



2023 Nov 30 Regular Meeting Cover Memo

To Kim Watne (guidelines@mt.gov), MT DPHHS CSSD Guidelines Project Manager
Chair of Guidelines Review and Oversight Committee (GROC)

Cc GROC participants (x = present):

	Community reps	Title, with county(ies) covered if any	Location
x	Thiel, Cindy	Ret.:Atty. Missoula	Missoula
x	Timmer, Colleen	Master Mineral, Missoula	Missoula
	State workers	Title	Location
x	Atkinson, Jade	CSSD Regional manager	Helena
x	Chaffey, Casse	CSSD Investigator	Missoula
x	Delaney, Barb	CSSD Bureau chief, SPOT	Helena
x	Eckley, Alison	CSSD Regional manager	Missoula
x	Ensey, Miranda	CSSD Investigator	Great Falls
x	Gilbert, Nikki	CSSD Investigator	Great Falls
x	Hochhalter, Priscilla	CSSD Recorder / Training specialist	Helena
x	Leach, Kial	CSSD Compliance manager	Helena
x	Mosby, Micky	CSSD Regional manager	Great Falls
x	Paul, Echoe	CSSD Investigator supervisor	Helena
x	Quinn, Patrick	OLA Staff attorney	Missoula
--	Rohrdanz, Vaughn	CSSD Investigator supervisor	Billings
x	Watne, Kim	CSSD Chair / Guidelines project manager	Helena

From Priscilla Hochhalter, Recorder for GROC

Date 2023 Dec 21

Re 2023 Nov 30 Thu. – 1:30–3:30p U.S. Mountain Time – via videoconference
Regular Meeting – MINUTES

Text Please see relevant materials, attached, and **watch email** for any between-meeting dialog.

GROC usually meets quarterly; next meeting is tentatively set for January 25, 10a–12n.

GROC Mission: “The State must review, and revise, if appropriate, the child support guidelines...at least once every four years to ensure that their application results in the determination of appropriate child support order amounts.” -From [Electronic] Code of Federal Regulations ([E]CFR), Title 45, Subtitle B, Chapter III, Part 302, §302.56, “Guidelines for setting child support orders,” (e) (<https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56>). See also MCA 40-5-209 ([https://leg.mt.gov/bills/mca/title_0400?chapter=0050/part_0020/section\)0090/0400-0050-0020-0090.html](https://leg.mt.gov/bills/mca/title_0400?chapter=0050/part_0020/section)0090/0400-0050-0020-0090.html)).

Minutes

(Discussions are organized by topic, not necessarily by actual sequence.)

I Welcome & introductions

Kim opened the meeting, and each participant gave a self-introduction.

II Mission, purpose, requirements, process

As shown briefly on the cover page: Per [45 CFR 302.56](#) and [MCA 40-5-209](#) (both of which are available online and also attached to minutes of 2023 Jul 25), GROC's mission is to meet federal and state requirements re. Montana guidelines (MT GLs) for child support.

The purpose is to ensure GLs keep up with current socioeconomic realities and that they are appropriate for, and applied the same way to, all MT cases.

So, every four years we must do a quadrennial review / report (QR) re. MT GLs. Requirements include considering economic data, analyzing case data, and allowing for meaningful public input (usually via GROC's community representatives), especially re. low-income families. Then any proposed changes to GLs are submitted for administrative rule changes or to MT legislature.

III GLs usage in MT

Kim asked how MT's legal community is using MT GLs.

Cindy and Colleen agreed that in their counties (Missoula and Mineral), GLs are being used. Generally the calculation is either attached to or referenced in the order, with variances addressed within the order; however, a calculation may not be attached if, say, the order is already quite lengthy, or if the parties are ordered to open a CSSD case and have CSSD do the calculation. These remarks helped to explain why CSSD sees court orders without calculations attached.

One more issue was noted: MTCS software (for courts and attorneys) does include a per-calculation charge, which can be expensive.

