

HOUSE BILL NO. 517

INTRODUCED BY HANSEN, KEENAN, KADAS, J. BROWN, SPAETH, DARKO

IN THE HOUSE

January 26, 1985	Introduced and referred to Committee on Local Government.
February 13, 1985	Committee recommend bill do pass as amended. Report adopted.  Bill printed and placed on members' desks.
February 16, 1985	Second reading, do pass.  Considered correctly engrossed.
February 18, 1985	Third reading, passed.  Transmitted to Senate.

IN THE SENATE

February 19, 1985	Introduced and referred to Committee on Judiciary.
March 25, 1985	Committee recommend bill be concurrent in as amended. Report adopted.
March 27, 1985	Second reading, concurred in.
March 29, 1985	Third reading, concurred in. Ayes, 47; Noes, 2.  Returned to House with amendments.

IN THE HOUSE

March 29, 1985	Received from Senate.
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April 8, 1985

Second reading, amendments  
concurrent in.

On motion, rules suspended and  
bill placed on third reading  
this day.

Third reading, amendments  
concurrent in.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 517

INTRODUCED BY

*Kadba*

*J. Brown Spaitl Marko*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE CLERK OF THE DISTRICT COURT TO CHARGE A \$5 HANDLING FEE FOR EACH CHILD SUPPORT PAYMENT PROCESSED; AMENDING SECTIONS 40-4-206 AND 40-5-125, MCA."

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

Section 1. Section 40-4-206, MCA, is amended to read:

"40-4-206. Payment of maintenance or support to court -- handling fee of clerk. (1) Upon its own motion or upon motion of either party, the court may order at any time that maintenance or support payments be made to the clerk of the district court as trustee for remittance to the person entitled to receive the payments.

(2) The clerk of the district court shall maintain records listing the amount of payments, the date payments are required to be made, and the names and addresses of the parties affected by the order. The clerk may charge the payor a handling fee of \$5 a payment, which must be in addition to the payment. Any handling fee collected by the clerk under this subsection must be paid into the county general fund.

(3) The parties affected by the order shall inform the

clerk of the district court of any change of address or of other condition that may affect the administration of the order."

Section 2. Section 40-5-125, MCA, is amended to read:

"40-5-125. Order of support. If the responding court finds a duty of support, it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this part shall require that payments be made to the clerk of the court of the responding state. The clerk may charge a handling fee in accordance with 40-4-206. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order."

-End-

INTRODUCED BILL  
HB 517



APPROVED BY COMM.  
ON LOCAL GOVERNMENT

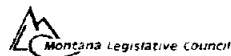
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 2 INTRODUCED BY HANSEN, KEENAN,  
 3 KADAS, J. BROWN, SPAETH, DARKO  
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 5 A BILL FOR AN ACT ENTITLED: "AN ACT TO PERMIT THE CLERK OF  
 6 THE DISTRICT COURT TO CHARGE A \$5 \$2 HANDLING FEE FOR EACH  
 7 CHILD SUPPORT PAYMENT PROCESSED; AMENDING SECTIONS 40-4-206  
 8 AND 40-5-125, MCA."

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 16 district court as trustee for remittance to the person  
 17 entitled to receive the payments.  
 18 (2) The clerk of the district court shall maintain  
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 2 PAID INTO SUCH FUND.

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-End-

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-End-

March 23 19 85

MR. PRESIDENT

We, your committee on JUDICIARY

having had under consideration HOUSE BILL No. 517

third reading copy ( blue color )

(Senator Hansen)

DISTRICT COURT CLERK MAY CHARGE \$5 CHILD SUPPORT HANDLING FEE

Respectfully report as follows: That HOUSE BILL No. 517

be amended as follows:

1. Title, line 8.

Following: "MCA"

Insert: "; AND PROVIDING AN APPLICABILITY DATE"

2. Page 3.

Following: line 1

Insert: "NEW SECTION. Section 3. Applicability. This act shall apply to all court decrees and court orders after the effective date of this act."

AND AS AMENDED

BE CONCURRED IN

~~XXXXXX~~

~~XXXXXXXX~~

Senator Joe Mazurek

Chairman.



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2 NEW SECTION. SECTION 3. APPLICABILITY. THIS ACT SHALL

3 APPLY TO ALL COURT DECREES AND COURT ORDERS AFTER THE

4 EFFECTIVE DATE OF THIS ACT.

-End-