

SENATE BILL NO. 74

Introduced: 01/06/83

Referred to Committee on Judiciary: 01/06/83

Hearing: 1/13/83

Report: 01/14/83, Do Not Pass. Report Adopted.  
Bill Killed.

1 *Senate* BILL NO. 74  
 2 INTRODUCED BY Bob Brown  
 3 BY REQUEST OF THE REVENUE OVERSIGHT COMMITTEE  
 4

5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR SUPPORT  
 6 OF CHILDREN RECEIVING PUBLIC ASSISTANCE DURING THE PENDENCY  
 7 OF CERTAIN COURT ACTIONS."  
 8

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

10 Section 1. Child support during pendency of action --  
 11 public assistance. (1) The party commencing an action for  
 12 dissolution of marriage, legal separation, child support,  
 13 invalidation of marriage, or modification of child support  
 14 must, at the time the proceeding is begun, include in the  
 15 complaint or petition a statement as to whether or not any  
 16 of the children involved are at such time recipients of or  
 17 applicants for public assistance. Upon filing of the  
 18 complaint or petition, the clerk of court shall immediately  
 19 give written notice to the department of revenue of the  
 20 pending action.

21 (2) If a statement is filed pursuant to subsection  
 22 (1), upon application by any party to the action or by the  
 23 department of revenue, the court may promptly hold a hearing  
 24 to determine the amount of support to which each child is  
 25 entitled, during the pendency of the action, from the

1 responsible parent who is not receiving public assistance.  
 2 The court must notify the department of the hearing, and the  
 3 department may appear to assist the court in setting the  
 4 amount of support. In setting the amount of support that  
 5 the responsible parent who is not receiving public  
 6 assistance is ordered to pay during the pendency of the  
 7 action, the court shall consider all relevant factors,  
 8 including those in 40-4-204 and any other factors that bear  
 9 upon the needs of the children involved and the ability of  
 10 the parents to provide financial support for those needs.

11 (3) If a child becomes an applicant for or recipient  
 12 of public assistance during the pendency of any action  
 13 mentioned in subsection (1), an order providing for support  
 14 of the child during such pendency may be considered on the  
 15 petition of a parent or guardian of the child or the  
 16 department.

17 Section 2. Codification instruction. Section 1 is  
 18 intended to be codified as an integral part of Title 40,  
 19 chapter 4, part 1, and the provisions of Title 40, chapter  
 20 4, apply to section 1.

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