



# Department of Public Health and Human Services (DPHHS)

Child Support Services Division (CSSD) ♦ PO Box 202943 ♦ Helena, MT 59620

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Greg Gianforte, Governor

Adam Meier, Director

**To:** Temple McLean, Guidelines Coordinator | Facilitator for Guidelines Review and Oversight Committee (GROC) of Child Support Services Division (CSSD) [406-655-5531 | [guidelines@mt.gov](mailto:guidelines@mt.gov)]

**Cc:** GROC participants ("x" = present):

Participant	Role	Title	Site
x Chaffey, Casse	Member	CSSD Investigator (Caseworker)	Missoula
-- Clinch, Francis	Liaison	OAH Administrative Law Judge (ALJ)	Helena
x Gilbert, Nikki	Member	CSSD Investigator (Caseworker)	Great Falls
x Helman, Dena	Member	CSSD Investigator (Caseworker)	Butte
x Hochhalter, Priscilla	Recorder	CSSD Writer	Helena
-- McLean, Temple	Facilitator	CSSD Guidelines Coordinator	Billings
x O'Connor, Iryna	Liaison	OAH Attorney	Helena
x Probasco, Peg	At-large	OLA Staff Attorney, Retired	Butte
-- Quinn, Patrick	Member	OLA Staff Attorney	Missoula
x Reuss, J.	At-large	ATTY Low-Income Parties Representative, Retired	Billings
x Rohrdanz, Vaughn	Member	CSSD Investigators Supervisor and CPA	Billings
x Stoddard, Christiana (Dr.)	Guest	MSU Professor, AgEcon Department	Bozeman
x Strandell, Lori	Member	CSSD Bureau Chief, Field Services	Helena
x Watne, Kim	Member	CSSD Investigator (Caseworker)	Helena
x Wigen, Micheale	At-large	CSSD Regional Manager, Retired	Great Falls
x Williams, Beckie	At-large	ATTY Low-Income Parties Representative	Lewistown

**From:** Priscilla Hochhalter, Writer | Recorder for GROC

**Date:** 2021 Nov 23

**Re:** MINUTES + Supplemental Materials – GROC Regular Meeting – videoconference (via TEAMS this time)  
2021 Nov 09 Tue., 1:00–4:00 p.m. (U.S. Mountain time)  
[Note: GROC regular meetings currently occur by videoconference each quarter (second Tue. of Feb., May, Aug., Nov.), 1:00–4:00p U.S. Mountain time.]

**Text:** For the above-noted meeting materials – please see attached.

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### Guidelines Review and Oversight Committee (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>).*

## DEFINITIONS

GROC materials may use the terms and/or abbreviations below...

<b>Item</b>	<b>Definition</b>
[State initials:]	States often are identified by their two-character postal abbreviations – e.g., DE (Delaware), GA (Georgia), ND (North Dakota), Oregon (OR).
ADA	Americans with Disabilities Act and its requirements – e.g., certain public resources must be accessible to users with low vision, and so on.
ALJ	Administrative Law Judge
ARM	Administrative Rules of Montana (ARM) – especially <a href="https://rules.mt.gov/gateway/RuleNo.asp?RN=37.62.106">https://rules.mt.gov/gateway/RuleNo.asp?RN=37.62.106</a>
BAH	Basic allowance – housing (in military benefits)
BAS	Basic allowance – subsistence (in military benefits)
CCR	Central Case Registry (of Montana)
CEX	Consumer Expenditure Survey
CFR	Code of Federal Regulations; see also [E]CFR, which is the electronic version.
CSSD	DPHHS's Child Support Services Division
CTC	[Federal] Child Tax Credit
DocDirect	See Mobius.
DPHHS	[Montana's] Department of Health and Human Services
[E]CFR	[Electronic] Code of Federal Regulations ( <a href="https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56">https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56</a> )
EI[T]C	[Federal] Earned Income Tax Credit
ENF	Enforcement of a child support case in SEARCHS
EST	Establishment of a new child support case in SEARCHS
GLW	Screens in SEARCHS encompassing the internal calculator that produces child support guidelines worksheets (GLW)
GROC	[CSSD's] Guidelines Review and Oversight Committee
GROC Guidance	An instruction from the GROC to CSSD workers on how to handle a specific issue in the guidelines calculations
JIRA	Software that receives and tracks requests ("JIRA tickets") for SEARCHS programming changes and/or fixes
MCA	Montana Code Annotated
MJA	Montana Judges Association
MLSA	Montana Legal Services Association ( <a href="https://www.mtlsa.org/">https://www.mtlsa.org/</a> )
Mobius	CSSD system used to generate reports from SEARCHS; replaced DocDirect.
MOD	Modification of an existing child support case in SEARCHS
MSU	Montana State University
MT	Montana (state of)
MTCS	Montana Child Support (formerly "Bourdeau" for its creator) – private child support software designed for attorneys and judges outside CSSD
NOCS	Notice and Order Concerning Support
NRC	National Research Council
OAH	[State] Office of Administrative Hearings
OCSE	[Federal] Office of Child Support Enforcement
OLA	[State] Office of Legal Affairs
PAT	Paternity in a child support case in SEARCHS
PDF	Portable document format, often used to prepare documentation for electronic publication (via web, email, etc.).
PIG	[Federal] Poverty Index Guidelines
PJR	Petition for Judicial Review
S/E	Self-employment (for income calculations)
SEARCHS	System for the Enforcement and Recovery of Child Support; the internal system used by CSSD to produce calculations for support obligations
SNOCS	Subsequent Notice and Order Concerning Support – a followup order, used if the same two parties have an additional child
TNOCS	Temporary Notice and Order Concerning Support – a temporary order to establish child support while action is pending in court
UM	University of Montana

