



AN ACT REPEALING THE OBLIGATION OF ADULT CHILDREN TO SUPPORT INDIGENT PARENTS;
AMENDING SECTIONS 40-6-214 AND 53-3-116, MCA; AND REPEALING SECTIONS 40-6-301, 40-6-302,
AND 40-6-303, MCA.

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

Section 1. Section 40-6-214, MCA, is amended to read:

"40-6-214. ~~Reciprocal duties of parents and children in maintaining each other~~ Duties of parents to maintain children. It is the duty of the ~~father, the mother, and the children~~ father and the mother of any poor ~~person-person~~ who is unable to provide self-maintenance by work to maintain that ~~person-person~~ to the extent of ~~their~~ the parent's ability. ~~The promise of an adult child to pay for necessities previously furnished to that parent is binding.~~"

Section 2. Section 53-3-116, MCA, is amended to read:

"53-3-116. Indigent assistance -- optional county program. (1) A county may provide a program of indigent assistance that it determines necessary. The program may include assistance for food, clothing, shelter, transportation, and medical assistance for individuals not eligible for state or federal programs providing similar assistance. A county may provide for the burial, entombment, or cremation of indigents. The indigent assistance program of the county includes:

- (a) job search, job training, work-for-assistance, and employment programs; and
 - (b) health care, preventive care, and wellness programs as determined by the county commissioners.
- (2) A county may establish the criteria for determining eligibility for assistance, including but not

limited to residency requirements, limits on income and resources, and the amount, scope, and duration of assistance.

(3) A county may deny assistance for a reasonable period if a person has voluntarily left employment without good cause or is discharged due to misconduct.

(4) The program may be funded with money derived from a county mill levy as authorized by law.

(5) A person is indigent for purposes of this subsection if the value of all income and resources available to pay for that person's burial, entombment, or cremation at the time of death is less than the negotiated amount due the funeral home or mortician for an indigent burial. Available income and resources may be determined by the county.

~~(6) A county may seek reimbursement under 40-6-303, if applicable, for costs paid under this section.~~

~~(7)(6)~~ A county may not deduct amounts that may be ~~recovered from an adult child of a deceased indigent or~~ recovered from resources of a deceased indigent from a contract amount due a funeral home or mortician for burial services provided under 7-4-2915 or this section. A funeral home or a mortician that recovers an amount in excess of a contract amount paid under this subsection shall reimburse the county for the amount recovered up to the amount of the contract."

Section 3. Repealer. The following sections of the Montana Code Annotated are repealed:

- 40-6-301. Duty of child to support indigent parents.
- 40-6-302. Failure to support -- misdemeanor.
- 40-6-303. Civil action to enforce duty to support.

- END -

I hereby certify that the within bill,
HB 307, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2021.

President of the Senate

Signed this _____ day
of _____, 2021.

HOUSE BILL NO. 307

INTRODUCED BY J. GILLETTE

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