESS TO THE ABUSIVE BEHAVIOR

ABUSIVE BEHAVIOR IS LEARNED BEHAVIOR

PRESUMPTION FOR JOINT CUSTODY LIMITS REASONED CHOICE AT THE TRIAL COURT LEVEL

LACK OF IMPULSE CONTROL AND LOW SELF ESTEEM ARE HALLMARKS OF ABUSIVE PEOPLE

DRUG OR ALCOHOL ABUSE IS FREQUENTLY PART OF AN ABUSIVE PATTERN

JOINT CUSTODY IS USED AS A BARGAINING CHIP BY ABUSIVE PARENTS TO GAIN CONCESSIONS FROM THE SPOUSE IN BOTH PROPERTY AND CUSTODY NEGOCIATIONS

THE PRESUMPTION IS IN CONFLICT WITH THE STATE'S INTEREST IN ENDING DOMESTIC ABUSE

JOINT CUSTODY EXPOSES THE ABUSED PERSON TO CONTINUING ABUSE

PIECEMEAL LITIGATION IS AN INEFFICITIVE WAY TO ELIMINATE THE PRESUMPTION OF JOINT CUSTODY IN ABUSE SITUATIONS

JOINT CUSTODY IS NOT IN THE BEST INTEREST OF CHILD IN ABUSE SITUATIONS

HB

566

There is an inherent conflict in the presumption that joint custody is in the best interest of the child when there is abuse in the family. The presumption of joint custody, subordinates several other interests. The subordinated interests are: the interest of the state to minimize domestic abuse; the interest of one parent to be free from coercion of the other; and the best interests of the child.

Parties are free to use whatever leverage is available to obtain a favorable settlement. This results in the use of custody as a bargaining chip. It is against the State's interest to give this bargaining power to an abusive person. The results of a 10 year study of the effects of California's no-fault divorce law, indicate, that fewer than one man in 10 sought physical custody of the children, but one third used custody threats to gain leverage in financial bargaining. L. Weitzman, THE DIVORCE REVOLUTION: THE UNEXPECTED SOCIAL AND ECONOMIC CONSEQUENCES FOR WOMEN AND CHILDREN IN AMERICA (1985).

Data that is available indicates that mature and committed parents who voluntarily choose joint custody often find it rewarding. It is possible for children to live in two homes and remain positively attached to two parents who no longer love or want to be married to one other. Steinman, JOINT CUSTODY: WHAT WE KNOW, WHAT WE HAVE YET TO LEARN, AND THE JUDICIAL AND LEGISLATIVE IMPLICATIONS, 16 U. C. D. L. Rev. 739, 743 (1984). These conclusions are a product of empirical studies of the parenting experiences of couples who were committed to the idea of joint custody and struggled scrupulously to make it work. There is no data on how successful involuntary arrangements are. Steinman noted in a survey of the data surrounding joint custody that "[w]e have no data on the outcome of joint custody for families in which parents come to joint custody (at least initially) involuntarily or as a result of pressure from the legal system." Id. at 749.

Among committed parents, joint custody appears to be an attractive custodial alternative. However, care should be taken as even with cooperative parents, there is a need to ensure that joint custody suits the child's best interests. There is no evidence that joint custody would be successful between uncooperative parents. In a study reporting current findings, the researchers found, "... the level of interparental conflict may be more central to the child's post-divorce adjustment than father absence and the disruption occasioned by marital dissolution per se." Derdeyn and Scott, JOINT CUSTODY: A CRITICAL ANALYSIS AND APPRAISAL, AMERICAN JOURNAL OF ORTHOPSYCHIATRY (1984). It is impossible to conclude the presumption of joint custody is for the child's best interest.

Several studies have examined whether abusive role modeling by a parent impacts the children. Their conclusions are a resounding yes. A study conducted in 1976-1980 of 306 mothers with 735 children concluded: 76% said children were present at beatings; children are both recipients and observers of violence; and 33% said children were beaten (one-half separately, and one-half in connection with mother). Pagelow, CHILDREN IN VIOLENT FAMILIES: DIRECT AND INDIRECT VICTIMS, "YOUNG CHILDREN AND THEIR FAMILIES, (1982). Abusive spouses lack moral judgment and impulse control. These are indications of a violent personality that may interfere

EXHIBIT C
DATE 2-12-87
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with a good parent-child relationship. In a British survey 54 percent of the husbands of the battered women ~~questioned~~ committed acts of violence against the children as well. Gaylord, WIFE BATTERING: A PRELIMINARY STUDY OF 100 CASES British Medical Journal 194 (1975).

