

HOUSE BILL NO. 456

1/24 Introduced
1/24 Referred to Judiciary
1/30 Hearing
1/30 Fiscal Note Requested
2/05 Fiscal Note Received
2/18 Adverse Committee Report
2/19 Bill Killed

1 HOUSE BILL NO. 456
 2 INTRODUCTION BY J. Brown / Byrne / ...
 3 BY REQUEST OF THE DEPARTMENT OF REVENUE Miller

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 A DISSOLUTION OF MARRIAGE, LEGAL SEPARATION, CHILD
 8 SUPPORT, INVALIDATION OF MARRIAGE, OR MODIFICATION OF CHILD
 9 SUPPORT PROCEEDING."

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

12 Section 1. Statement of receipt of public assistance.
 13 When there is a child involved in an action for dissolution
 14 of marriage, legal separation, child support, invalidation
 15 of marriage, or modification of child support, the party
 16 commencing the action must include in the complaint or
 17 petition a statement as to whether or not the child involved
 18 is a recipient of or applicant for public assistance, as
 19 that term is defined in 40-5-201. A complaint or petition
 20 that does not contain this statement is defective and must
 21 not be accepted for filing by the clerk of court. Upon the
 22 filing of a complaint or petition stating that the child
 23 involved is a recipient of or applicant for public
 24 assistance, the clerk of court shall immediately in writing
 25 notify the department of revenue of the pending action.

1 Section 2. Hearing -- interim child support. (1) If
 2 the statement filed pursuant to [section 1] indicates that
 3 the child involved is a recipient of or applicant for public
 4 assistance, the court, upon motion of any party to the
 5 action or the department of revenue, shall promptly hold a
 6 hearing to determine the interim amount of support to which
 7 the child is entitled from a responsible parent who is not
 8 receiving public assistance.

9 (2) If a hearing is ordered under subsection (1), the
 10 clerk of court shall notify the department of revenue of the
 11 hearing, and the department may appear to assist the court
 12 in determining the amount of support.

13 (3) In setting the amount of support that the
 14 responsible parent who is not receiving public assistance is
 15 ordered to pay during the pendency of the action, the court
 16 shall consider all relevant factors, including those in
 17 40-4-204.

18 Section 3. Child becoming public assistance recipient
 19 while action pending -- order for support. An order
 20 providing for support of the child may be considered on the
 21 petition of a parent or guardian of the child or the
 22 department of revenue if an involved child becomes an
 23 applicant for or recipient of public assistance during the
 24 pendency of an action for dissolution of marriage, legal
 25 separation, child support, invalidation of marriage, or



1 modification of child support.

2 Section 4. Codification instruction. Sections 1
3 through 3 are intended to be codified as an integral part of
4 Title 40, chapter 4.

5 Section 5. Extension of authority. Any existing
6 authority of the department of revenue to make rules on the
7 subject of the provisions of this act is extended to the
8 provisions of this act.

-End-

STATE OF MONTANA
FISCAL NOTE

REQUEST NO. FNN 282-85

Form BD-15

In compliance with a written request received January 30, 19 85, there is hereby submitted a Fiscal Note for H.B. 456 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

DESCRIPTION OF PROPOSED LEGISLATION:

An act to provide for support of children receiving public assistance during the pendency of a dissolution of marriage, legal separation, child support, invalidation of marriage, or modification of child support proceeding.

ASSUMPTIONS:

1. The number of new child support cases from September 30, 1983 to September 30, 1984 was 5,718. This number of cases per year will remain constant through FY 1987.
2. 5% of the cases result in insufficient support settlements. In these cases the Child Support Enforcement Program must go to the court for modifications. The state loses partial support payments (\$231) for (2) two months.
3. 13% of the cases are stalemates that average six months before a court order support is declared.
4. The average AFDC assistance per family for FY 1984 was \$305.97. This amount will remain constant through FY 1987.
5. 32.06% of the total collections go to the state and 7.56% of total collections go to local governments.

David L Hunter

BUDGET DIRECTOR
Office of Budget and Program Planning

Date: Feb 5, 1985
HB 456

FISCAL IMPACT:

	<u>Under</u> <u>Current Law</u>	<u>FY 86</u> <u>Under</u> <u>Proposed Law</u>	<u>Difference</u>	<u>Current Law</u>	<u>FY 87</u> <u>Under</u> <u>Proposed Law</u>	<u>Difference</u>
<u>EFFECT ON REVENUE:</u>						
AFDC Savings By Recovery	\$ -0-	\$479,665	\$479,665	\$ -0-	\$479,665	\$479,665
<u>EXPENDITURES:</u>						
Personal Services	\$ -0-	\$ 46,222	\$ 46,222	\$ -0-	\$ 46,222	\$ 46,222
<u>NET EFFECT:</u>	\$ -0-	\$433,443	\$433,443	\$ -0-	\$433,443	\$433,443
<u>FUND INFORMATION:</u>						
General Fund Savings	\$ -0-	\$433,443	\$433,443	\$ -0-	\$433,443	\$433,443

EFFECT ON COUNTY/LOCAL REVENUES:

AFDC Collections - .0756 of the total collections go to the counties.

<u>Proposed:</u>	<u>FY 1986</u>	<u>FY 1987</u>
	\$113,109	\$113,109