## RESOURCES

### 2021 Nov 09, 1:00–4:00pm MT: GROC Regular Meeting – via TEAMS

Resources for this meeting...

1. Federal regulations on “Guidelines for setting child support orders.” Electronic Code of Federal Regulations (ECFR), Title 45, Subtitle B, Chapter III, Part 302, Section 302.56 (<https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56>).
2. Federal regulations on “meaningful input” from the public:
  - From (h)(3) in resource 1, above: “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.”
  - From <https://www.federalregister.gov/d/2016-29598/p-519>: “[Re.] the composition of the committee or body conducting the quadrennial review...the quadrennial review should provide for a meaningful opportunity for participation by citizens and particularly low-income citizens, representing both custodial and noncustodial parents. The child support guidelines review body should also include participation by the child support agency. While we are not mandating the specific composition of the review body, we are requiring in § 302.56(h)(3) meaningful opportunity for public input, including input from low-income custodial and noncustodial parents and their representatives, and the views and advice of the State IV-D agency.”
3. [Embedded immediately below:] Cover email + 2-pg memo from Congress.gov re. possible extension of Child Tax Credit...

[EXTERNAL] Congress.gov Saved Search Alert - Child Tax Credit

Congress.gov <noreply@congress.gov>  
To: McLean, Temple

Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[congress.gov]

There has been a change to the result set for your saved search. The result set has a new total of 672 (1 changed).

Go to your saved search titled: [Child Tax Credit \[congress.gov\]](#)

Description: Extension Considerations

Created: 10/18/2021

**HELP IS HERE: THE AMERICAN RESCUE PLAN DELIVERS MAJOR TAX RELIEF FOR FAMILIES WITH CHILDREN**

**Major tax relief for Nearly All Working Families**

**\$3,000 TO \$5,000 PER CHILD FOR NEARLY ALL WORKING FAMILIES**

Major taxpayers use the Child Tax Credit in the American Rescue Plan to provide the largest child tax credit ever and historic relief to the most working families ever:

- \$5,000 per child 0-17 years old
- \$3,000 per child under 6 years old
- All working families will get the full credit if they make up to \$200,000 for a couple or \$125,000 for a family with a single parent (also called head of household)

**AUTOMATIC MONTHLY PAYMENTS FOR NEARLY ALL WORKING FAMILIES**

If you've filed tax returns for 2018 or 2019, or if you signed up for automatic advance payments from the Internal Revenue Service, you will get this tax relief automatically. You do not need to sign up or make any action.

**Advancing your tax relief:** Normally, tax relief for the next year comes the following year when you file your taxes, so you're not sure you need it now. This year, you'll get the money in July.

**Monthly payments starting in July:** For new childless people will receive the Child Tax Credit as monthly payments. For married 0-17 year olds, families will get \$200 each month, and for newly child under 6 years old, families will get \$300 each month.

- The IRS will get their refunds from the IRS through direct deposit and get these payments to on their bank account on the 15th of every month until the end of 2021.
- People who don't use direct deposit will receive their payments by mail around the same time.

**President Biden's American Families Plan calls for extending this tax relief for years and years**

The new Child Tax Credit included in the American Rescue Plan is only for 2021. That's why President Biden strongly believes that we should extend the new Child Tax Credit for years and years to come. That's why his proposal in the American Families Plan.

**Easy sign up for low-income families to cut child poverty in half**

Low-income families with children are eligible for this crucial tax relief - including those who have not made enough money to be required to file taxes.

