

SENATE BILL NO. 260

INTRODUCED BY BARTLETT
BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

IN THE SENATE

JANUARY 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
FEBRUARY 17, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
FEBRUARY 18, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
FEBRUARY 19, 1993	ENGROSSING REPORT.
	THIRD READING, PASSED. AYES, 50; NOES, 0.
	TRANSMITTED TO HOUSE.

IN THE HOUSE

FEBRUARY 23, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY.
	FIRST READING.
MARCH 25, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN. REPORT ADOPTED.
MARCH 30, 1993	SECOND READING, CONCURRED IN.
APRIL 1, 1993	THIRD READING, CONCURRED IN. AYES, 97; NOES, 2.
	RETURNED TO SENATE.

IN THE SENATE

APRIL 2, 1993	RECEIVED FROM HOUSE.
	SENT TO ENROLLING.
	REPORTED CORRECTLY ENROLLED.

1 Senate BILL NO. 260
 2 INTRODUCED BY Bartlett

3 BY REQUEST OF THE SENATE JUDICIARY COMMITTEE

4
 5 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE STATUTE
 6 OF LIMITATIONS IN PATERNITY ACTIONS; AND AMENDING SECTION
 7 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 be
 12 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) or 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 the other man 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:

3 (a) may not be brought by the child later than 2 years
 4 after the child attains the age of majority;

5 (b) may be brought by a state agency at any time after
 6 the first application is made under Title IV-D of the Social
 7 Security Act for services to the child and before the child
 8 attains the age of majority. This subsection is intended to
 9 apply retroactively, within the meaning of 1-2-109, to any
 10 child for whom a paternity action was barred or could have
 11 been barred by a shorter limitation period. However, in
 12 previously barred actions that are revived by this
 13 subsection, the father ~~shall have no liability~~ is not liable
 14 to the state agency for support of the child.

15 (4) The father's liability for a statutory debt created
 16 by the payment of public assistance is limited to the amount
 17 of assistance paid during the 2-year period preceding
 18 commencement of the action. This subsection does not limit
 19 the subsequent accrual of a statutory debt.

20 (5) ~~Sections~~ Section 40-6-107 and ~~40-6-108~~ this section
 21 do not extend the time within which a right of inheritance
 22 or a right to a succession may be asserted beyond the time
 23 provided by law relating to distribution and closing of
 24 decedents' estates or to the determination of heirship or
 25 otherwise.

LC 1159/01

1 (6) After the conclusion of an adoption proceeding
2 under ~~chapter-8~~, Title 40, chapter 8, no a further action to
3 declare the existence or nonexistence of the father and
4 child relationship of the adopted child may not be
5 commenced, except as provided in 40-8-112."

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

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existence OR NONEXISTENCE of the father and child
relationship presumed under subsection (a), (b), or (c) of
40-6-105(1);

(b) ~~or 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
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(2) After the presumption has been rebutted, paternity
of the child by another man may be determined in the same
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child for whom a paternity action was barred or could have
been barred by a shorter limitation period. However, in
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subsection, the father ~~shall have no liability~~ is not liable
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(4) The father's liability for a statutory debt created
by the payment of public assistance is limited to the amount
of assistance paid during the 2-year period preceding
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do not extend the time within which a right of inheritance
or a right to a succession may be asserted beyond the time
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(2) After the presumption has been rebutted, paternity of the child by another man may be determined in the same action if he the other man 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:

(a) may not be brought by the child later than 2 years after the child attains the age of majority;

(b) may be brought by a state agency at any time after the first application is made under Title IV-D of the Social Security Act for services to the child and before the child attains the age of majority. This subsection is intended to apply retroactively, within the meaning of 1-2-109, to any child for whom a paternity action was barred or could have been barred by a shorter limitation period. However, in previously barred actions that are revived by this subsection, the father ~~shall have no liability~~ is not liable to the state agency for support of the child.

(4) The father's liability for a statutory debt created by the payment of public assistance is limited to the amount of assistance paid during the 2-year period preceding commencement of the action. This subsection does not limit the subsequent accrual of a statutory debt.

(5) Sections Section 40-6-107 and ~~40-6-108~~ this section 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

SB 0260/02

1 otherwise.

2 (6) After the conclusion of an adoption proceeding
3 under chapter-87 Title 40, chapter 8, no a further action to
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(5) Sections Section 40-6-107 and 40-6-108 this section 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

SB 0260/02

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3 under chapter-8, Title 40, chapter 8, no a further action to
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