# 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' deaks.
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.
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## 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.

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1 INTRODUCED BY 2 3

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THERE IS A PRESUMPTION IN A CHILD SUPPORT PROCEEDING THAT THE LEVEL OF SUPPORT OF EACH CHILD MAY NOT BE LESS THAN THAT RECEIVED BY CHILDREN ON PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204. 7 MCA-"

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

Section 1. Section 40-4-204, MCA, is amended to read: \*40-4-204. Child support. In a proceeding for 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 23 24 and his educational needs; and
  - (5) the financial resources and needs

noncustodial parent: and

2 16) the amount received by a child under the AFDC programe 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 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 pursuant to 40-4-208.\*\* 14

-End-

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# As Amended

1	HOUSE BILL NO. 119
2	INTRODUCED BY MUELLER, KEYSER,
3	DARKO+ BERGENE
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT THERE-IS
6	A-PRESUMPTION THE COURT IN A CHILD SUPPORT PROCEEDING THAT:
7	MAY TAKE INTO CONSIDERATION THE LEVEL OF SUPPORT OF FEACH
8	CHILD-MAYNOT-BELESSTHAN-THAT RECEIVED BY CHILDREN ON
9	PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204. MCA.
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 40-4-204, MCA, is amended to read:
13	"40-4-204. Child support. In a proceeding for
14	dissolution of marriage, legal separation, maintenance, or
15	child support, the court may order either or both parents
16	owing a duty of support to a child to pay an amount
17	reasonable or 'necessary for his support, without regard to
18	marital misconduct, after considering all relevant factors
19	including:
20	(1) the financial resources of the child;
21	(2) the financial resources of the custodial parent;
22	(3) the standard of living the child would have

enjoyed had the marriage not been dissolved;

and his educational needs; and

(4) the physical and emotional condition of the child

1	(5) the financial resources and needs of the
2	noncustodial parent <u>: and</u>
3	16) the amount received by a child CHILDREN under the
4	AFDC program, as defined in 53-2-702. Recordings of source
5	it is presumed that the level of support of each shild me
6	net-be-less-thum that of a child receiving AFRE - assistance
7	On or before July 1 of each year or at any time upon the
8	request of the presiding judge of the district court in
9	county. the director of the county department of public
10	welfare shall certify to the court the amount paid by that
11	department to support a child CHILDREN eligible for
12	assistance under AFDC. The court may take judicial notice of
13	such certified information and apply it in any child support
14	proceeding, including a proceeding for modification of child

support pursuant to 40-4-208.\*\*

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7	MAY TAKE INTO CONSIDERATION THE LEVEL OF SUPPORT OF EACH
8	GHILBMAYNOTBELESSTHAN-THAT RECEIVED BY CHILDREN ON
9	PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204, MCA.
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 40-4-204, MCA, is amended to read:
13	#40-4-204. Child support. In a proceeding for
14	dissolution of marriage, legal separation, maintenance, or
15	child support, the court may order either or both parents
16	owing a duty of support to a child to pay an amount
17	reasonable or necessary for his support, without regard to
18	marital misconduct, after considering all relevant factors
19	including:
20	<ol><li>the financial resources of the child;</li></ol>
21	(2) the financial resources of the custodial parent;
22	(3) the standard of living the child would have
23	enjoyed had the marriage not been dissolved;
24	(4) the physical and emotional condition of the child
25	and his educational needs; and

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1 (5) the financial resources and needs 2 noncustodial parent: and 16) FOR THE PURPOSES OF DETERMINING A MINIMUM AMOUNT 3 FOR SUPPORT, the amount received by a-child CHILDREN under the AFDC program, as defined in 53-2-702. Recordless of sourcev-it-is-presumed that the level-of-support -of-coch ehild may -- not -- be-less than that of a child receiving AFDE pasistence On or before July 1 of each year or at any time upon the request of the presiding judge of the district 10 court in a county, the director of the county department of 11 public welfare shall certify to the court the amount paid by 12 that department to support a child CHILDREN eligible for 13 assistance under AFOC. The court may take judicial notice of such certified information and apply it in any child support 14 15 proceeding, including a proceeding for modification of child support pursuant to 40-4-208 FOR PURPOSES OF DETERMINING A 16 17 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 ANGUME FOR"
- 2. Page 2, lines 8 through 17.
  Following: "assistancer"
  Strike: the remainder of line 8 through line 17.

