

HOUSE BILL NO. 472

INTRODUCED BY KIMBLE, DUSSAULT, HOLMES, WALDRON, BRADLEY

A BILL FOR AN ACT ENTITLED: "AN ACT AMENDING SECTION 48-328, R.C.M. 1947, TO GRANT NAME CHANGE TO ALL WOMEN ON REQUEST AFTER MARRIAGE IS DISSOLVED OR DECLARED INVALID."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 48-328, R.C.M. 1947, is amended to read as follows:

"48-328. Decree. (1) A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree which dissolves the marriage beyond the time for appealing from that provision, and either of the parties may remarry pending appeal.

(2) No earlier than six (6) months after entry of a decree of legal separation, the court on motion of either party shall convert the decree to a decree of dissolution of marriage.

(3) The clerk of court shall give notice of the entry of a decree of dissolution or legal separation:

(a) if the marriage is registered in this state, to

the clerk of the district court of the county where the marriage is registered who shall enter the fact of dissolution or separation in the book in which the marriage license and certificate are recorded; or

(b) if the marriage is registered in another jurisdiction, to the appropriate official of that jurisdiction, with the request that he enter the fact of dissolution in the appropriate record.

(4) Upon request by a wife whose marriage is dissolved or declared invalid, the court ~~may~~ ~~and~~ ~~if~~ ~~there~~ ~~are~~ ~~no~~ ~~children~~ ~~of~~ ~~the~~ ~~parties~~ shall order her maiden name or a former name restored."

-End-

Approved by Committee
on Judiciary

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-End-

SECOND READING

-2-

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