Kim said CSSD would love to provide a free, automated way to do calculations that is simpler for, and available to, one and all. Though doing so would be a huge task – requiring substantial help from others (programmers, legal, etc.) – it always has been, and still is, a long-term goal.

IV 2024 Quadrennial Review / Report (QR)

To meet all above requirements for the upcoming 2024 QR, the below work is underway.

A Economic data

1 *MT Dept. of Labor & Industry (DLI), 2022 Labor Day report

(<https://lmi.mt.gov/docs/Publications/LMI-Pubs/Labor-Market-Publications/LDR20221.pdf>):

Before our next meeting: Please take an hour or so to skim this online report and prepare to share input about it. Does it spark any helpful thoughts? Which data, if any, strikes you – and why?

Kim noted its cost-of-living data is a bit higher for MT than for some other states, and also its pre- vs. post-pandemic data reveals many changes around the time of COVID-19.

2 US Department of Agriculture (USDA), 2015 figures on cost of raising a child

(<https://www.fns.usda.gov/cnpp/2015-expenditures-children-families>):

This link, not discussed but shared for your individual review, goes to “2015 Expenditures on Children By Families” – a webpage that covers 2015 federal report data re. costs of raising a child.

B *Case data

Kim verbally reviewed a work-in-progress document, still in draft form so not attached here, outlining her ongoing case data analysis for the 2024 QR and her methodology and findings so far. This draft was attached to the agenda; GROC review / input / queries are requested and helpful.

V GLs changes being considered

A Consider removing taxes (including earned income credit [EIC]) – attachment 1

See attached Delaware (DE) GLs: a 1-pg model of simplicity (with 12-pg instructions); Kim can do it by hand in about 10 minutes. However, it does not consider long-distance parenting. Like us, DE has no sales tax and uses a Melson-based model; in 2019 they deleted taxes from GLs to use only gross income. To simplify and to avoid the ongoing issue of tax law changes, we'd like to do so too. To see how doing so affects results, Kim is testing sample cases with and without taxes.

B Consider adjusting primary child support allowance – attachments 2, 3

DE uses a lower self-support reserve and higher primary child support allowance (~\$8,000/yr), while MT uses a higher self-support reserve and lower primary child support allowance (currently \$5,686/yr). We could review both amounts. See attachment 2 (ARM 37.62.121 – Rule 12) for an explanation and formula, and attachment 3 (policy CS 404.2, table 2, line 11) for current amounts.

C Consider reducing average hrs/wk worked for imputed income – attachment 4

ARM 37.62.106 presumes all parents, absent contrary evidence, can work up to 40 hrs/wk. Yet in this table (attachment 5, from above-cited MT DLI 2022 Labor Day report) – of average number of hrs/wk worked in each state and in DC – the combined average is 33, likely due to employers offering under 40 to avoid paying benefits. Many other states, noting this issue, have reduced the number of hrs/wk for imputing income. We could propose an ARM change to do so too.

Cindy said that, in addition to or instead of reducing the number of hrs/wk, we could specify how much leeway to allow for using a higher number (when more hours are possible) or a lower number (when fewer hours are possible).

Kial agreed; he said maybe we could just add clarification, instead of rewriting the whole rule.

VI Closing business / Adjournment

Kial and Kim said input on GLs is greatly needed from GROC participants (this group), who are the ones actually “in the trenches” of working on cases. So, please do share input; don't be shy!

Since the next QR is due in 2024, the next meeting is tentatively set for January 25, 10a-12n. We adjourned. As indicated on cover page, watch email for updates and meeting schedule.

