



Child Support Services Division (CSSD) | PO Box 202943 | Helena, MT 59620
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Cover Memo

To Kim Watne (guidelines@mt.gov), Chair of Guidelines Review and Oversight Committee (GROC)

Cc GROC participants (x = present):

	Community reps	Title, with county(ies) covered if any	Location
--	Wigen, Micheale	Ret:CSSD Regional manager	Great Falls
	State workers	Title	Location
x	Atkinson, Jade	CSSD Regional manager	Helena
x	Chaffey, Casse	CSSD Investigator / caseworker	Missoula
x	Delaney, Barb	CSSD Bureau chief, SPOT	Helena
x	Eckley, Alison	CSSD Regional manager	Missoula
x	Edmisten, Catherine	CSSD Investigator supervisor	Butte
x	Hochhalter, Priscilla	CSSD Recorder / Training specialist	Helena
x	Leach, Kial	CSSD Compliance manager	Helena
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 Aug 07

Re 2023 Jul 25 Tue. – 1:30–3:30p U.S. Mountain Time – via videoconference
Regular Meeting – MINUTES

Text Please see relevant materials, attached.

GROC usually meets quarterly; participants should watch email for next scheduled meeting.

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 (ECFR), 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 and purpose

Kim welcomed everyone to the first quarterly meeting of GROC since May 2022. The purpose of GROC is to meet federal and state requirements—notably the requirement that every four years, we must do a quadrennial review and report (QR)—concerning Montana’s child support guidelines.

Each meeting participant gave a self-introduction.

Patrick added that GROC’s work is very important: Its mandate is to ensure that the guidelines and calculations are appropriate for, and applied the same way to, all Montana child support cases.

II Present business + 2020 Quadrennial Review / Report (QR)

A Federal acceptance of 2020 QR [not discussed today – just a closure item from last year]

The 2020 QR was accepted after implementation of the proposal to add ‘residence’ to ARM 37.62.106 (https://sosmt.gov/Portals/142/ARM/ARM_flow_chart.pdf?dt=1526399982123 and https://rules.mt.gov/gateway/Browse_MAR.asp), per CFR 45.302.56(c)(1)(iii).

B Relevant updates to CSSD’s public site (<https://dphhs.mt.gov/cssd/>) – attachment 1

CSSD’s public site now has updates on two key pages, accessible from the above homepage:

Guidelines page (see attachment 1 for path & details): Updates to worksheets / instructions re. ‘residence’ and, per tax law changes, alimony; and also to the next QR’s due date of Dec. 2024.

Policy manual page (see attachment 1 for path & details): Updates to policy—e.g., CS 404.1-2.

C Calculation tools

1 MTCS software vs. SEARCHS-GLW screens

We’ve ended our subscription(s) to MTCS software in favor of ongoing updates to SEARCHS to add functionality (e.g., railroad income calculations). When asked if we might still have access to a free version of MTCS, Barb said maybe; however, it is noted that due to these ongoing updates, SEARCHS is now more accurate than MTCS.

Patrick asked if we might still be able to do accurate calculations for past years if needed.

Kial said that for past years, SEARCHS calculations will work for taxes but won’t work for primary support allowance; CSSD is working with Peraton programmers on those types of issues.

2 Online calculator vs. printable paper worksheets

Patrick also said he’d like MT district courts to be able to use SEARCHS for calculations.

Kim replied that we are seeking ways to have a guidelines calculator online, available to all. Barb said this goal is more within reach since 2021’s SEARCHS migration from mainframe to mid-tier, but we may need to wait for our new system. The federal government has required something like this for about 25 years, maybe since PRWORA (1996). It is believed that currently we are in compliance, since we do provide printable online worksheets and instructions.

3 [Blue-covered] Montana Child Support Guidelines booklet – for caseworkers

Kim has printed a new blue-covered guidelines booklet (to replace the older green-covered one) for caseworkers. This updated paper booklet contains: the relevant policy section (CS 404.1); the worksheets with instructions; and all 22 rules (ARM 37.62.101–148). These resources are available online, but are compiled in this format as a convenience for caseworkers who want it.

III Future business + 2024 Quadrennial Review / Report (QR)

A General remarks

Patrick suggests drafting an initial 2024 QR ASAP, to allow time for revisions / approvals.

Also, as we consider changes to the guidelines, please review how / why they evolved to their current form by skimming this brief history: <https://dphhs.mt.gov/assets/cssd/GuidelinesHistory.pdf>.

