

House BILL NO. 271

INTRODUCED BY

*Ronda McCulloch* *Elling* *Guiness*  
*Cocchiarella* *J. Weldon* *Ream* *Rathel* *Denny* *Furson*

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAW RELATING TO SUMMARY DISSOLUTION OF MARRIAGE; REQUIRING SUMMARY DISSOLUTION PETITIONS TO CONTAIN THE SAME STATISTICAL DATA AS REQUIRED FOR REGULAR DISSOLUTION PETITIONS; ALLOWING SUMMARY DISSOLUTIONS WITHOUT PERSONAL HEARINGS BEFORE A COURT; AND AMENDING SECTIONS 40-4-131 AND 40-4-133, MCA."

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 verified joint petition in the form prescribed by the court.

(2) The petition must state:

(a) ~~be signed under oath by both parties~~ the age, occupation, and residence of each party and the length of the party's residence in this state;

(b) the date of the marriage and the place at which it was registered;

(c) that the marriage is irretrievably broken in that either:

(i) the parties have lived apart for a period of more than 180 days next preceding the commencement of this proceeding; or

(ii) there is serious marital discord that adversely affects the attitude of one or both of the parties towards the marriage, and there is no reasonable prospect of reconciliation;

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

~~(e)(e)~~ state the mailing address of both parties; and

~~(d)(f)~~ state whether or not the wife elects to have her the wife's maiden or former name restored and, if so, state the name to be restored; and

(g) that the parties understand that if a revocation of the joint petition is not filed with the court

1 and if a notice to personally appear at a hearing has not been issued to the parties, the court may  
2 summarily issue a decree of dissolution without a hearing."

3  
4 **Section 2.** Section 40-4-133, MCA, is amended to read:

5 **"40-4-133. ~~Hearing and Court-ordered hearing -- final judgment -- entry -- effect.~~ (1) ~~After 20 days~~**  
6 **~~from the date of the filing of the joint petition for summary dissolution, the~~ The final decree of dissolution**  
7 **may be entered by the court without a hearing. The district court shall hold ~~may, upon review of the joint~~**  
8 **petition, require one or both of the parties to attend a hearing at which both parties must be present, and**  
9 **if prior to entry of the final decree. Unless the court specifically orders a hearing, the final decree must be**  
10 **entered by the court after 20 days have elapsed from the date of filing the joint petition.**

11 **(2) If** the court determines that the conditions in 40-4-130 exist, the court shall enter the final  
12 judgment dissolving the marriage. Entry of final judgment restores each party to the status of a single  
13 person and permits either to marry.

14 **(3) Upon entry of the final decree, the clerk of the court shall mail to each party, at the address**  
15 **set out in the joint petition, a copy of the final decree."**

16 -END-