Attachment 1: 2023 DE Child Support Formula (Form 509)

<https://courts.delaware.gov/Forms/Download.aspx?id=268>; see also instructions at <https://courts.delaware.gov/Forms/Download.aspx?id=109568>

Form 509
Rev 1/23

2023 Delaware Child Support Formula

Petitioner _____ Respondent _____ Date: _____

File No: _____ Petition No.: _____ DCSS No.: _____

		Wages	2d Job	Other	Self	Nontax	Parent 1	Parent 2		
NET INCOME AVAILABLE	1 Gross Income									
	Parent 1									
	Parent 2									
	2 Nontaxable Income Adj. (25% of income exempted by law from Federal income tax)									
	3 Self-Employment Adjustment (7% of documented SE income up to \$12250)									
	4 Deductions	Pension	Union Dues	Disability	other	HI not on child				
	Parent 1									
	Parent 2									
5 Self Support Allowance						\$1,460	\$1,460			
6 Net Income after Self Support (Line 1 plus Line 2 minus Lines 3, 4, and 5)										
7 A – Does the parent support other dependent children? (Yes or No)						Yes / No	Yes / No			
B – Adjustment for Other Dependents (If Line 7 = Yes, then 70%, otherwise \$100%)						70% / 100%	70% / 100%		Total	
8 Net Income Available for Primary Support (Line 6 x Line 7B)										
PRIMARY	9 Share of Net Available (Line 8 / Line 8 Total; 50% nonparent override: \$ _____)									100%
	10 Number of children of this union in each home									
	11 Primary Support Allowance (Line 10 x \$390 + \$340)									
	12A A – Childcare for children of this union necessary for parent to maintain employment									
	B – Private School Tuition and Costs / other primary expenses									
	C – Health Insurance	Medical	+ Dental	+ Vision	x 75% or 50%					
	If Line 7A=No, 75% Parent 1									
If Yes, then 50% Parent 2									Total	
13 Total Primary Need (Line 11 + Lines 12A, B and C)										
14 Primary Support Obligation (Line 9 x Line 13 Total)										
SOLA	15 – Net Income Available for SOLA									Total
	16A – Line 15 - \$14,600 (but not less than 0)									
	B – High Income Offset (30% of Line 16A Total)									
	17 – Standard of Living Percentage (Table)									Total
	18A – SOLA (Line 15 - Line 16B x Line 17)									
B – Per child SOLA (Line 18A Total / Line 10 Total)										
CREDITS	19 Gross Obligation (Line 14 plus Line 18A)									
	20 Primary and SOLA retained (Line 10 multiplied by Line 18B plus Line 11)									
	21 Itemized Primary (Line 12A plus Line 12B plus Line 12C)									
	22A A – Parenting Time Percentage (80 - 124 Overnights, 10%; 125-163, 30%)									
	B – Parenting Time Adjustment (Line 22A x other parent's Line 20)									
	23A A – Does the parent support children in 3 or more households? (Yes or No)						Yes / No	Yes / No		
	B – Self Support Protection % (If Line 23A = No, then 50%; if Yes, then 35%)									
C – Self Support Protection (Line 8 x Line 23B)										
24 Net Obligation (Line 19 minus Lines 20, 21 and 22B, but not more than 23C)										
		<input type="checkbox"/> Minimum Order (1 child = \$150; 2 or more = \$220)								
25 Cash Medical Support (Line 9 rounded towards 50% to the next multiple of 10)										

* GROC chair asks participants to review this item.

Attachment 2: Rule 12 (ARM 37.62.121)

<https://dphhs.mt.gov/assets/cssd/GuidelinesARM.pdf>

Rule 12 (ARM 37.62.121) – Primary Child Support Allowance

(1) Primary child support allowance is a standard amount to be applied toward a child's food, shelter, clothing and related needs and is not intended to meet the needs of a particular child. This allowance is .30 multiplied by the personal allowance found at ARM 37.62.114 for the first child. For the second and third children, the personal allowance is multiplied by .20 and added for each child. For four or more children, the personal allowance is multiplied by .10 and added for each additional child.

History: Sec. 40-5-203, MCA; IMP, Sec. 40-5-209, MCA; NEW, 1998 MAR p. 2066, Eff. 11/1/98.

