

HOUSE BILL NO. 129

INTRODUCED BY E. HILL

BY REQUEST OF THE LAW AND JUSTICE INTERIM COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A PARENT WHO IS SUBJECT TO A PARENTING PLAN AND WHO INTENDS TO CHANGE RESIDENCE IS RESPONSIBLE FOR FILING THE MOTION TO AMEND THE PARENTING PLAN IF THE PARENTS CANNOT AGREE TO A CHANGE IN THE RESIDENTIAL SCHEDULE; AND AMENDING SECTION 40-4-217, MCA."

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

**Section 1.** Section 40-4-217, MCA, is amended to read:

**"40-4-217. Notice of intent to move.** (1) A parent who intends to change residence shall, unless precluded under 40-4-234, provide written notice to the other parent.

(2) If a parent's change in residence will significantly affect the child's contact with the other parent, notice must be served personally or given by certified mail not less than 30 days before the proposed change in residence and must include a proposed revised residential schedule. Proof of service must be filed with the court that adopted the parenting plan. Failure of the parent who receives notice to respond to the written notice ~~or to seek amendment of the residential schedule pursuant to 40-4-219~~ or to notify the court that adopted the parenting plan of the parent's objection to the proposed revised residential schedule within the 30-day period constitutes acceptance of the proposed revised residential schedule.

(3) If the parties do not agree to the proposed change in residence and the proposed revised residential schedule, the parent who is moving is responsible for filing a motion to amend the parenting plan pursuant to 40-4-219 with the court that adopted the parenting plan."

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