Case law in a number of states recognizes battery in the home of the parent seeking custody is a bar to custody. Custody was denied to a father who beat the mother. Williams v. Williams, 104 Ill. App. 3d 16, 432 N.E.2d 375 (1982). Indiana court refused to exercise its UCCJA jurisdiction as there was a pending custody proceeding in a more convenient forum, where the mother had fled from alleged act of abuse of mother by father. Cline v. Cline, 433 N.E.2d 51 (1982). In Montana two mothers were denied custody as the men they now associate with have either reputations of, or have acted out violence. Schiele v. Sager, 571 P.2d 1142 (Mont. 1977) and Bier v. Sherrard, 623 P.2d 550 (Mont. 1981).

Seven states have enacted laws that recognize abuse to a spouse is harmful to the child. They cover a wide spectrum. Arizona requires the courts to consider evidence of spouse abuse as being contrary to the best interests of the child. Arizona House Bill 2430, signed May 9, 1986. See also, Florida Statute section 61.13(2)(b)(2), Illinois Revised Statute (1979) chapter 40 paragraph 602(a)(6). Alaska requires the courts to consider whether there was violence between the parents when deciding whether or not to award joint custody. Alaska Statutes section 25.20.090(8). See also California Civil Code section 4601.5. Kentucky allows spouse abuse as a defense to abandonment of a child if parent left home because of the spouse abuse. Kentucky Revised Statutes Annotated section 403.270(2). See also Colorado Revised Statutes section 14-19-124(4).

There are no studies that conclude joint custody is always in the best interests of the child. There are studies to show the stress of joint custody is detrimental to approximately one third of the children involved. Is it sound policy to base custody awards on creating equality between parents? Or on achieving and maintaining stability for the child. From the child's point of view, the displacement secondary to joint custody may be too stressful. The conflict created by disagreeing parents is not avoided by Montana's current mandate. The child must live with the prolonged conflict and bear the stress to meet the parent's needs. As the Montana statute does not allow a judge to screen out those disagreeing parents who can not put aside their differences for the best interest of the child.

Currently the presumption of joint custody may be overcome by application of MCA 40-4-212. This is the Best Interest of Child Statute that provides several possible challenges to the presumption. However none of them is a direct statement that perpetuation of abusive behavior is against the best interests of the child. This leaves a judge free to disregard abusive behavior in custody awards. All too frequently intra-spousal abuse is not construed as impacting ability to parent. Abuse between husband and wife are not seen as harmful to the children. Though in other areas of law such behavior is a criminal offense. This legislature should address this contradiction.

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EXHIBIT D
DATE 2-13-87
HB # 566

January 23, 1987

Dear Legislature,

I am writing this letter to you in support of Bill # HB 566. I have a very strong and personal interest in this bill. Last May I left an abusive marriage, after three long years.

In the first violent fight we had, it ended by my ex-husband pushing me through our storm door. I was so shocked and he was so sorry afterwards, promising that he would never again treat me that way.

In a following incident he lost control and threw me into the waterbed hard enough that I knocked the frame off of the base. Again he begged me to forgive him and trust him that he would never hurt me like that in the future.

Once when I was just getting out of the shower, he exploded, we fought, then he carried me, without any clothes on, down into our unheated basement and locked me down there. The door was in the floor and he pulled the kitchen table over it. When I wouldn't stop screaming, he came back down to "shut me up." He threw me around until he finally pushed me through the wall. Later, I found out that at the time I was almost a month pregnant with our first child, Patrick.

During this same pregnancy when I was six months along he threw me into the coffee table. I ended up on the floor. I began feeling cramps and thought I was going to lose the baby. I became very upset and started to cry. He came over to me and

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sat on my stomach and began slapping me and calling me names so that I would stop crying. He finally stopped slapping me when I quit crying.

There were times that he would twist my arms around and tell me that he could break them if he wanted to.

Once when I was pregnant with our little girl, Amanda, he locked me out of our house. It was the middle of February. I walked two miles to my parents home. Then returned to get Patrick. I left him for awhile after that. I stayed with my parents and he would come and pick up Patrick to visit him. When I would ask what time to expect them back he would tell me that he'd bring him back whenever he was good and ready and he told me once that maybe he wouldn't bring him back at all. He did return Patrick, but I always worried that he would carry out his threat, because if he threatened to do something he usually did it.

