

HOUSE BILL NO. 119

**INTRODUCED BY MUELLER, KEYSER,
DARKO, BERGENE**

IN THE HOUSE

January 6, 1983	Introduced and referred to Committee on Judiciary.
January 13, 1983	Committee recommend bill do pass as amended. Report adopted.
January 14, 1983	Bill printed and placed on members' desks.
January 15, 1983	Second reading, pass consideration.
January 17, 1983	Second reading, do pass as amended.
January 18, 1983	Correctly engrossed.
January 19, 1983	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 20, 1983	Introduced and referred to Committee on Judiciary.
March 2, 1983	Committee recommend bill be concurred in as amended. Report adopted.
March 4, 1983	Second reading, concurred in.
March 7, 1983	Third reading, concurred in. Ayes, 47; Noes, 1.

IN THE HOUSE

March 7, 1983	Returned to House with amendments.
March 9, 1983	Second reading, amendments not concurred in. On motion, Conference Committee requested.
March 10, 1983	Conference Committee appointed.
April 8, 1983	Conference Committee reported.
April 9, 1983	Second reading, report adopted.
April 11, 1983	Third reading, report adopted. Conference Committee report adopted by Senate. Sent to enrolling. Reported correctly enrolled.

1 House BILL NO. 119
 2 INTRODUCED BY Muelken Keyser Sparks
 3 Bergene
 4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THERE IS
 5 A PRESUMPTION IN A CHILD SUPPORT PROCEEDING THAT THE LEVEL
 6 OF SUPPORT OF EACH CHILD MAY NOT BE LESS THAN THAT RECEIVED
 7 BY CHILDREN ON PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204,
 8 MCA."

9
 10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 40-4-204, MCA, is amended to read:
 12 "40-4-204. Child support. In a proceeding for
 13 dissolution of marriage, legal separation, maintenance, or
 14 child support, the court may order either or both parents
 15 owing a duty of support to a child to pay an amount
 16 reasonable or necessary for his support, without regard to
 17 marital misconduct, after considering all relevant factors
 18 including:

- 19 (1) the financial resources of the child;
 20 (2) the financial resources of the custodial parent;
 21 (3) the standard of living the child would have
 22 enjoyed had the marriage not been dissolved;
 23 (4) the physical and emotional condition of the child
 24 and his educational needs; and
 25 (5) the financial resources and needs of the

1 noncustodial parent; and
 2 (6) the amount received by a child under the AFDC
 3 program, as defined in 53-2-702. Regardless of source, it is
 4 presumed that the level of support of each child may not be
 5 less than that of a child receiving AFDC assistance. On or
 6 before July 1 of each year or at any time upon the request
 7 of the presiding judge of the district court in a county,
 8 the director of the county department of public welfare
 9 shall certify to the court the amount paid by that
 10 department to support a child eligible for assistance under
 11 AFDC. The court may take judicial notice of such certified
 12 information and apply it in any child support proceeding,
 13 including a proceeding for modification of child support
 14 pursuant to 40-4-208."

-End-

INTRODUCED BILL

-2-

AB 119

Approved by Committee
on Judiciary

As Amended

HOUSE BILL NO. 119

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DARKO, BERGENE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THERE IS
A PRESUMPTION THE COURT, IN A CHILD SUPPORT PROCEEDING THAT,
MAY TAKE INTO CONSIDERATION THE LEVEL OF SUPPORT OF EACH
CHILD MAY NOT BE LESS THAN THAT RECEIVED BY CHILDREN ON
PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204, MCA."

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dissolution of marriage, legal separation, maintenance, or
child support, the court may order either or both parents
owing a duty of support to a child to pay an amount
reasonable or necessary for his support, without regard to
marital misconduct, after considering all relevant factors
including:

- (1) the financial resources of the child;
- (2) the financial resources of the custodial parent;
- (3) the standard of living the child would have
enjoyed had the marriage not been dissolved;
- (4) the physical and emotional condition of the child
and his educational needs; and

(5) the financial resources and needs of the
noncustodial parent; and

~~(6) the amount received by a child CHILDREN under the
AFDC program, as defined in 53-2-702. Regardless of source,
it is presumed that the level of support of each child may
not be less than that of a child receiving AFDC assistance.
On or before July 1 of each year or at any time upon the
request of the presiding judge of the district court in a
county, the director of the county department of public
welfare shall certify to the court the amount paid by that
department to support a child CHILDREN eligible for
assistance under AFDC. The court may take judicial notice of
such certified information and apply it in any child support
proceeding, including a proceeding for modification of child
support pursuant to 40-4-208."~~

-End-

SECOND READING

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enjoyed had the marriage not been dissolved;
- (4) the physical and emotional condition of the child
and his educational needs; and

