

House Bill 536

In The House

January 28, 1981	Introduced and referred to Committee on Judiciary.
February 16, 1981	Committee recommend bill do pass.
February 17, 1981	Bill printed and placed on members' desks.
February 19, 1981	Second reading do pass.
February 20, 1981	Considered correctly engrossed.
February 24, 1981	Third reading passed.

In The Senate

March 2, 1981	Introduced and referred to Committee on Judiciary.
March 26, 1981	Committee recommend bill concurred.
March 27, 1981	On motion taken from second reading and referred to Committee on Judiciary. Motion adopted.
April 23, 1981	Died in Committee.

HOUSE BILL NO. 536

INTRODUCED BY *Franklin*

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM PARENTAGE ACT TO PROVIDE THAT AN ACTION TO DETERMINE THE EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD RELATIONSHIP FOR A CHILD WHO HAS NO PRESUMED FATHER UNDER THE ACT MAY BE BROUGHT AT ANY TIME; AMENDING SECTION 40-6-108, MCA."

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

Section 1. Section 40-6-108, MCA, is amended to read:

"40-6-108. Statute of limitations. (1) An action may be commenced:

(a) at any time for the purpose of declaring the existence of the father and child relationship presumed under subsection (a), (b), or (c) of 40-6-105(1);

(b) for the purpose of declaring the nonexistence of the father and child relationship presumed under subsection (a), (b), or (c) of 40-6-105(1), only if the action is brought within a reasonable time after obtaining knowledge of relevant facts, but not later than 5 years after the child's birth.

(2) After the presumption has been rebutted, paternity

of the child by another man may be determined in the same action if he has been made a party.

(3) An action to determine the existence or nonexistence of the father and child relationship as to a child who has no presumed father under 40-6-105 may not be brought later than 3 years at any time after the birth of the child.

(4) Sections 40-6-107 and 40-6-108 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship or otherwise.

(5) After the conclusion of an adoption proceeding under chapter 8, Title 40, no further action to declare the existence or nonexistence of the father and child relationship of the adopted child may be commenced, except as provided in 40-8-112."

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 536

INTRODUCED BY *Thurmond*

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM PARENTAGE ACT TO PROVIDE THAT AN ACTION TO DETERMINE THE EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD RELATIONSHIP FOR A CHILD WHO HAS NO PRESUMED FATHER UNDER THE ACT MAY BE BROUGHT AT ANY TIME; AMENDING SECTION 40-6-108, MCA."

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of the child by another man may be determined in the same action if he has been made a party.

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(4) Sections 40-6-107 and 40-6-108 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship or otherwise.

(5) After the conclusion of an adoption proceeding under chapter 8, Title 40, no further action to declare the existence or nonexistence of the father and child relationship of the adopted child may be commenced, except as provided in 40-8-112."

-End-

HOUSE BILL NO. 536

INTRODUCED BY Hummel

BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM PARENTAGE ACT TO PROVIDE THAT AN ACTION TO DETERMINE THE EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD RELATIONSHIP FOR A CHILD WHO HAS NO PRESUMED FATHER UNDER THE ACT MAY BE BROUGHT AT ANY TIME; AMENDING SECTION 40-6-108, MCA."

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(3) An action to determine the existence or nonexistence of the father and child relationship as to a child who has no presumed father under 40-6-105 may not be brought ~~later than 3 years~~ at any time after the birth of the child.

(4) Sections 40-6-107 and 40-6-108 do not extend the time within which a right of inheritance or a right to a succession may be asserted beyond the time provided by law relating to distribution and closing of decedents' estates or to the determination of heirship or otherwise.

(5) After the conclusion of an adoption proceeding under chapter 8, Title 40, no further action to declare the existence or nonexistence of the father and child relationship of the adopted child may be commenced, except as provided in 40-8-112."

-End-

-2- THIRD READING

HB 536