

## SENATE BILL NO. 176

INTRODUCED BY MURRAY, REGAN

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A WAITING PERIOD OF 20 DAYS AFTER FILING A JOINT PETITION FOR DISSOLUTION OF MARRIAGE BEFORE A DECREE OF DISSOLUTION OF MARRIAGE MAY BE ENTERED; AMENDING SECTION 48-317, R.C.M. 1947; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 48-317, R.C.M. 1947, is amended to read as follows:

"48-317. Procedure -- commencement -- pleadings -- abolition of existing defenses. (1) All proceedings under this act are commenced in the manner provided by the Montana rules of civil procedure.

(2) The verified petition in a proceeding for dissolution of marriage or legal separation shall allege that the marriage is irretrievably broken and shall set forth:

(a) the age, occupation, and residence of each party and his length of residence in this state;

(b) the date of the marriage and the place at which it was registered;

(c) that the jurisdictional requirements of section

48-316 exist and that the marriage is irretrievably broken in that either

(i) the parties have lived separate and apart for a period of more than one hundred eighty (180) days next preceding the commencement of this proceeding, or

(ii) that there is serious marital discord which adversely affects the attitude of one or both of the parties towards the marriage, and that there is no reasonable prospect of reconciliation;

(d) the names, ages, and addresses of all living children of the marriage, and whether the wife is pregnant;

(e) any arrangements as to support, custody, and visitation of the children and maintenance of a spouse; and

(f) the relief sought.

(3) Either or both parties to the marriage may initiate the proceeding.

(4) If a proceeding is commenced by one of the parties, the other party must be served in the manner provided by the Montana rules of civil procedure and may within twenty (20) days after the date of service file a verified response. No decree may be entered until twenty (20) days after the date of service; ~~or, in the case of a joint petition, twenty (20) days after the date of filing a joint petition.~~

(5) Previously existing defenses to divorce and legal

1 separation, including but not limited to condonation,  
2 connivance, collusion, recrimination, insanity, and lapse of  
3 time, are abolished.

4 (6) The court may join additional parties proper for  
5 the exercise of its authority to implement this act."

6 Section 2. Effective date. This act is effective on  
7 its passage and approval.

-End-

Approved by Committee  
on Judiciary

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