

HOUSE BILL NO. 12

INTRODUCED BY E. HILL

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING FOR A DECREE OF DISSOLUTION WITHOUT A HEARING WHEN THE DISSOLUTION IS UNCONTESTED; AMENDING SECTION 40-4-108, MCA; AND PROVIDING AN APPLICABILITY DATE."

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

Section 1. Section 40-4-108, MCA, is amended to read:

"40-4-108. Decree. (1) A decree of dissolution of marriage or of legal separation is final when entered, subject to the right of appeal. An appeal from the decree of dissolution that does not challenge the finding that the marriage is irretrievably broken does not delay the finality of that provision of the decree that dissolves the marriage beyond the time for appealing from that provision, and either of the parties may remarry pending appeal.

(2) No earlier than 6 months after entry of a decree of legal separation, the court on motion of either party shall convert the decree to a decree of dissolution of marriage.

(3) The clerk of the court shall give notice of the entry of a decree of dissolution:

(a) if the marriage is registered in this state, to the clerk of the district court of the county where the marriage is registered, who shall enter the fact of dissolution in the book in which the marriage license and certificate are recorded; or

(b) if the marriage is registered in another jurisdiction, to the appropriate official of that jurisdiction, with the request that the official enter the fact of dissolution in the appropriate record.

(4) In an uncontested dissolution, either party may request entry of a decree of dissolution without a hearing. The nonrequesting party has 30 days to object to entry of the decree of dissolution. If no objection is filed within 30 days, the court shall enter the decree of dissolution.

~~(4)~~(5) Upon request by a wife whose marriage is dissolved or declared invalid, the court shall order the wife's maiden name or a former name restored."

NEW SECTION. **Section 2. Applicability.** [This act] applies to dissolution cases filed on or after



1 October 1, 2015.

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