

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 205

BY STATE AFFAIRS COMMITTEE

AN ACT

1
2 RELATING TO PROCEEDINGS TO ESTABLISH PATERNITY; AMENDING SECTION 7-1103,
3 IDAHO CODE, TO REVISE DEFINITIONS; AMENDING SECTION 7-1105, IDAHO CODE,
4 TO REVISE TERMINOLOGY; AND AMENDING SECTION 7-1107, IDAHO CODE, TO RE-
5 VISE TERMINOLOGY.

6 Be It Enacted by the Legislature of the State of Idaho:

7 SECTION 1. That Section 7-1103, Idaho Code, be, and the same is hereby
8 amended to read as follows:

9 7-1103. DEFINITIONS. When used in this act:

10 (1) The phrase "child conceived or born out of wedlock" refers to a
11 child who is conceived outside of lawful matrimony but has not yet been born
12 or who is begotten and born outside of lawful matrimony.

13 (2) The word "child" refers to child conceived or born out of wedlock.

14 (3) The word "mother" refers to the mother of a child conceived or born
15 out of wedlock.

16 (4) The word "father" refers to the biological father of a child
17 conceived or born out of wedlock.

18 (5) The word "court" refers to the district court which is hearing the
19 cause.

20 SECTION 2. That Section 7-1105, Idaho Code, be, and the same is hereby
21 amended to read as follows:

22 7-1105. PARENTS LIABLE FOR SUPPORT AND EDUCATION -- DECEASED PARENT --
23 LIABILITY OF ESTATE. Each parent of a child conceived or born out of wed-
24 lock is liable for the necessary support and education of the child and for
25 the child's funeral expenses. If a parent dies, an order of support or a ju-
26 dicially approved settlement made prior to that parent's death shall be en-
27 forceable as a claim against the deceased parent's estate in an amount to be
28 determined by the probate court not greater than is provided in the order of
29 settlement, having regard to the age of the child, the ability of the sur-
30 viving parent to support and educate it, the amount of property left by the
31 deceased parent, and the number, age and financial condition of those other
32 persons legally entitled to support by the deceased parent during his or her
33 lifetime.

34 SECTION 3. That Section 7-1107, Idaho Code, be, and the same is hereby
35 amended to read as follows:

36 7-1107. LIMITATION OF ACTION. (1) Except as provided in section
37 16-1504(9), Idaho Code, a proceeding to establish paternity of the child
38 under the provisions of this chapter may be instituted either before or after

1 the birth of the child but must be instituted before the child reaches the age
2 of majority as defined in section 32-101, Idaho Code.

3 (2) This section shall apply retroactively, and is for the benefit of
4 any dependent child, whether conceived or born before or after the effective
5 date of this act, and regardless of the past or current marital status of the
6 parents.