67th Legislature LC 2088

1	BILL NO		
2	INTRODUCED BY		
3	(Primary Sponsor)		
4	A BILL FOR AN ACT ENTITLED: "AN ACT REPEALING THE OBLIGATION OF ADULT CHILDREN TO		
5	SUPPORT INDIGENT PARENTS; AMENDING SECTION 53-3-116, MCA; AND REPEALING SECTIONS 40-6		
6	214, 40-6-301, 40-6-302, AND 40-6-303, MCA."		
7			
8	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:		
9			
10	Section 1. Section 53-3-116, MCA, is amended to read:		
11	"53-3-116. Indigent assistance optional county program. (1) A county may provide a program of		
12	indigent assistance that it determines necessary. The program may include assistance for food, clothing,		
13	shelter, transportation, and medical assistance for individuals not eligible for state or federal programs providing		
14	similar assistance. A county may provide for the burial, entombment, or cremation of indigents. The indigent		
15	assistance program of the county includes:		
16	(a) job search, job training, work-for-assistance, and employment programs; and		
17	(b) health care, preventive care, and wellness programs as determined by the county commissioners.		
18	(2) A county may establish the criteria for determining eligibility for assistance, including but not		
19	limited to residency requirements, limits on income and resources, and the amount, scope, and duration of		
20	assistance.		
21	(3) A county may deny assistance for a reasonable period if a person has voluntarily left employment		
22	without good cause or is discharged due to misconduct.		
23	(4) The program may be funded with money derived from a county mill levy as authorized by law.		
24	(5) A person is indigent for purposes of this subsection if the value of all income and resources		
25	available to pay for that person's burial, entombment, or cremation at the time of death is less than the		
26	negotiated amount due the funeral home or mortician for an indigent burial. Available income and resources		
27	may be determined by the county.		

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

Legislative Services Division

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1	(7) (6)	A county may not deduct amounts that may be recovered from an adult child of a deceased	
2	indigent or red	covered from resources of a deceased indigent from a contract amount due a funeral home or	
3	mortician for b	ourial services provided under 7-4-2915 or this section. A funeral home or a mortician that	
4	recovers an a	mount in excess of a contract amount paid under this subsection shall reimburse the county for	
5	the amount recovered up to the amount of the contract."		
6			
7	NEW SECTION. Section 2. Repealer. The following sections of the Montana Code Annotated are		
8	repealed:		
9	40-6-214.	Reciprocal duties of parents and children in maintaining each other.	
10	40-6-301.	Duty of child to support indigent parents.	
11	40-6-302.	Failure to support misdemeanor.	
12	40-6-303.	Civil action to enforce duty to support.	
13		- END -	



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