B State and federal requirements – attachments 2, 3

Per attachment 2, [MCA 40-5-209](#): In state requirements, largely based on federal ones, MT must adopt and publish uniform child support guidelines, and then quadrennially (i.e., every four years) review them and propose any appropriate changes to the state legislature. Per attachment 3, [ECFR 45.302.56](#), subpart (h) lists three key federal requirements, summarized below.

1 Consider economic data

Kim cited 2022 research (<https://www.jec.senate.gov/public/index.cfm/republicans/montana-inflation-report/state-inflation-tracker-august-2022.pdf> ([senate.gov](#))) showing MT's inflation rate as 8th highest among U.S. states. We do need to study the 'cost of raising a child in MT' and we did meet last year with an economist [Dr. Christine Stoddard of MSU] to discuss hiring her for such a study—but doing so could cost several thousand dollars and thus is unlikely to happen. Kim is working on, and welcomes input from others on, finding research from other viable sources to see whether our guidelines are still in line with the changing economy, or need to be adjusted.

2 Analyze case data

Kim has pulled about 289 test cases from which to compile and analyze data for the 2024 QR.

3 Allow for meaningful public input, especially regarding low-income families

To allow for required meaningful public input, especially re. low-income families, GROC can include community representatives (attorneys, etc.) from all over MT. Last year GROC included four such persons. Patrick and Kim will work on reviewing and inviting selected candidates.

C Possible changes to consider**1 Removing earned income credit (EIC) from calculations**

We have not found any other state that counts EIC as income for child support guidelines. Some GROC participants feel that MT shouldn't either, because EIC is just a tax credit instead of physical income that can feed kids. Also, EIC (like TANF, which is not counted as income) already is means-tested for low-income CPs. Ongoing consideration and dialog will follow.

2 Removing taxes from calculations

We revisited removing taxes from calculations. Delaware, like us, has no sales tax and uses a Melson model similar to our modified Melson; they removed taxes in 2019. We'd like to do so too but only after thorough discussion and testing, likely far in the future.

3 Adjusting primary child support allowance – attachments 4, 5

Comparatively, Delaware uses a lower self-support reserve and a higher primary child support allowance (about \$8,000 per year), while MT uses a higher self-support reserve and a lower primary child support allowance (currently \$5686 per year). Should MT review its amounts for self-support reserve and/or primary support allowance? See attachment 4 (ARM 37.62.121 – Rule 12) for an explanation and formula, and attachment 5 (policy section CS 404.2) for current amounts.

IV Closing business / Adjournment

We discussed meeting times. Though we met today in the last full week of the month, it was felt that generally the first and last weeks of any month are too busy, while the third week of the month is good for most participants. Considerations will continue.

Meeting was adjourned. Future meetings will be scheduled as indicated on the cover page.

Attachment 1: CSSD’s public site – Guidelines and Policy Manual pages

Paths to both pages

<https://dphhs.mt.gov/cssd/services/Guidelines> + <https://dphhs.mt.gov/cssd/PolicyManual>

The image shows a sequence of three screenshots from the CSSD website, connected by red arrows indicating a navigation path. The first screenshot is the home page (dphhs.mt.gov/cssd/index) with the heading "Welcome to the Child Support Services Division". It features a "Quick Links" sidebar with items like "Services We Provide", "Employer Resource Center", "Payments", "Forms", "Administrative Rules of Montana", "Motor Vehicle Liens", "Administrative Complaint Procedure", "Links to Related Agencies", and "About CSSD". Red arrows point from "Services We Provide" and "About CSSD" to the second and third screenshots, respectively. The second screenshot is the "Services We Provide" page (dphhs.mt.gov/cssd/services/Guidelines), which includes text about child support services and buttons for "Locating a Parent", "Paternity Establishment", "Support Order Establishment", and "Montana Child Support Guidelines". A red arrow points from the "Montana Child Support Guidelines" button to the third screenshot. The third screenshot is the "Division Resources" page (dphhs.mt.gov/cssd/AboutCSSD), which lists "Child Support Services Division Policy Manual".

Guidelines page: Go here

Policy manual page: Go here

Services We Provide

Child support services are provided to either parent, or to a third-party with whom the child(ren) resides. Please use the links below for additional information on the services offered.

