

Amendments to House Bill No. 129
1st Reading Copy

Requested by Representative Ellie Boldman Hill

For the House Judiciary Committee

Prepared by Helen Thigpen
January 22, 2015 (2:08pm)

1. Page 1, line 15 through line 24.

Following: "(2)" on line 15

Strike: remainder of line 15 through line 24

Insert: "(a) If a parent's change in residence will significantly affect the child's contact with the other parent, the parent who intends to change residence shall, pursuant to 40-4-219, file a motion for amendment of the residential schedule and a proposed revised residential schedule with the court that adopted the residential schedule or the court to which jurisdiction or venue over the child has been transferred. The motion must be served personally or by certified mail on the other parent and served pursuant to the Montana Rules of Civil Procedure on the parent's attorney of record, if the parent has an attorney of record, not less than 30 days before the proposed changed in residence.

(b) The notice pursuant to this subsection (2) is not sufficient unless it contains the following statement: "The relocation of the child may be permitted and the proposed revised residential schedule may be ordered by the court without further proceedings unless within 21 days you file a response and alternate revised residential schedule with the court and serve your response on the person proposing the move and all other persons entitled by the court order to residential time or visitation with the child."

(3) The parent who receives service of a motion to amend the parenting plan pursuant to this section has 21 days after service of the motion to file a response. If the parent receiving notice objects to the proposed revised residential schedule, the responding parent shall include an alternate proposed revised residential schedule with the response. The response must be served as provided for by the Montana Rules of Civil Procedure on the parent proposing to change residence or on the parent's attorney of record if the parent has an attorney of record.

(4) If a parent is properly served with a motion to amend the parenting plan pursuant to this section, failure to file a response within the 21-day period constitutes acceptance of the proposed revised residential schedule.

(5) A person entitled to file an objection to the proposed relocation of the child may file the objection regardless of whether the person has received proper notice."

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