EXHIBIT 1
DATE 1/19/15
HB 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY EVALUATING CURRENT COURT PROCEDURES IN FAMILY LAW CASES AND IDENTIFYING ALTERNATIVE SOLUTIONS.

WHEREAS, Montana's district courts experienced a record number of filings in 2012, exceeding 50,000 new case filings statewide for the first time in history; and

WHEREAS, more than one in five of all cases filed in the district courts are domestic relations and family law cases, approximately 60% of which, more than 6,500 cases in 2012, have at least one party who is not represented by counsel; and

WHEREAS, the high percentage of the district courts' caseload and the attention the various issues in these filings require have the dual effect of overwhelming the bench and depriving litigants of the prompt, careful consideration they deserve; and

WHEREAS, children and families suffer in contested parenting cases, where the win-lose adversarial court system often escalates family conflict instead of working to find solutions that will create a healthy environment in which children may grow up without being caught in the middle of their parents' disagreements; and

WHEREAS, other states have created alternatives for handling family law matters, including early case management and early neutral evaluation programs, administrative law models that allow fact-gathering and processing of family cases prior to involvement by the court, and other alternative dispute resolution processes; and

WHEREAS, alternative dispute resolution methods would assist parties in resolving matters before significant financial and emotional resources are expended on litigation and would help avoid lengthy and expensive court battles, while at the same time freeing up the district courts to spend more time on the other areas of their growing caseloads.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE

STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) evaluate the cost and effectiveness of Montana's current court processes in addressing domestic relations matters;

(2) research family law models and approaches, legislative and otherwise, being used in other states; and

(3) identify measures that will help improve the administration of justice and promote the nonadversarial resolution of family law disputes.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2014.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 64th Legislature.

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