

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 536
BILL NO.

INTRODUCED BY James L. Linn

BY REQUEST OF THE DEPARTMENT OF REVENUE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM
6 PARENTAGE ACT TO PROVIDE THAT AN ACTION TO DETERMINE THE
7 EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD
8 RELATIONSHIP FOR A CHILD WHO HAS NO PRESUMED FATHER UNDER
9 THE ACT MAY BE BROUGHT AT ANY TIME; AMENDING SECTION
10 46-6-108. MCA."

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

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

14 "40-6-108. Statute of Limitations. (1) An action may

15 be brought to recover damages for personal injuries or

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

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

25 (2) After the presumption has been rebutted, paternity

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

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

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

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

-End-

Approved by Committee
on Judiciary

HOUSE BILL NO. 536

INTRODUCED BY Lucille Luce

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-

2 INTRODUCED BY Frederick G. Lewis

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND THE UNIFORM
6 PARENTAGE ACT TO PROVIDE THAT AN ACTION TO DETERMINE THE
7 EXISTENCE OR NONEXISTENCE OF THE FATHER AND CHILD
8 RELATIONSHIP FOR A CHILD WHO HAS NO PRESUMED FATHER UNDER
9 THE ACT MAY BE BROUGHT AT ANY TIME; AMENDING SECTION
10 40-6-108. MCA."

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

13 Section 1. Section 40-6-108, MCA, is amended to read:
14 "40-6-108. Statute of limitations. (1) An action may
15 be commenced:

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

(2) After the presumption has been rebutted, paternity

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

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

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

-End-

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