

HB 2147 -- RESPONSIVE PLEADING FAMILY LAW

SPONSOR: Beard

COMMITTEE ACTION: Voted "Do Pass" by the Standing Committee on Civil and Criminal Proceedings by a vote of 9 to 2. Voted "Do Pass" by the Select Committee on Judiciary by a vote of 8 to 0.

This bill requires the responding party to file a response to any motion to modify a child support, spousal maintenance, or child custody judgment.

This bill is the same as HB 1124 (2015).

PROPONENTS: Supporters say that right now, there is a difference between what happens when you file a petition, and when you file a motion. When you file a petition, an answer must be filed. In family law, you have the option to file an answer to a motion to modify custody or child support, but you are not required to file a responsive pleading. This is a problem because the western district has found that a response is not required, parties do not file these pleadings, and thus it makes it harder to prepare for trial. Also, you cannot default a party for not responding if no response is required under the law.

Testifying for the bill was Representative Beard.

OPPONENTS: There was no opposition voiced to the committee.