Attachment 3: Guidelines tables (policy section CS 404.2)

<https://dphhs.mt.gov/cssd/PolicyManual> / <https://dphhs.mt.gov/assets/cssd/PolicyManual/cs404-2.pdf>

MONTANA CHILD SUPPORT GUIDELINE TABLES		
EFFECTIVE APRIL 1, 2023		
		CS 404.2
TABLE 1		
PERSONAL ALLOWANCE PER YEAR (ARM 37.62.114)		
FOR EACH PARENT \$18,954		
TABLE 2		
PRIMARY CHILD SUPPORT ALLOWANCE PER YEAR (ARM 37.62.121)		
ANNUAL ALLOWANCE FOR OTHER CHILDREN (ARM 37.62.110)		
Number of children	Allowance for children of this calculation (enter on line 11, worksheet A)	Allowance for "other children" (enter on line 2b worksheet A)
1	\$5,686	\$2,843
2	\$9,477	\$4,739
3	\$13,268	\$6,634
4	\$15,163	\$7,582
5	\$17,059	\$8,529
6	\$18,954	\$9,477
7	\$20,849	\$10,425
8	\$22,745	\$11,372
TABLE 3		
LONG DISTANCE PARENTING ADJUSTMENT (ARM 37.62.130)		
IRS Business Mileage Rate: \$0.655/mile		
Standard Expense: \$1,310		

* GROC chair asks participants to review this item.

Attachment 4: MT DLI 2022 Labor Day report, average work hrs/wk (states + DC)

(Data from Amy Watson, Interim State Economist, Workforce Services Division, MT DLI, www.lmi.mt.gov.)

Table 4. Average work hours per week of all employees on private nonfarm payrolls, by state + D.C.

States: AL – MS	2020	2021	2022	States: MT – WY	2020	2021	2022
Alabama	35.3	35.4	35.0	Montana	32.8	32.8	32.9
Alaska	35.0	35.1	35.0	Nebraska	33.6	33.6	33.4
Arizona	35.0	35.2	35.1	Nevada	34.5	35.0	34.9
Arkansas	34.7	35.1	34.6	New Hampshire	33.9	33.9	33.8
California	34.8	34.8	34.5	New Jersey	34.2	34.2	33.9
Colorado	33.5	33.5	33.3	New Mexico	34.0	34.1	33.6
Connecticut	34.1	34.1	33.8	New York	33.2	33.5	33.3
Delaware	32.5	32.9	33.0	North Carolina	34.6	34.7	34.4
District of Columbia	35.9	35.9	35.5	North Dakota	34.4	34.5	34.9
Florida	34.2	34.7	34.3	Ohio	34.3	34.4	34.4
Georgia	34.6	34.8	34.7	Oklahoma	35.1	35.2	34.9
Hawaii	32.7	33.1	33.4	Oregon	33.8	33.7	33.9
Idaho	34.0	33.9	33.4	Pennsylvania	34.3	34.3	34.1
Illinois	34.5	34.6	34.2	Rhode Island	33.6	34.2	33.5
Indiana	35.2	35.5	35.1	South Carolina	34.1	34.3	34.5
Iowa	34.4	34.7	34.3	South Dakota	34.4	34.1	33.5
Kansas	34.3	34.3	34.3	Tennessee	35.1	35.6	35.4
Kentucky	35.3	35.2	34.7	Texas	35.9	36.1	35.9
Louisiana	35.9	35.6	36.1	Utah	34.3	34.1	33.5
Maine	34.1	34.3	34.0	Vermont	33.7	33.7	33.4
Maryland	34.4	34.1	33.7	Virginia	34.1	34.3	34.1
Massachusetts	33.8	34.0	33.8	Washington	34.9	34.9	34.8
Michigan	34.2	34.6	34.7	West Virginia	35.4	35.7	35.8
Minnesota	34.1	34.6	33.9	Wisconsin	33.2	33.5	33.3
Mississippi	34.6	34.5	34.6	Wyoming	34.4	34.7	35.1
Missouri	33.6	33.5	33.9				

* GROC chair asks participants to review this item.