

Guidelines Review and Oversight Committee (GROC)

2024 Apr 11, 10:00a–12:00n – Meeting Minutes

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

I Opening business and participants list

At about 10:03 a.m. (after allowing time for all to log in), Kim opened the Teams meeting and introduced our newest community representative: Clerk of Court Jess Hoge, Petroleum County (county seat: Winnett, MT). It is appreciated that she represents a rural, less-populated part of MT.

Below is a list of all GROC participants (x = present today):

	Community reps	Title, with county(ies) covered if any		Location
x	Hoge, Jess	COC	Petroleum	Winnett
x	Thiel, Cindy	Atty (ret.)	Missoula	Missoula
x	Timmer, Colleen	Master	Mineral, Missoula	Missoula
	State workers	Title		Location
x	Christensen, Kelsey	CSSD	Investigator	Butte
x	Delaney, Barb	CSSD	Bureau chief, SPOT	Helena
x	Ensey, Miranda	CSSD	Investigator	Great Falls
x	Hochhalter, Priscilla	CSSD	Recorder / Training specialist	Helena
x	Leach, Kial	CSSD	Compliance manager	Helena
x	Martin, Chad	CSSD	Investigator	Helena
--	Pappe, Kate	CSSD	Investigator	Missoula
x	Quinn, Patrick	OLA	Staff attorney	Missoula
--	Rohrdanz, Vaughn	CSSD	Investigator supervisor	Billings
x	Twardoski, Christie	CSSD	Administrator	Helena
x	Watne, Kim	CSSD	Chair / Guidelines project manager	Helena

II Mission, purpose, requirements, process

This topic was revisited today, especially for the sake of those who are newer to GROC. Members were reminded that GROC is an advisory body with expertise in MT guidelines (GLs); we can conduct research, develop recommendations, and suggest proposed rule changes. Patrick noted that all of this work is very important and truly makes a difference; Kim added everyone’s participation and experience is needed and appreciated. Below is a recap, typically retained in each meeting’s minutes, of our mission, purpose, requirements, and process.

Mission and purpose. From [45 CFR 302.56\(e\)](#) – GROC’s mission is: “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.”

Requirements. From [45 CFR 302.56\(h\)\(1–3\)](#) – requirements include: considering economic data; analyzing case data; and allowing for meaningful public input (usually via community representatives on GROC) – especially regarding low-income families.

Process. From [MCA 40-5-209](#) – any proposed changes to GLs are submitted for consideration for administrative rule changes, or as proposed legislation to MT’s legislature.

III New business

A Polygamous families

Patrick asked GROC members if anyone has seen child support cases involving polygamous families, as CSSD is seeing more of these. By law a man can be married to only one woman at a time, so if he has a case from another relationship that was not a legally recognized marriage, it would be its own case.

Cindy noted she's seen such cases, but only in settlement conferences; usually they involve focusing on the child's needs and primary caregiver, and providing an explanation of how the child support obligation was figured. Kim offered that in unusual cases like these, GROC's expertise can be helpful. In summary, any such case should involve a careful review of any legal documents already in place (court order, parenting plan, etc.), as well as advice from legal.

B Military – Basic Allowance for Housing / for Subsistence (BAH / BAS)

Kim introduced the topic of military allowances in GLs calculations. Although GLs can't specify absolutely every type of income, do we need to provide guidance on BAH and BAS? These are included under 'other income' for support but don't seem to be specified by name in CSSD policy, GLs, or GLs instructions. Should they be? If yes, how/where?

Patrick noted ARM 37.62.105 implies but does not specify BAH/BAS, and there is some case law on the topic—e.g. Shelhamer v Hodges and DPHHS, 382 Mont. 187, 366 P.3d 255 (2016)—so he feels it's probably fine as-is; still, clarifying in notes might help. He said this income is disputed a fair bit.

It was generally agreed that since rule changes can be onerous, we should focus on clarifying notes in GLs instructions instead, even though attorneys don't always look at those instructions. Such clarifications could be added next time we update the GLs instructions.

IV 2024 Quadrennial Review / Report (QR)

For our 2024 QR, Kim and Kial are continuing their hard work on economic considerations and case data analytics (methodology, findings, variances, payment histories by case characteristics).

V GLs-related updates and considerations

A April updates to allowances – attachment 1

By April 1, CSSD made all additional required updates to tax-related allowances (parent, child, mileage, etc.) to keep GLs calculations accurate in SEARCHS; please tell Kim if you see issues.

B Tax factors

GROC resumed discussing the Delaware (DE) model for GLs. Like MT, DE uses a Melson-based model and has no sales tax; unlike MT, DE does not consider long-distance parenting. In 2019, DE removed tax factors, reducing its GLs worksheet to a single page that anyone can use.

