

HOUSE BILL NO. 442

INTRODUCED BY J. BROWN, BERGENE

BY REQUEST OF THE DEPARTMENT OF REVENUE

IN THE HOUSE

January 23, 1985	Introduced and referred to Committee on Judiciary.
February 16, 1985	Committee recommend bill do pass as amended. Report adopted.
February 18, 1985	Bill printed and placed on members' desks.
February 19, 1985	Second reading, do pass. Considered correctly engrossed.
February 20, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

February 22, 1985	Introduced and referred to Committee on Judiciary.
March 28, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 47; Noes, 0. Returned to House.

IN THE HOUSE

April 2, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

1                                    HOUSE BILL NO. 442  
 2    INTRODUCED BY J. Brown Bergene  
 3                                    BY REQUEST OF THE DEPARTMENT OF REVENUE  
 4

5    A BILL FOR AN ACT ENTITLED:    "AN ACT TO PROVIDE THAT A  
 6    PATERNITY ACTION MAY BE BROUGHT UNTIL THE CHILD BECOMES 21  
 7    YEARS OF AGE; AMENDING SECTION 40-6-108, MCA."  
 8

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

10            Section 1. Section 40-6-108, MCA, is amended to read:  
 11            "40-6-108. Statute of limitations. (1) An action may  
 12    be commenced:

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

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

22            (2) After the presumption has been rebutted, paternity  
 23    of the child by another man may be determined in the same  
 24    action if he has been made a party.

25            (3) An action to determine the existence or

1    nonexistence of the father and child relationship as to a  
 2    child who has no presumed father under 40-6-105 may not be  
 3    brought later than 3 years after the birth of the child  
 4    attains the age of majority.

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

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

-End-



INTRODUCED BILL  
 HB 442

APPROVED BY COMMITTEE  
ON JUDICIARY

1 HOUSE BILL NO. 442

2 INTRODUCED BY J. BROWN, BERGENE

3 BY REQUEST OF THE DEPARTMENT OF REVENUE

4  
5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A  
6 PATERNITY ACTION MAY BE BROUGHT BY THE CHILD UNTIL 2 YEARS  
7 AFTER THE CHILD BECOMES 21-YEARS-OF-AGE ATTAINS THE AGE OF  
8 MAJORITY AND BY AN AGENCY OF THE STATE UNTIL 2 YEARS AFTER  
9 AN APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL  
10 SECURITY ACT FOR SERVICES TO THE CHILD; AMENDING SECTION  
11 40-6-108, MCA."

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

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

15 "40-6-108. Statute of limitations. (1) An action may  
16 be commenced:

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

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

1 (2). After the presumption has been rebutted, paternity  
2 of the child by another man may be determined in the same  
3 action if he has been made a party.

4 (3) An action to determine the existence or  
5 nonexistence of the father and child relationship as to a  
6 child who has no presumed father under 40-6-105 may not be  
7 brought:

8 (A) BY THE CHILD later than 3 2 years after the birth  
9 of the child attains the age of majority; OR

10 (B) BY A STATE AGENCY LATER THAN 2 YEARS AFTER THE  
11 FIRST APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL  
12 SECURITY ACT FOR SERVICES TO THE CHILD.

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

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

-End-

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BY REQUEST OF THE DEPARTMENT OF REVENUE

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PATERNITY ACTION MAY BE BROUGHT BY THE CHILD UNTIL 2 YEARS AFTER THE CHILD BECOMES-21-YEARS-OF-AGE ATTAINS THE AGE OF MAJORITY AND BY AN AGENCY OF THE STATE UNTIL 2 YEARS AFTER AN APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT FOR SERVICES TO THE CHILD; 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:

(A) BY THE CHILD later than 3 2 years after the-birth of the child attains the age of majority; OR

(B) BY A STATE AGENCY LATER THAN 2 YEARS AFTER THE FIRST APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT FOR SERVICES TO 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-



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A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE THAT A PATERNITY ACTION MAY BE BROUGHT BY THE CHILD UNTIL 2 YEARS AFTER THE CHILD BECOMES 21-YEARS-OF-AGE ATTAINS THE AGE OF MAJORITY AND BY AN AGENCY OF THE STATE UNTIL 2 YEARS AFTER AN APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT FOR SERVICES TO THE CHILD; AMENDING SECTION 40-6-108, MCA."

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"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:

(A) BY THE CHILD later than 2 years after the birth of the child attains the age of majority; OR

(B) BY A STATE AGENCY LATER THAN 2 YEARS AFTER THE FIRST APPLICATION IS MADE UNDER TITLE IV-D OF THE SOCIAL SECURITY ACT FOR SERVICES TO 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-