Locating a Parent Paternity Establishment

Support Order Establishment Montana Child Support Guidelines

Quick Links

- [Services We Provide](#) and then here
- [Employer Resource Center](#)
- [Payments](#)
- [Forms](#)
- [Administrative Rules of Montana](#)
- [Motor Vehicle Liens](#)
- [Administrative Complaint Procedure](#)
- [Links to Related Agencies](#)
- [About CSSD](#) and then here

Division Resources

- [Child Support Services Division Policy Manual](#)

Details of both pages (with key updated areas marked in red)

<https://dphhs.mt.gov/cssd/services/Guidelines>

Child Support Services Division (CSSD) / Guide To Services / Guidelines

Montana Child Support Guidelines Information

State law requires the District Court, the Child Support Services Division (CSSD), and the Office of Administrative Hearings to use these Guidelines for all child support cases.

The CSSD is required to develop and distribute child support guidelines to determine child support obligations. The Montana guidelines are based on a formula in which the income of both parents are considered. The guidelines must consider certain factors as set out in, [MCA 40-4-204\(2\)](#) and [40-6-116\(5\)](#).

Guidelines Forms and Instructions

- [Montana Child Support Guidelines - Administrative Rules of Montana](#)
- [Guidelines Worksheets and Instructions](#)
- [Financial Affidavit](#)
- [Montana Child Support Guidelines Tables - Effective April 3rd, 2023](#)

Guidelines Review

The CSSD reviews the guidelines every four years. [MCA 40-5-209](#) This is to determine that the needs of Montana families are being met. [The next guidelines review will be completed in December 2024.](#)

The document titled ["Guidelines History"](#) explains how Montana determined the model it would follow for calculating child support obligations.

Guidelines Review and Oversight Committee (GROC) Meeting Minutes

02/09/2021 Minutes	05/10/2022 Minutes
05/11/2021 Minutes	
08/10/2021 Minutes	
11/09/2021 Minutes	
02/08/2022 Minutes	

Links to GROC meeting minutes.

Guidelines Review Reports

[2020 Quadrennial Guidelines Report](#)
[2020 Quadrennial Guidelines Report Addenda](#)

Send any guidelines questions and comments to: guidelines@mt.gov.

https://dphhs.mt.gov/cssd/PolicyManual

Child Support Services Division Policy Manual

Table of Contents

Printing the manual material found at this website for long-term use is not advisable. Manual material is updated periodically and it is the responsibility of the users to check and make sure that the policy they are researching or applying has the correct effective date for their circumstances. [State Website](#)

[Disclaimer](#)

ESTABLISHING A SUPPORT OBLIGATION		
Establishing A Support Amount Due		
	NOCS Bulletin--Non-Guidelines Amounts	07/01/16
401.3	Notice and Order Concerning Support	03/29/22
401.4	Establishment of Temporary Support Obligation	03/09/05
401.5	Motion and Order Replacing Support Order	04/26/02
401.6	Subsequent Notice and Order Concerning Support	03/06/00
401.8	Notice of Intent to Vacate an Administrative Default Support Order	09/09/10
Establishing a Notice and Order for Medical Support Without Financial Obligation		
402.1	Notice and Order for Medical Support	12/09/10
Administrative Determination of Support Amount		
404.1	Child Support Guidelines	05/02/23
	Guidelines Tables Bulletin	04/03/23
404.2	Montana Child Support Guidelines Tables	04/03/23
404.3	Child Support Guidelines--Third-Party Cases	09/27/18

Attachment 2: State requirements in MCA 40-5-209

https://leg.mt.gov/bills/mca/title_0400/chapter_0050/part_0020/section_0090/0400-0050-0020-0090.html

Montana Code Annotated 2021

TITLE 40. FAMILY LAW

CHAPTER 5. ENFORCEMENT OF SUPPORT

Part 2. Administrative Enforcement of Support

Child Support Guidelines -- Periodic Review

40-5-209. Child support guidelines -- periodic review. (1) The department shall adopt uniform child support guidelines to be used to determine minimum child support amounts. In addition to giving notice and publicizing the rules as provided in the Montana Administrative Procedure Act, the department shall give notice to the supreme court, the district courts, and the state bar of Montana prior to adopting the guidelines.

(2) The guidelines must consider the factors set forth in **40-4-204(2)** and **40-6-116(5)**.

(3) At least once every 4 years, the department shall:

(a) review the uniform child support guidelines employed to determine child support obligations to ensure that their application results in the determination of appropriate child support award amounts; and

(b) propose any appropriate modification to the legislature.