I returned to the marriage thinking that our children needed a father. But the violence still continued. One night I brought Amanda, who was two months old at the time, to bed with us to nurse her. He didn't want us in his bed so he tried to throw me out of the bed. In the process of getting at me he hit Amanda instead.

Then in October of 1985, he tried to suffocate me, he even told me that "this might as well be your death-bed bitch." I think the only thing that stopped him was Amanda's crying. Later when reminded of this incident he would say that if he had really tried to kill me, I would be dead.

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The last fight we had was the Friday before Mother's Day in 1986. We fought and he tried to physically throw me out of the house. I grabbed onto everything on my way out, he couldn't get me to let go of the doorway, so he laid my legs across the slushy snow on the top step.

When I got back into the house he told me that he was going to call the police on me because I was a "crazy person." I handed him the phone and told him to go ahead. But when he didn't use the phone, I did, to call my parents and I asked them to come get the children (who had been watching the entire time) and myself.

While I was waiting for them to arrive he twisted my body like a pretzel, taking my leg up over my neck and held me there. I still have a scar on my back from it scraping on something when he was holding me in that position.

When my family arrived and I went to leave, he told me that I couldn't take Patrick and Amanda with me. I knew that he would be leaving later that day and could come back then and get the children, which is what I did.

I have only told of some of our violent episodes, after I left our marriage a counselor and I figured out that we had some fifty outbursts of violence in the three years we spent together.

The day I left my husband I contacted S.A.V.E.S. (Spouse Abuse Vital Emergency Services) from my parents home. I knew that I could no longer live the way I had been living and that it was no way to raise my children. I didn't want them to think

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that was a normal family life.

So I decided, with the help of the S.A.V.E.S. advocate, to press charges against my husband for the way he had treated me, after all, it is against the law for one human being to treat another human being the way that he had been treating me. I was really scared of what he would do to me after I filed the charges against him but I went ahead and did it.

I spent that weekend (Mother's Day) at the Mercy Home in Great Falls, for the safety of myself, Patrick, Amanda and my familys. On Monday, May 11, he plead not guilty to the charges of domestic abuse that had been filed against him. Right then I knew that this man was going to deny his problem of being someone who takes out his frustrations physically on someone else. I also knew that for my safety and the safety of my children I could not go back to living with this man.

On Wednesday, May 14, 1986 I filed for a Temporary Restraining Order against him and I also filed for a divorce. The restraining order was then made permanent at a hearing on the 29th of May.

Then on June 11, 1986 he plead guilty to his domestic abuse charge. Not because he himself believed he was guilty, but because his lawyer advised him that if he changed his plea he would receive a lesser sentence, then if it was proven that he was guilty. Up until the day before his sentencing, his lawyer kept asking to to drop the charges. But I believed that since I filed the charges, what sense would it make to drop thim. He received suspended jail time of ten days as his sentence.

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We had our divorce hearing on October 27, 1986, as of today we are still not divorced. At that hearing the judge said that when he ruled, it probably would be for joint custody of the children. He said that the two of us should be able to cooperate and communicate with each other for the sake of the children. Evidently, what he does not seem to understand is that in an abusive situation we don't cooperate or communicate with each other. After living with this man and letting him totally dominate me, he finds it impossible to see me as a person who can have thoughts and opinions of my own. He still has the same attitude towards me as when we were living together, it's his way or else.

I understand what joint custody is and believe that in my particular case and in most abusive marriages, that it is a way for the abusive partner to keep some control over his partner, who actually wants little or absolutely no contact with the abusive ex-spouse.

When I first left my husband and was talking to the S.A.V.E.S. advocate, she told me that since I had told her of my husband's abusive behavior to the children and myself, if we went back to live with him, she would have to report it to the Child Protection Services and that I might lose my children because of the violence in our home.

I stayed away from him, but now, even after his being guilty of domestic abuse he has the right to be alone with our children during visitation and if the judge rules for joint custody he could be a very strong influence in their lives.

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Now that we are seperated, he still verbally abuses me in conversation. Whenever I speak to him on the phone he always makes remarks about me being incapable of being a good mother to our children.

For awhile I would take Patrick and Amanda to his house for visitation, but while I was there he would say cruel things to me in front of the children. So now my parents take them for their visits and now he says smart remarks to them.

We went a couple of times for counseling last summer (to try and make divorce settlement with a third party present.) Still then he couldn't stop making verbally abusive remarks, which even the counselor pointed out how he spoke to me as being in an abusive manner.

