

HB 502 INTRODUCED BY CODY, ET AL.
REQUIRE COURT TO DISPOSE OF ALL ISSUES AT TIME OF
ISSUING DISSOLUTION DECREE

1/28 INTRODUCED
1/28 REFERRED TO JUDICIARY
2/17 HEARING
2/18 TABLED IN COMMITTEE

1 House BILL NO. 502
 2 INTRODUCED BY Craig Keenan
 3

4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REQUIRE A DISTRICT
 5 COURT, TO THE EXTENT OF ITS JURISDICTION, TO DISPOSE OF THE
 6 ISSUES OF CHILD SUPPORT AND CUSTODY, MAINTENANCE, AND
 7 PROPERTY DIVISION IN A DISSOLUTION DECREE; AND AMENDING
 8 SECTION 40-4-104, MCA."
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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11 Section 1. Section 40-4-104, MCA, is amended to read:

12 "40-4-104. Dissolution of marriage -- legal
 13 separation. (1) The district court shall enter a decree of
 14 dissolution of marriage if:

15 (a) the court finds that one of the parties, at the
 16 time the action was commenced, was domiciled in this state
 17 or was stationed in this state while a member of the armed
 18 services and that the domicile or military presence has been
 19 maintained for 90 days next preceding the making of the
 20 findings;

21 (b) the court finds that the marriage is irretrievably
 22 broken, which findings shall be supported by evidence:

23 (i) that the parties have lived separate and apart for
 24 a period of more than 180 days next preceding the
 25 commencement of this proceeding; or

1 (ii) that there is serious marital discord which
 2 adversely affects the attitude of one or both of the parties
 3 towards the marriage;

4 (c) the court finds that the conciliation provisions
 5 of the Montana Conciliation Law and of 40-4-107 either do
 6 not apply or have been met; and

7 (d) to the extent it has jurisdiction to do so, the
 8 court has ~~considered, approved, or made provision for~~
 9 finally determined the issues of child custody, the support
 10 of any child entitled to support, the maintenance of either
 11 spouse, and the disposition of property.

12 (2) If a party requests a decree of legal separation
 13 rather than a decree of dissolution of marriage, the court
 14 shall grant the decree in that form unless the other party
 15 objects."

-End-

-2- INTRODUCED BILL
 HB 502