If a couple makes under \$24,201, or a head of household makes under \$12,100, or a single filer makes under \$14,850, and they have not filed their taxes, there is a simple, easy way to sign up for the Child Tax Credit:

- Go to [ChildTaxCredit.gov](#) and click on the sign-up link.
- All you'll need to supply are a reliable mailing address, or a mail address, Social Security numbers for your children, and Social Security Numbers (or ITIN) for you and your spouse.
- If you provide bank account information, you can receive your payments safely and securely by direct deposit.

The American Rescue Plan provides historic and transformative tax relief for families with children, and the American Families Plan provides to extend that relief for years to come.

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**For working families with children, this tax cut sends a clear message: help is here.**

— PRESIDENT BIDEN

Learn more about monthly payments of the Child Tax Credit, visit [ChildTaxCredit.gov](#)

4. [Attached as a 1-pg PDF:] Study on the cost of raising a child in Montana – Dr. Stoddard's estimate of work
5. [Attached as a 3-pg PDF:] Results of “variances survey” of Montana Judicial Association (MJA) judges at 2021-Oct-06 Billings conference
6. [Embedded below in the body of the Minutes:] Proposed GROC guidance re. new case events
7. [Embedded below in the body of the Minutes:] Proposed GROC guidance re. flipped obligations / zero orders

