

1 HOUSE BILL NO. 500

2 INTRODUCED BY K. SEEKINS-CROWE

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4 A BILL FOR AN ACT ENTITLED: "AN ACT ELIMINATING YOUTH COURT FEES, COSTS, CERTAIN FINES,
5 AND CERTAIN FINANCIAL OBLIGATIONS; CREATING REPORTING REQUIREMENTS TO THE CRIMINAL
6 JUSTICE OVERSIGHT COUNCIL; AMENDING SECTIONS 40-4-204, 40-5-303, 40-5-601, 40-5-701, 41-5-103,
7 41-5-132, 41-5-1304, 41-5-1412, 41-5-1501, 41-5-1503, 41-5-1511, 41-5-1512, 41-5-1513, AND 41-5-1703,
8 MCA; AND REPEALING SECTIONS 41-5-112 AND 41-5-1525, MCA."

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

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12 NEW SECTION. Section 1. Certain costs, obligations, and fees prohibited -- report. (1) (a) A
13 court, agency, assessment officer, or juvenile probation officer may not order a youth, the youth's parents, or
14 the youth's guardian to pay:

15 (i) a contribution, including but not limited to a contribution for any part of the costs for
16 adjudication, disposition, attorney fees for costs of prosecuting or defending the youth, costs of detention,
17 supervision, care, custody, or necessary medical, dental, or health treatment; or

18 (ii) fines, except in the cases described in 41-5-203(2).

19 (b) A city, town, or county may not impose a legal financial obligation, fee, fine, or cost associated
20 with a juvenile offense unless there is express statutory authority for the legal financial obligation, fee, fine, or
21 cost.

22 (2) Nothing in this section may be construed to prohibit billing public and private insurance or
23 coverage to provide services under the Montana Youth Court Act.

24 ~~(2)~~(3) (a) On [the effective date of this act], all outstanding fees or costs owed by a youth, the youth's
25 parents, or the youth's guardian are void and uncollectable, and any order requiring the payment of fees or
26 costs is unenforceable.

27 (b) Within 6 months of [the effective date of this act], the office of court administrator shall report to
28 the criminal justice oversight council established in 53-1-216 the number of orders vacated or partially vacated

1 in each judicial district pursuant to this section. The report must include the amount of the balances vacated in
2 each judicial district.

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4 **Section 2.** Section 40-4-204, MCA, is amended to read:

5 **"40-4-204. Child support -- orders to address health insurance -- withholding of child support.**

6 (1) In a proceeding for dissolution of marriage, legal separation, maintenance, or child support, the court shall
7 order either or both parents owing a duty of support to a child to pay an amount reasonable or necessary for the
8 child's support, without regard to marital misconduct.

9 (2) The court shall consider all relevant factors, including:

10 (a) the financial resources of the child;

11 (b) the financial resources of the parents;

12 (c) the standard of living that the child would have enjoyed had the marriage not been dissolved;

13 (d) the physical and emotional condition of the child and the child's educational and medical
14 needs;

15 (e) the age of the child;

16 (f) the cost of day care for the child;

17 (g) any parenting plan that is ordered or decided upon; and

18 (h) the needs of any person, other than the child, whom either parent is legally obligated to
19 support.

20 (3) (a) Whenever a court issues or modifies an order concerning child support, the court shall
21 determine the child support obligation by applying the standards in this section and the uniform child support
22 guidelines adopted by the department of public health and human services pursuant to 40-5-209. The
23 guidelines must be used in all cases, including cases in which the order is entered upon the default of a party
24 and those in which the parties have entered into an agreement regarding the support amount. A verified
25 representation of the defaulting parent's income, based on the best information available, may be used when a
26 parent fails to provide financial information for use in applying the guidelines. The amount determined under the
27 guidelines is presumed to be an adequate and reasonable support award, unless the court finds by clear and
28 convincing evidence that the application of the standards and guidelines is unjust to the child or to any of the