A recent Department of Justice report states that half of the abuse recorded happens after the couple has been seperated, and quite often the childrens visitations provide the abuse with the oppurtunity to get his hands on the victim again.

I would greatly appreciate that you consider voting in favor of Bill # HB566

Thank you so much for listening to my personal opinion on this issue.

Sincerely,

Anna Marie Kelly
Anna Marie Kelly

TO: 1987 Montana State Legislators

RE: House Bill 566

EXHIBIT E

DATE 2-13-87

HB #566

As the law now reads joint custody is preferred in all cases. Truthfully, before I met, and consequently married the father of my child, I too, thought that this was the only way it should be. But in the last 2 years, after having been abused physically, emotionally, financially and socially by this man, I've come to realize that joint custody is not always in the best interest of the child.

My husband had abused me mentally during most of our courtship and all of our marriage. How can you explain to anyone the feelings of degradation that someone who supposedly loves you makes you feel, let alone prove it in a court of law. Those feelings are real, and they hurt just as much as the physical ones that leave bruises. Only you can't see the bruises inside a person.

During my pregnancy his mental abuse became excessive. He constantly threatened me with divorce or annulment, on one occasion he told me how fat I was and that if I didn't quit gaining weight our marriage would definately be over. I was 7 months pregnant and he was telling me I didn't need to gain 20 pounds to have an 8 pound baby. He was constantly downgrading my parents by telling me how bad they were, that they were bad parents because they didn't live in a big beautiful home. My parents had always been very kind to him and I couldn't understand why he hated them so.

During the 6th month of my pregnancy we attended his brothers wedding out of state. The day of the wedding was the first time he had hit me out of anger. He slapped me across the face and pushed me on the bed. He had hit me before, but he always laughed it off as being for fun. One night he hit me so hard on my thigh that I lost all feeling in my leg and I could barely walk for a few days. He laughed and said he had given me a "Dead Leg". He would constantly slug or pinch me on my upper arms so that I always had bruises.

In my 7th month I realized that I couldn't go on like this. At this point, he was seldom home, but when he was he screamed at me continually. He was drinking excessively and because he admitted to me his prior use of cocaine I believe that he was using it again. I was a nervous and emotional wreck, and not only did I fear for my safety but I was afraid for my unborn child. I left him in August of 1985.

Even though I left him a full 2 months before our child was born, he still continued to try to control me. He immediately went to a lawyer and Had a separation agreement drawn up. When I refused to sign it and told him that I wanted my lawyer to look at it, that I didn't want to share the same attorney, he became violent and wouldn't let me take the agreement to my lawyer. Long before I gave birth to our child he was telling me that I was not a stable mother. I was emotionally and financially unstable - I couldn't take care of myself let alone a child. He wouldn't let me come and get things that I have left at our house, in fact they are still there. Our daughter was born October of 1985.

She was only 6 days old when he served me with divorce papers. He would not help me financially at all. I returned to work four weeks after her birth, I did not have any money. Her father wouldn't even buy diapers for her. I did not receive a dime of support for my daughter until she was 3½ months old, and that came after I filed to get child support. This man did not want our child. He didn't support her at all or by her anything until he was practically forced by the courts. He refused to have his child insured. There was a time before I filed for child support that he went almost a month without seeing her and went a full 2 weeks without even calling to inquire as to her well-being. Yet this was a man who sat in court and cried buckets because I "would not let him see his beloved little girl and it broke his heart. I showed tendencies that he felt would not be beneficial to the relationship that he wished to develop with his daughter." I believe that he used her only as a pawn to get back at me. He knew how much I loved my daughter and he knew I would do anything for her.

Shortly after her birth I witnessed several incidents that made me constantly worry for her safety while she was with him.

He held her nose to see how long it would take her to figure out how to breathe through her mouth.

When picking her up he would grab her by her wrists and pull her up without supporting her head and neck. I must add that we took a class on how to care for a newborn so he could not plead innocent on this one. One of the things that they stressed was supporting the infants neck and head properly.

On several occasions I went and picked her up at his home. He had taken her bottle and filled it with Pepsi. The first time she had drunk almost the whole bottle, the 2nd time she only had ½ the bottle. She was at this time a totally breast-fed baby. On both occasions I told him not to give her Pepsi,

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that the her pediatrician said that such a small infant could not stand to have so much acid in her stomach, mainly because her digestive system was so immature. His response was "What does Pepsi have that your breast milk doesn't?" On both occasions she became very ill, suffering with sever diarrhea and vomiting.