## MINUTES

### 2021 Nov 09, 1:00–4:00pm MT: GROC Regular Meeting – via TEAMS

Item	Content
<b>I</b>	<p><b>Call to order / General business</b> Today McLean was unable to be present due to jury duty, and gave notes (referenced below as “Notes”) to Chaffey to chair the meeting.</p>
<b>II</b>	<p><b>Introductions – new GROC participants and others</b> Several new people were acknowledged throughout today’s meeting. For simplicity, all of them are listed together here.</p>
<b>A</b>	<p>Joining us today were...</p> <ul style="list-style-type: none"> <li>- A guest: Dr. Christiana (Chris) Stoddard, professor in the MSU-Bozeman agricultural economics department; GROC is considering hiring her to conduct an updated study on the cost of raising a child in MT (building on her 2009 guidelines report for CSSD).</li> <li>- Two new GROC at-large members, to serve through 2024 to increase “meaningful input” (<b>per resource 2, above</b>) especially re. low-income cases: <ul style="list-style-type: none"> <li>- Beckie Williams, attorney in Yellowstone, Fergus, Petroleum, and Judith Basin counties; Beckie has worked with many low-income clients.</li> <li>- J. Reuss (‘Royce’), retired attorney in Yellowstone county / Eastern MT; J also has worked with many low-income and pro-bono clients.</li> </ul> </li> <li>- One new GROC voting member: Nikki Gilbert, newly promoted to caseworker in the Great Falls office.</li> </ul>
<b>B</b>	<p>Though not part of this meeting, two key new hires also were mentioned:</p> <ul style="list-style-type: none"> <li>- Christie Twardoski, in the Helena office, replaces now-retired Chad Dexter as the director of CSSD.</li> <li>- Marti Vining, in the Great Falls office, replaces now-retired Micheale Wigen as the regional manager there.</li> </ul>
<b>III</b>	<p><b>2020 Quadrennial Report – approved and submitted</b> This report was approved by the state and then submitted to the (federal) OCSE with the State Plan.</p>
<b>IV</b>	<p><b>2024 Quadrennial Review / Report – preparations for 2023 legislature: Removing taxes and studying the cost of raising a child A</b> Removing taxes from calculations Two issues covered: 1) baseline testing to compare effects of tax law changes (2018 v. 2019); and 2) a possible Child Tax Credit (CTC) extension.</p> <ul style="list-style-type: none"> <li>- Notes + discussion: Currently, only fabricated scenarios can be used for the baseline testing because, post-Transformation, SEARCHS GLW no longer pulls data correctly – e.g., in calculations before 2019, it pulls data from the wrong (i.e., 2021) tax tables.</li> <li>- If the Child Tax Credit (CTC) is extended, as Congress.gov says it will be (<b>per resource 3, above</b>), then SEARCHS will need to be reprogrammed.</li> <li>Notes + discussion: Formerly, the CTC was up to \$2000 per child per year, with eligibility determined upon the filing of taxes and reduced by any tax liability owed by the filer. Now it’s up to \$3600 per child per year, split into monthly payments, and eligibility is not reduced by any tax liability.</li> <li>Also, now people can go to childtaxcredit.gov and apply for it at any time, not just at tax time (and if their income is too low to file taxes they can still do so to get the CTC) – so CSSD can’t “see” or track it. This is another reason taxes should be removed from the calculations as soon as possible.</li> <li>- Due to these SEARCHS-related issues, to keep up with updated tax tables etc. we should vote to purchase the MTCS 2022 software update.</li> <li>- Strandell: No need to vote; we already plan to buy MTCS 2022. Also, all guidelines issues are now in one JIRA ticket, to be addressed all together.</li> <li>- Wigen: We don’t count any other public assistance as income, so it would be good not to count these types of tax credits.</li> <li>* Recommendation: It was agreed these credits should not count as income, and taxes should be removed from calculations as soon as possible.</li> </ul> <p><b>B</b> Study on the cost of raising a child in MT – Dr. Stoddard’s estimate of work (<b>resource 4, attached</b>)</p> <ul style="list-style-type: none"> <li>- Notes + discussion: The last significant rule changes re. MT economics (vis-à-vis MT child support guidelines) were 15 years ago, in 2006; it’s time to revisit this topic. Economist Chris Stoddard can study the cost of raising a child in MT using the federal Poverty Index Guidelines (PIG) vs. the federal Consumer Expenditure Survey (CEX), and using the simple poverty line vs. a modified National Research Council (NRC) method; DE’s Melson model uses CEX and NRC, while MT’s modified Melson model uses PIG. Estimate: ~40 hrs, with a state discount from \$250 to \$200/hr.</li> <li>- Chaffey (from Notes): Could we spread Dr. Stoddard’s work over two budget years so it’s ~\$4000 in each of two years, not \$8000 in one year?</li> <li>- Strandell: I’m not concerned about that. Let’s all keep considering the idea of hiring Dr. Stoddard to do this study, and decide in a future meeting.</li> </ul>
<b>V</b>	<p><b>External outreach to the community – presentation and survey at 2021-Oct-06 Billings conference of Montana Judges Association (MJA) A</b> Quinn / Probasco presented on TNOCS and, to judges who attended their presentation, distributed a 2-minute / 3-question survey about variances.</p> <ul style="list-style-type: none"> <li>- Probasco: Overall, the presentation and interaction were successful, and the judges were happy to get our contact data. The courts get frustrated when CSSD can’t do anything because an order has no guidelines calculation; so they were helped by this information on the TNOCS, which can fulfill certain legal requirements while other matters are pending. It may be effective only, say, 60 days; after that, a permanent order is required.</li> </ul> <p><b>B</b> - Notes on TNOCS (just for reference – not discussed today): Discuss how to adjust a calculation, without a modification, between TNOCS and final order of district court when there are line-item changes—for example, parenting days. Goals include: to make the TNOCS more user-friendly, and to avoid modifications directed by, for example, a final parenting plan.</p> <p><b>C</b> - Notes on survey results (<b>resource 5, attached</b>): In the presentation, of about 30 attendees (judges) who were given the 2-minute survey, we got responses from only 16 (about 50%); we should consider possible reasons we didn’t get more. These responses are valuable and appreciated – so, to try to get more in the future, McLean will re-create the survey as a PDF for judges and their clerks, to be distributed and returned by email.</p>
<b>VI</b>	<p><b>Internal outreach to state workers – training: S/E basic video course by ALJ Robin Hall</b> - Helman: I reviewed this training on S/E income. It was comprehensive and well done, with detailed instructions for doing S/E income calculations. I think it could help even seasoned caseworkers—and yes, external users too—by clarifying things that are confusing. - Strandell: It could be posted on our internal website after it is made to be ADA-compliant, which is happening now.</p>
<b>VII</b>	<p><b>MTCS vs. SEARCHS (see also IV.A, above)</b></p> <p><b>A</b> MTCS (formerly “Bourdeau” after Nick Bourdeau, its creator) is a private child support software program designed for attorneys and judges outside of CSSD. In 2020 it was sold to Thorin Geist of Montana Child Support LLC; if people ask about it, McLean gives them his email address.</p>

- Strandell: Version 2022 is due to be cloud-based and published online for public use, but at a cost—maybe \$14.99 per calculation. We may not be able to suggest improvements to it, as now it is privately owned.
- Notes: In the past we've worked with "Scott," the programmer for MTCS; we'll have to wait and see what happens with version 2022.
- B** SEARCHS (post-Transformation) still has issues – e.g., the new print-&-mail process; S/E income; and calculations prior to 2019 (see IV.A above).
- Probasco & Chaffey: Whether MTCS or SEARCHS – CSSD just needs something that works, especially until the SEARCHS issues get fixed.
- Strandell: As mentioned above, we do plan to purchase MTCS 2022, and all of these SEARCHS issues are now in one JIRA ticket to be resolved.