(5) the financial resources and needs of the
noncustodial parent; and

~~(6) FOR THE PURPOSES OF DETERMINING A MINIMUM AMOUNT
FOR SUPPORT, the amount received by a child CHILDREN under
the AFDC program, as defined in 53-2-702. Regardless of
source, it is presumed that the level of support of each
child may not be less than that of a child receiving AFDC
assistance. On or before July 1 of each year or at any time
upon the request of the presiding judge of the district
court in a county, the director of the county department of
public welfare shall certify to the court the amount paid by
that department to support a child CHILDREN eligible for
assistance under AFDC. The court may take judicial notice of
such certified information and apply it in any child support
proceeding, including a proceeding for modification of child
support pursuant to 40-4-208 FOR PURPOSES OF DETERMINING A
MINIMUM AMOUNT FOR SUPPORT."~~

-End-

SENATE STANDING COMMITTEE REPORT
(Judiciary)

That House Bill No. 119 be amended as follows:

1. Page 2, lines 3 and 4.
Strike: "A MINIMUM AMOUNT FOR"
2. Page 2, lines 8 through 17.
Following: "assistance"
Strike: the remainder of line 8 through line 17.

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 enjoyed had the marriage not been dissolved;
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 and his educational needs; and

(5) the financial resources and needs of the
 noncustodial parent; and

~~(6) FOR THE PURPOSES OF DETERMINING A MINIMUM AMOUNT
 FOR SUPPORT, the amount received by a child CHILDREN under
 the AEDC program, as defined in 53-2-702. Regardless of
 source, it is presumed that the level of support of each
 child may not be less than that of a child receiving AEDC
 assistance on or before July 1 of each year or at any time
 upon the request of the presiding judge of the district
 court in a county, the director of the county department of
 public welfare shall certify to the court the amount paid by
 that department to support a child CHILDREN eligible for
 assistance under AEDC. The court may take judicial notice of
 such certified information and apply it in any child support
 proceedings, including a proceeding for modification of child
 support pursuant to 40-4-208 FOR PURPOSES OF DETERMINING A
 MINIMUM AMOUNT FOR SUPPORT."~~

-End-

April 7, 1983

19

CONFERENCE COMMITTEE ON
AMENDMENTS TO HOUSE BILL 119
(Report No. 1, 2:30 P.M.)

Mr. Speaker:

We, your conference committee on amendments to House Bill 119, met and considered Senate Judiciary Committee amendments to the third reading copy (blue). We recommend as follows:

That the Senate recede from Senate Judiciary Committee amendment number 1;

That the House accede to Senate Judiciary Committee amendment number 2; and

That this Conference Committee report on House Bill 119 be adopted.

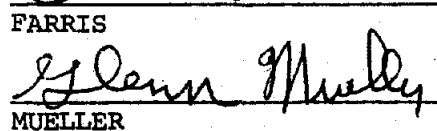
CLERICAL INSTRUCTIONS FOR REFERENCE COPY (SALMON)

Strike Senate Judiciary Committee amendment number 1.

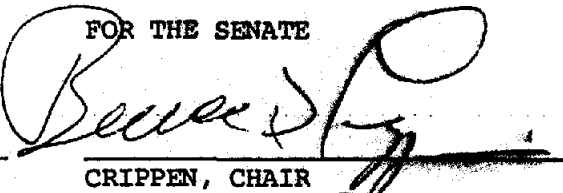
FOR THE HOUSE

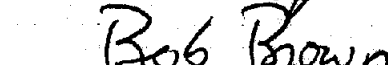

ADDY, CHAIR

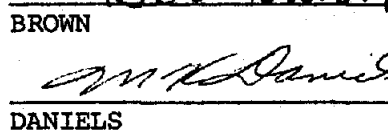

FARRIS


MUELLER

FOR THE SENATE


CRIPPEN, CHAIR


BROWN


DANIELS

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- (1) the financial resources of the child;
- (2) the financial resources of the custodial parent;
- (3) the standard of living the child would have enjoyed had the marriage not been dissolved;
- (4) the physical and emotional condition of the child and his educational needs; and

(5) the financial resources and needs of the noncustodial parent; and

~~(6) FOR THE PURPOSES OF DETERMINING A MINIMUM AMOUNT FOR A MINIMUM AMOUNT FOR SUPPORT, the amount received by a child CHILDREN under the AFDC program, as defined in 51-2-702. Regardless of source, it is presumed that the level of support of each child may not be less than that of a child receiving AFDC assistance. On or before July 1 of each year or at any time upon the request of the presiding judge of the district court in a county, the director of the county department of public welfare shall certify to the court the amount paid by that department to support a child CHILDREN eligible for assistance under AFDCs. The court may take judicial notice of such certified information and apply it in any child support proceedings, including a proceeding for modification of child support pursuant to 40-4-209 FOR PURPOSES OF DETERMINING A MINIMUM AMOUNT FOR SUPPORT."~~

-End-

CORRECTED
REFERENCE BILL: Includes Joint
Conference Committee Report
Dated 4-7-83