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SENATE BILL NO. 286

INTRODUCED BY Stephen Hultine W. Ryan G

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PAYMENT OF COUNSEL FEES AND COSTS, INCLUDING BLOOD TEST COSTS, IN AN ACTION TO DETERMINE THE EXISTENCE OF THE FATHER AND CHILD RELATIONSHIP; AMENDING SECTION 40-6-119, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 40-6-119, MCA, is amended to read:

"40-6-119. ~~Rights~~ Right to counsel -- payment of counsel fees and costs -- free transcript on appeal. (1) At the pretrial hearing and in further proceedings, any party may be represented by counsel. The court shall appoint counsel for a party who is financially unable to obtain counsel.

(2) The court may order reasonable fees of counsel, experts, and the child's guardian ad litem and other costs of the action and pretrial proceedings, including blood test costs, to be paid by the parties in proportions and at times determined by the court.

~~(2)~~(3) If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal."

NEW SECTION. Section 2. **Applicability.** [This act] applies to actions filed after [the effective date of this act].

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0286, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act providing for the payment of counsel fees and costs, including blood test costs, in an action to determine the existence of the father and child relationship.

ASSUMPTIONS:

1. District Court personnel will need to do a determination of proportions of cost so that the judge can assess correct amount.

FISCAL IMPACT:

Passage of SB286 will have no fiscal impact on state government.

EFFECT ON COUNTY OR OTHER LOCAL REVENUES OR EXPENDITURES:

Based on assumption number 1, county district courts may incur additional costs, but the exact fiscal impact cannot be determined due to the lack of statistics.

Dave Lewis 2-6-95
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

Eve Franklin 2-6-95
EVE FRANKLIN, PRIMARY SPONSOR DATE

Fiscal Note for SB0286, as introduced

SB 286

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SENATE BILL NO. 286

INTRODUCED BY Richard Byington W. Ryan G

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PAYMENT OF COUNSEL FEES AND COSTS, INCLUDING BLOOD TEST COSTS, IN AN ACTION TO DETERMINE THE EXISTENCE OF THE FATHER AND CHILD RELATIONSHIP; AMENDING SECTION 40-6-119, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

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(2) The court may order reasonable fees of counsel, experts, and the child's guardian ad litem and other costs of the action and pretrial proceedings, including blood test costs, to be paid by the parties in proportions and at times determined by the court.

~~(2)~~(3) If a party is financially unable to pay the cost of a transcript, the court shall furnish on request a transcript for purposes of appeal."

NEW SECTION. Section 2. Applicability. [This act] applies to actions filed after [the effective date of this act].

-END-

1 SENATE BILL NO. 286

2 INTRODUCED BY FRANKLIN, BOHLINGER, RYAN, CRIPPEN

3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR THE PAYMENT OF COUNSEL FEES AND
5 COSTS, INCLUDING BLOOD TEST COSTS, IN AN ACTION TO DETERMINE THE EXISTENCE OF THE
6 FATHER AND CHILD RELATIONSHIP; AMENDING SECTION 40-6-119, MCA; AND PROVIDING AN
7 APPLICABILITY DATE."

8

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

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12 "40-6-119. ~~Rights~~ Right to counsel -- payment of counsel fees and costs -- free transcript on
13 appeal. (1) At the pretrial hearing and in further proceedings, any party may be represented by counsel.
14 The court shall appoint counsel for a party who is financially unable to obtain counsel.

15 (2) The court may order reasonable fees of counsel, experts, and the child's guardian ad litem and
16 other costs of the action and pretrial proceedings, including blood test costs, to be paid by the parties in
17 proportions and at times determined by the court.

18 ~~(2)(3)~~ If a party is financially unable to pay the cost of a transcript, the court shall furnish on
19 request a transcript for purposes of appeal."

20

21 NEW SECTION. Section 2. Applicability. [This act] applies to actions filed after [the effective date
22 of this act].

23

-END-