**VIII Proposed GROC guidances**

A GROC guidance is an instruction from the GROC to CSSD workers on how to handle a specific issue in the guidelines calculations. Three possible proposed guidances (in no particular order) were on today's agenda, as explained below from the Notes plus discussion.

- A** A guidance has been considered re. the CTC. This guidance may be needed, but this topic was covered above (IV.A) so it was not revisited here.
- B** A guidance has been considered re. the newly-created case events.  
 Notes: As shown below, it appears these case events and their ticklers are being handled properly – so no GROC guidance is needed at this time.
  - Each region has decided who will handle these case events and their ticklers, and it appears these functions are being performed properly.
  - Kial Leach clarified the tickler text to, "Select event if obligor or obligee imputed income was used" – as shown below, with his explanatory note.

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For the description text to display and not end at a confusing point I had to update the tickler text as shown below. Will this work?
- SELECT EVENT IF OBLIGOR OR OBLIGEE IMPUTED INCOME WAS USED
  08/04/21      08/03/21  01 01  0050950  CS5259
```

- The following report (**resource 6, below**), pulled from SEARCHS for 2021 Apr-Oct, shows the usage of these case events and ticklers.

- C** A guidance has been considered re. flipped obligations / zero orders in modifications – not in establishments, for which policy already exists and could be revisited as a refresher – based on **resource 7, below**.

**[Question to McLean, from ALJ Liz Leman of OAH:]** Where new information presented at hearing flips the child support calculation, so that Mom owes Dad instead of the other way around, is it correct to enter that as a \$0 obligation? I had one case where the caseworker did that because the previously obligated party had not applied for services, and I presume because the previous obligee hadn't been notified that they had an obligation.

**[Answer from McLean, to ALJ Liz Leman of OAH:]** Just because it flips does not put the present obligor at zero. It would simply show that the obligor does not have a transfer payment at this juncture. Unless a party is 100% responsible, making the second party zero obligation all through the calculation, there is no "zero obligation" without an explanation for a variance or in the case of incarceration.

A "zero" defeats the purpose of retaining an obligation for the child regardless of the child's primary household. It would be an injustice to the child if OAH (or a caseworker) did not correctly finalize the order. I understand that the calculation performed shows the Obligee as the obligor at the calculated amount, and a second calculation is performed in preparation for a reverter clause. The reverter clause could show that if the child were to change households, the other party would owe \$[\_\_\_].

RUN DATE: 11/02/21	STATE OF MONTANA	PAGE NO: 65
RUN TIME: 18:01	DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES	
RPT NO: RP5041.01	CHILD SUPPORT DIVISION SEARCHS SYSTEM	
	EVENT REPORT BY REGION, WORKER –	
	DATE PARAMETERS: 04\01\21 TO 10\31\21	
TOTALS FOR: STATE		
0032240 IMPUTED INCOME USED – OBLIGOR		95 Cases
0032241 ORDER CONTAINS REVERTER LANGUAGE		14 Cases
0032242 ORDER CONTAINS A VARIANCE		4 Cases
0032243 IMPUTED INCOME USED – OBLIGEE		146 Cases
0032244 IMPUTED INCOME USED – BOTH		100 Cases

**IX Calculations audit**

- Notes: Travel has been suspended during COVID, but may need to resume so McLean can audit each region's calculations. Also, could we use the 2021 audit list pulled for Kial Leach's overall audit?
- Strandell: Yes, that list could be used.
- Calculations checklist – Hochhalter is developing an online form.

**X Military basic allowances – policy resolved by Shelhamer v. Hodges (GROC minutes, 2016-Nov-29), Nunn, and Wahl-Otto**

- For military parents, do certain basic allowances (BAH = basic allowance for housing, BAS = basic allowance for subsistence) count as income? (Per the Notes: In some cases, say, the BAH may go directly to a landlord, not to the person serving in the military – so, is it income?)
- Strandell, Probasco, Williams, and Wigen discussed rulings in various venues which sometimes went one way, and sometimes went the other way.
- Notes: Based on rulings by the MT Supreme Court in Shelhamer v. Hodges and rulings by others (including ALJ Robin Hall) in such cases as Nunn and Wahl-Otto—three cases which have greatly helped with clarification—McLean is working with GROC to clarify and update policy on this point.

**XI Other**

Strandell mentioned Gilbert, Twardoski, and Vining, already listed above under "II. Introductions."

**XII Adjournment / Next full meeting**

We adjourned. The next full meeting is scheduled as usual (second Tue. of second month in the quarter): 2022 Feb08, 1:00–4:00p U.S. MT Time.