He drank very heavily at times when he had her. On one occasion after having been told to have her home by 9:30 pm he brought her home at 11:30 pm. He was so drunk he could hardly walk , yet he drove with her, placing her car seat on the floor of his truck. There were times when he would come to pick her up and he wouldn't take her bottle or blanket and when I would try to have him take them he would scream at me. During these times it was quite common for him to bring her back without a coat or her hat. She was barely 4 months old and it was below zero many of these times.

Our first hearing before the judge was in January. At this time because of my husband's constant harassment when he picked our daughter up, the judge ordered a third party. Visitation consisted of every other weekend from 8:00 am to 8:00 pm both Saturday and Sunday, with weekday visitation at my discretion. I would let him see her several days during the week because I was told by my attorney that I would look like the cooperative parent that way. Even though we had the third party he still found ways to harass me. He would call me at work and threaten to steal her, he'd send flowers with harassing cards, phone calls in the middle of the night and pizza deliveries. One morning I woke and found that my car was missing. It was found later that day and the police said that whoever took it had access to a key, because there was no visible forced entry. My husband had a key and I believe that he is the one that took it.

On February 18 of last year instead of returning our daughter to the designated third party he left a message telling me to pick her up in Sand Coulee! That particular night it was around -15°, and I had no reliable way to get out there. We had to send the Sheriff's Department to go get her.

After this experience the judge gave him more visitation-Every other weekend plus three nights a week. He also took away the third party.

At this time the harassment and threats became unreal. He threatened to kill me, to steal our daughter, quit his full time job so he wouldn't have to pay child support. She would come home without her coats, shoes, clothers, and bottles. He would pick her up and leave her with girlfriends or neighbors and then go to work or whatever. He would take her to the bars and bowling alleys if he couldn't get someone to watch her and then leave her with the people there.

EXHIBIT E
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During our last court appearance concerning custody the third party was used again. Though it cut down some of the harassment, he still found ways. He followed me constantly, in other peoples vehicles, he'd call and hang up or just let the phone ring and ring at all hours, I had strangers banging on my doors at the oddest hours.

On June 22nd of last year my daughter died at the age of 8 months and 1 week. She died while with him and the cause of her death has been listed as undetermined. I thought that this would be the end, not the beginning of another nightmare.

He used our daughter as a way to get me back to try and control me, while she lived, and even now he still tries. Shortly after her death he unsuccessfully tried to have her body moved by saying that none of his wishes were met during her funeral. We quickly proved that he was lying. Lately he has been using her grave as a place to harass me. I receive great comfort from going to my child's grave. My grandparents are also buried there. And now I believe he has been desecrating her gravesite to hurt me. The first item was a poster saying that I had lied to both him and our daughter. The second was a nude photograph he had taken of me while I was undressing. The last time these items were seen by me they were in his presence.

I realize that most divorce cases do not end as mine did, my story and my daughter's story are extremes. But as extreme as they are, it should never had happened and nother little child should never be make to suffer at the hands of an abusive parent.

A Concerned Mother

WOMEN'S LOBBYIST FUND

Box 1099
Helena, MT 59624
449-7917



EXHIBIT *F*
DATE *2-12-87*
566

Testimony--HB 566, House Judiciary Committee, Feb. 12, 1987, Ann G. Eifert

Dear Women's Lobbyist Fund representative,

I would like to enter my testimony on House Bill 566.

As a mother of children who have been subjected to verbal and mental abuse and some physical abuse I would like to see this bill passed.

I believe that children should not be left in an environment that is detrimental to them and even in the case of spouse abuse, the incidents can leave some very serious and long lasting scars.

We need to consider that many of those who are abusers either of their spouses or their children cause the cycle to be repeated because those who abuse were often abused as children.

My divorce is still in process from an abuser. I have a 9 year old son that I don't want to follow in his father's footsteps. With our courts the way they are today and with joint custody arrangements, I'm not really sure my sole influence can completely counteract the influence from the other side.

I'm sure that many of the other women in my position would also feel quite strongly on this issue, particularly those who have been assisted in the state's domestic abuse programs.

I feel so strongly on this that I would prefer very much to even see my children in foster homes than to have them in very much contact with their father.

Sincerely,
Ann G. Eifert
2200 Lovers Leap
Dillon, Mt. 59725

WITNESS STATEMENT

EXHIBIT GDATE 2-12-87HB #566NAME Lenore F. Talerfero BILL NO. 566ADDRESS 1026 9th Ave. DATE _____WHOM DO YOU REPRESENT? Friendship CenterSUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I support very strenuously the amendments to joint custody. In domestic violence/spouse abuse cases, joint custody is not appropriate. It is destructive & dangerous for both caretaker parent & children.