Kim and Kial continue to test various MT factors to see if MT can do the same. Doing so could make calculations more understandable and transparent (thus reducing disputes) and also could reduce widely varying results caused by tax factors. The goal is: If everyone follows instructions, the calculation for a given set of case data should give the same result no matter who performs it.

Another reason to consider removing tax factors is that our current GLs formula was built in about 1992; since then, tax credits have changed a lot. Kim thinks each tax credit should benefit the household that applies for it—instead of being counted as income and therefore possibly raising that household's support obligation to a different household.

It was generally agreed that removing tax factors could produce all of the benefits discussed—e.g., calculations that are more consistent, and easier to understand and perform. When Kim asked if anyone was opposed to proceeding, the responses were all in favor of this general goal—even if the result looks a little bit different than what we have today.

C Online calculator

OCSS requires that the GLs be made available to all persons in the state. Currently CSSD has only online printable worksheets and instructions. Kim and Kial continue to work on ways to make the process more automated, and to include a GLs calculator tool.

D Parenting days

Another DE idea to consider is to 'bracket' parenting days into ranges of numbers, instead of the current complexity of counting every single day. If anyone has thoughts on how many brackets to use and/or where to split them, please tell Kim. Discussions and testing will continue.

E Clarifying imputed work hours per week (hrs/wk)

We revisited instructions on how to impute hourly (not salaried) income for less than 40 hrs/wk.

A key concern is that Rule 5 (ARM 37.62.106) says it is ‘presumed that all parents are capable of working at least 40 hours per week at minimum wage, absent evidence to the contrary.’ But do all caseworkers understand it’s not always reasonable or required to impute 40 hrs/wk at minimum wage? Is clarification needed—or more training? Miranda requested internal training for CSSD.

Example 1: Nurses typically work about 36 hours per week. Example 2: If a new divorcee has never worked before, she might not be fully employed right away—but 2 years later, she might be. Example 3: If a remote town has just two employers, and a resident with few opportunities is hired to be available for 25 hrs/wk at one of them, then s/he likely can’t add (possibly conflicting) hours at the other one—and also, s/he may get fewer than the expected 25 hrs/wk.

In prior meetings it was decided not to propose a rule change but rather to clarify this point in GLs instructions. Today this decision was affirmed, especially as the current rule verbiage already allows for discretion in presumptions and evidence (Kim reminded us to look for ‘evidence to the contrary’)—and in other considerations (work history, credentials, industry, locale, etc.). Kim said if we do want to clarify GLs instructions, we could do so next time the instructions are updated.

VI Trainings – internal and/or external

In the above discussion, Kim noted Miranda’s request for internal training on imputing income. Later, Barb asked GROC participants to let Kim know of any external venues (conferences, etc.) where CSSD can offer training; such community outreach is part of GROC’s work.

Others agreed, and suggested ways to offer trainings to the legal and judicial communities.

Cindy suggested two contacts to ask about offering training to family law practitioners: 1) Amy Lord, Chair, State Bar Family Law Section, 406-493-5538, 1800 S. Russell St., 2nd Floor, Missoula, MT 59801; and 2) Ryan Phelan, Chair, CLE Committee, Family Law Section, 406-721-7772, 310 W. Spruce, Missoula, MT 59802.

And to offer training to the judicial community, Jess suggested the annual convention for clerks of district courts; this May it’s in Sidney (NE MT) but next year it’ll be in Lewistown (central MT).

VII Closing business / adjournment

Many thanks go to Kim and Kial for their ongoing work. Kial said their next step is to draft a proposed GLs model that implements some of these ideas, so GROC participants can test it out.

Kim adjourned the meeting at 12:00n. Next meeting will be Wed., June 12, 10:00a–12:00n.

Attachment 1: Updated Allowances



**CHILD SUPPORT SERVICES DIVISION
ADMINISTRATIVE DETERMINATION OF SUPPORT AMOUNT**

Montana Child Support Guidelines Tables

CS 404.2

EFFECTIVE APRIL 1, 2024

TABLE 1

Personal Allowance Per Year
(ARM 37.62.114)

For Each Parent \$19,578

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)	Allowance for "other children" (enter on line 2b worksheet A)
1	\$5,873	\$2,937
2	\$9,789	\$4,895
3	\$13,705	\$6,852
4	\$15,662	\$7,831
5	\$17,620	\$8,810
6	\$19,578	\$9,789
7	\$21,536	\$10,768
8	\$23,494	\$11,747

TABLE 3

Long Distance Parenting Adjustment
(ARM 37.62.130)

IRS Business Mileage Rate: \$0.67/mile
Standard Expense: \$1,340