48th Legislature HB 0119/04 HB 0119/04

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6	A-PRESUMPTION THE COURT: IN A CHILD SUPPORT PROCEEDING THAT:
7	MAY TAKE INTO CONSTDERATION THE LEVEL OF SUPPORT OFEACH
8	EHILDMAYNOTBELESSTHAN-THAT RECEIVED BY CHILDREN ON
9	PUBLIC ASSISTANCE; AMENDING SECTION 40-4-204, MCA.
10	
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
12	Section 1. Section 40-4-204, MCA, is amended to read:
13	#48-4-204. Child support. In a proceeding for
14	dissolution of marriage, legal separation, maintenance, or
15	child support, the court may order either or both parents
16	owing a duty of support to a child to pay an amount
17	reasonable or necessary for his support, without regard to
18	marital misconduct, after considering all relevant factors
19	including:
20	(1) the financial resources of the child;
21	(2) the financial resources of the custodial parent;
22	(3) the standard of living the child would have
23	enjoyed had the marriage not been dissolved:
24	(4) the physical and emotional condition of the child

and his educational needs; and

25

1 (5) the financial resources and needs of the 2 noncustodial parent: and 3 (6) FOR THE PURPOSES OF DETERMINING A-MINIMUM-AMOUNT 688 SUPPORT: the amount received by a-child CHILDREN under 5 the AEDC program, as defined in 53-2-702, Recordiess-of Source: it-is-presumed that the level-of-support-of-each 7 abild\_may\_\_not\_\_be\_less\_then\_thet\_of\_a\_child\_receiving\_AERE assistance On-or-before-duly-l-of-each-year-or-at-any--time 9 Uppn--the--request--of--the--presiding-judge-of-the-district 10 court-in-a-county-the-director-of-the-county-department--of 11 public-welfare-shell-certify-to-the-court-the-amount-paid-by 12 that--department--to--support a-child EHILBREN eligible-for 13 assistance-under-AFPGx-The-court-may-take-judicial-notice-of 14 auch-certified-information-and-gooly-it-in-any-child-support 15 proceedings including a proceeding for modification of child 16 support-pursuant-to-50-5-208 FOR-PURPOSES-OF--BETERMINING--A 17 MINIMUM-AMOUNT-EGR-SUPPORT+"

-End-

# 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

FOR THE SENATE

CALOL JUNIO

FARRIS

BROWN

MUELLER

FOR THE SENATE

CRIPPEN, CHAIR

CRIPPEN, CHAIR

BROWN

BROWN

DANIELS



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and his educational needs; and

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15	child support, the court may order either or both parents
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17	reasonable or necessary for his support, without regard to
18	marital misconduct, after considering all relevant factors
19	including:
20	(1) the financial resources of the child;
21	(2) the financial resources of the custodial parent;
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23	enjoyed had the marriage not been dissolved;
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1	(5) the financial resources and needs of the
2	noncustodial parent <u>: and</u>
3	161FORIHEPURPOSES_OE_DETERMINING A=HINIHWH=AHGWHI
4	EGR A MINIMUM AMOUNT FOR SUPPORT: the amount received by
5	child CHILDREN under the AFDC programs as defined in
6	53-2-702. Regardless-of-sourcevitispresumedthotthe
7	levelof-support-of-onch-child-may-oot-be-less-than-that-of
8	probildreceiving-AFBE-pasistoness Enros-beforeduly1of
9	each::year::or:et:eay:time:wpon-the-request-of:the:presiding
10	judge-of-the-district-court-io-a-county==the-director-pf=the
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12	court=the=amount=paid=by=that=department=to=support a=child
13	EHILDREN stigiblesforspasistancesundersefBGasibesscourtssan
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16	for-modification-of-child-support-pursuont-to10-1-200 E88
17	<u> </u>

-End-

CORRECTED

REFERENCE BILL: Includes Joint Conference Committee Report Dated 4-7-13

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