

SENATE BILL 351

Introduced by Weldon, et al.

2/10	Introduced
2/10	Referred to Judiciary
2/10	First Reading
2/20	Hearing
2/22	Committee Report--Bill Passed as Amended
2/23	2nd Reading Passed
2/24	3rd Reading Passed
	Transmitted to House
3/01	Referred to Judiciary
3/01	First Reading
3/24	Hearing
3/26	Tabled in Committee

1 *Sen. Bill No. 351*
2 INTRODUCED BY *Weldon Sawyer - Bob Brown*
3 *Ream*

4 A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE DISTRICT
5 COURT DISCRETION IN A SUMMARY DISSOLUTION OF MARRIAGE
6 PROCEEDING TO GRANT THE DISSOLUTION AFTER REVIEW OF THE
7 PETITION WITHOUT HOLDING A HEARING; REQUIRING THE CLERK OF
8 COURT TO SEND A COPY OF THE FINAL JUDGMENT TO THE PARTIES;
9 AMENDING SECTION 40-4-133, MCA; AND PROVIDING AN IMMEDIATE
10 EFFECTIVE DATE."
11

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

13 **Section 1.** Section 40-4-133, MCA, is amended to read:

14 "40-4-133. Hearing and final judgment -- entry --
15 effect. After 20 days from the date of the filing of the
16 joint petition for summary dissolution, the district court
17 shall ~~hold a hearing at which both parties must be present,~~
18 ~~and if the court determines that the conditions in 40-4-130~~
19 exist review the petition, and if the petition is adequate
20 under 40-4-130, the court shall enter the final judgment
21 dissolving the marriage. The court may, based on individual
22 case review, order one or both parties to appear at a
23 hearing to verify the contents of the petition. Entry of
24 final judgment restores each party to the status of a single
25 person and permits either to marry. The clerk of court shall

1 mail the final judgment to the parties at the addresses
2 designated in the petition."

3 NEW SECTION. Section 2. Effective date. [This act] is
4 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

SENATE BILL NO. 351

INTRODUCED BY WELDON, SAYLES, HALLIGAN, B. BROWN, REAM

A BILL FOR AN ACT ENTITLED: "AN ACT GRANTING THE DISTRICT COURT JUDGE DISCRETION IN A SUMMARY DISSOLUTION OF MARRIAGE PROCEEDING TO GRANT THE DISSOLUTION AFTER REVIEW OF THE PETITION WITHOUT HOLDING A HEARING; REQUIRING THE CLERK OF COURT TO SEND A COPY OF THE FINAL JUDGMENT TO THE PARTIES IF SUFFICIENT POSTAGE PREPAID ENVELOPES ARE PROVIDED; AMENDING SECTION SECTIONS 40-4-131 AND 40-4-133, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

SECTION 1. SECTION 40-4-131, MCA, IS AMENDED TO READ:

"40-4-131. Joint petition -- filing -- form -- contents. (1) A proceeding for summary dissolution of marriage is commenced by filing in the district court a joint petition in the form prescribed by the court.

(2) The petition must:

(a) be signed under oath by both parties;

(b) state that, as of the date of the filing of the joint petition, each condition set forth in 40-4-130 has been met;

(c) state the mailing address of both parties; and

(d) state whether or not the wife elects to have her

maiden or former name restored and, if so, state the name to be restored; and

(e) be accompanied by preaddressed, stamped envelopes with sufficient postage to cover the mailing of the final judgment to the parties."

Section 2. Section 40-4-133, MCA, is amended to read:

"40-4-133. Hearing and final judgment -- entry -- effect. After 20 days from the date of the filing of the joint petition for summary dissolution, the district court JUDGE shall hold--a--hearing-at-which-both-parties-must-be present--and-if-the-court-determines-that-the-conditions--in 40-4-130--exist review the petition, and if the petition is adequate under 40-4-130, the court JUDGE shall enter the final judgment dissolving the marriage. The court JUDGE may, based on individual case review, order one or both parties to appear at a hearing to verify the contents of the petition. Entry of final judgment restores each party to the status of a single person and permits either to marry. The clerk of court shall, IF SUFFICIENT ENVELOPES AND POSTAGE HAVE BEEN PROVIDED UNDER 40-4-131, mail the final judgment to the parties at the addresses designated in the petition."

NEW SECTION. Section 3. Effective date. [This act] is effective on passage and approval.

-End-

SENATE BILL NO. 351

INTRODUCED BY WELDON, SAYLES, HALLIGAN, B. BROWN, REAM

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