EXHIBIT H
DATE 2-12-87
HB #566

PROPOSED AMENDMENTS TO HOUSE BILL 566

1. Title, line 8.

Following: "PARENTS"

Insert: "OR A FINDING OF CHEMICAL DEPENDENCY OR ABUSE BY ONE
OF THE PARENTS"

2. Page 2, line 2.

Strike: "and"

3. Page 2, line 4.

Strike: "."

Insert: "and;"

4. Page 2, following line 4.

Insert: "(7) chemical dependency as defined in 53-24-103
or chemical abuse on the part of either parent."

WITNESS STATEMENT

EXHIBIT I
DATE 2-13-87
HB # 566

NAME Tom Schneider BILL NO. 566
ADDRESS 447 S. Park DATE 2/12/86
WHOM DO YOU REPRESENT? Individual
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

*I strongly support HB 566
out of a deep interest in child
and spouse abuse.*

WITNESS STATEMENT

EXHIBIT J
DATE 2-13-87
HB # 566

NAME Pamela Shone BILL NO. 566
ADDRESS 920 Evans Mslw, MT DATE _____
WHOM DO YOU REPRESENT? Women's Law Caucus
SUPPORT X OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: The presumption of Joint Custody upon showing of abuse by one parent is against the best interest of any child. It is against the interest of the state in ending Domestic Abuse.

February 8, 1987

EXHIBIT *K*

DATE *2-13-87*

HB *# 566*

Dear Legislators,

I am writing in support of Bill 566, Child Abuse or Spouse Abuse to Preclude Joint Custody. Working at a battered women's shelter, I find this bill essential not only to the women I serve, but as society's response to their responsibility to child welfare.

I would like to tell you the story of Dawn. Dawn came to the shelter in April of 1980, her husband (Tom) was extremely abusive and controlling. By 1982 Dawn had gotten a divorce and started a new life for her and her children in Idaho. She had custody, he had summertime visitation. Tom showed up drunk to take his kids to Great Falls for the summer. Dawn had no legal right to stop him. He took the kids and never returned them. Dawn's economic situation did not make it feasible for her to come to Montana until a year later.

While she was in Great Falls, trying to retrieve her children, he had control again. The kids were used as pawns, they were allowed no contact with their mother. Dawn was threatened and harassed, not to mention the psychological effects on the children.

At this time, Tom filed for joint custody. Dawn's fears of losing her kids were immense. She had neither the money nor the time to oppose him in court. By spending an extensive time in Great Falls, she was putting her life in Idaho in jeopardy. After 51 days, Dawn got her children back. They were confused and withdrawn for some time.

This is a story of manipulation. Child care is an issue of competency. Producing children does not presume capability. In a custody case, spouse abuse (need I mention child abuse) is an essential determining element. To summarize- AN ABUSIVE HUSBAND DOES NOT MAKE A SAFE FATHER!

Sincerely,

Patricia Gray

VISITORS' REGISTER

COMMITTEE

BILL NO. 566DATE Feb. 12, 1987

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Anna Maria Kelly	Lewistown, MT	X	
Bucky Flesch	Lewistown, MT	X	
Tom Schneider	Helena	X	
Pamela Shore	Missoula	X	
Lenore F. Taliaterro	Helena	X	
Barbara Becker	Women's Lobbyist Fund	X	
Jenny O'Neil	Kalispell		X
Lillian Kierulff	"		X
Les McCrea	Plains		X
Bob Dutton	Tolson		X
Douglas E. Holt	Kalispell		X
Alan R. Kamrat	Billings		X
Ann E. Eifert	Dillon	X	
Mollie Jo Kern	Great Falls	X	
Yvonne Bruner	Great Falls	X	
Paula Cranley	Gl. Falls	X	
Johna Cranley	Gl. Falls	X	
Carol Wickes Borchers	Gl. Falls	X	
Bob Silvernale	UNITED FATHERS OF AMERICA - Missoula, MT 59807		X

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO.

DATE _____

SPONSOR

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

Judiciary

COMMITTEE

BILL NO.

468

DATE

Feb. 12, 1987

SPONSOR _____

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
Pat Melly	State Bar	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

VISITORS' REGISTER

COMMITTEE

BILL NO. 474

DATE Feb. 12, 1987

SPONSOR _____

[illegible]

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.