History: En. Sec. 3, Ch. 702, L. 1989.

Attachment 3: Federal requirements in EFCR 45.302.56

[\[https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56\]](https://www.ecfr.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56)

[EFCR 45] § 302.56 Guidelines for setting child support orders.

- (a) Within 1 year after completion of the State's next quadrennial review of its child support guidelines, that commences more than 1 year after publication of the final rule, in accordance with [§ 302.56\(e\)](#), as a condition of approval of its State plan, the State must establish one set of child support guidelines by law or by judicial or administrative action for setting and modifying child support order amounts within the State that meet the requirements in this section.
- (b) The State must have procedures for making the guidelines available to all persons in the State.
- (c) The child support guidelines established under [paragraph \(a\)](#) of this section must at a minimum:
- (1) Provide that the child support order is based on the noncustodial parent's earnings, income, and other evidence of ability to pay that:
 - (i) Takes into consideration all earnings and income of the noncustodial parent (and at the State's discretion, the custodial parent);
 - (ii) Takes into consideration the basic subsistence needs of the noncustodial parent (and at the State's discretion, the custodial parent and children) who has a limited ability to pay by incorporating a low-income adjustment, such as a self-support reserve or some other method determined by the State; and
 - (iii) If imputation of income is authorized, takes into consideration the specific circumstances of the noncustodial parent (and at the State's discretion, the custodial parent) to the extent known, including such factors as the noncustodial parent's assets, residence, employment and earnings history, job skills, educational attainment, literacy, age, health, criminal record and other employment barriers, and record of seeking work, as well as the local job market, the availability of employers willing to hire the noncustodial parent, prevailing earnings level in the local community, and other relevant background factors in the case.
 - (2) Address how the parents will provide for the child's health care needs through private or public health care coverage and/or through cash medical support;
 - (3) Provide that incarceration may not be treated as voluntary unemployment in establishing or modifying support orders; and
 - (4) Be based on specific descriptive and numeric criteria and result in a computation of the child support obligation.
- (d) The State must include a copy of the child support guidelines in its State plan.
- (e) The State must review, and revise, if appropriate, the child support guidelines established under [paragraph \(a\)](#) of this section at least once every four years to ensure that their application results in the determination of appropriate child support order amounts. The State shall publish on the internet and make accessible to the public all reports of the guidelines reviewing body, the membership of the reviewing body, the effective date of the guidelines, and the date of the next quadrennial review.

(f) The State must provide that there will be a rebuttable presumption, in any judicial or administrative proceeding for the establishment and modification of a child support order, that the amount of the order which would result from the application of the child support guidelines established under [paragraph \(a\)](#) of this section is the correct amount of child support to be ordered.

(g) A written finding or specific finding on the record of a judicial or administrative proceeding for the establishment or modification of a child support order that the application of the child support guidelines established under [paragraph \(a\)](#) of this section would be unjust or inappropriate in a particular case will be sufficient to rebut the presumption in that case, as determined under criteria established by the State. Such criteria must take into consideration the best interests of the child. Findings that rebut the child support guidelines shall state the amount of support that would have been required under the guidelines and include a justification of why the order varies from the guidelines.

(h) As part of the review of a State's child support guidelines required under [paragraph \(e\)](#) of this section, a State must:

(1) Consider economic data on the cost of raising children, labor market data (such as unemployment rates, employment rates, hours worked, and earnings) by occupation and skill-level for the State and local job markets, the impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below 200 percent of the Federal poverty level, and factors that influence employment rates among noncustodial parents and compliance with child support orders;

(2) Analyze case data, gathered through sampling or other methods, on the application of and deviations from the child support guidelines, as well as the rates of default and imputed child support orders and orders determined using the low-income adjustment required under [paragraph \(c\)\(1\)\(ii\)](#) of this section. The analysis must also include a comparison of payments on child support orders by case characteristics, including whether the order was entered by default, based on imputed income, or determined using the low-income adjustment required under [paragraph \(c\)\(1\)\(ii\)](#). The analysis of the data must be used in the State's review of the child support guidelines to ensure that deviations from the guidelines are limited and guideline amounts are appropriate based on criteria established by the State under [paragraph \(g\)](#); and

(3) Provide a meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives. The State must also obtain the views and advice of the State child support agency funded under title IV–D of the Act

Attachment 4: 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 5: 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		