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Greg Gianforte, Governor
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To Temple McLean, Guidelines Coordinator | Facilitator for Guidelines Review and Oversight Committee (GROC) of Child Support Services Division (CSSD)
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Cc GROC participants ("x" = present):

Table with 5 columns: Community reps, (aka), Role, Title & county(ies) represented, Site. Lists participants like Cromwell, Reuss, Thiel, Williams, Boysun, Chaffey, Clinch, Gilbert, Helman, Hochhalter, McLean, O'Connor, Probasco, Quinn, Rohrdanz, Twardoski, Vining, Watne, Wigen with their respective roles and sites.

* voting role

From Priscilla Hochhalter, Writer | Recorder for GROC

Date 2022 May 31

Re MINUTES for the following meeting:
2022 May 10 Tue., 1:00-4:00p U.S. Mountain time – via videoconference

Text Please see the relevant materials, attached.

GROC regular meetings currently are held quarterly – the second Tue. of Feb., May, Aug., & Nov., 1:00-4:00p U.S. Mountain time – via videoconference.

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).

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Definitions

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

Item	Definition
[State initials:]	States often are identified by their two-character postal abbreviations – e.g., DE (Delaware), GA (Georgia), ND (North Dakota), Oregon (OR).
ACA	Affordable Care Act
ACF	Administration for Children & Families (ACF), a division of the U.S. Department of Health & Human Services (HHS); OCSE is under it.
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 – especially ARM 37.62.106 (https://rules.mt.gov/gateway/RuleNo.asp?RN=37.62.106).
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.
DOD	[Federal] Department of Defense
DPHHS	[Montana's] Department of Health and Human Services.
[E]CFR	[Electronic] Code of Federal Regulations (https://ecfr.federalregister.gov/current/title-45/subtitle-B/chapter-III/part-302/section-302.56).
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.
FEM	Flexibility, efficiency, and modernization.
GLW	Screens in SEARCHS encompassing the internal calculator that produces child support guidelines worksheets (GLW).
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.
MAC	Montana advisory council (in particular the one on child support, chartered in 1984 by Governor Schwinden, which later led to GROC).
MCA	Montana Code Annotated (the statutes of Montana).
MJA	Montana Judges Association.
MLSA	Montana Legal Services Association (https://www.mtlsa.org/).
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	Either Montana (state of), or Mountain Time (time zone).
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 (formerly the Office of Fair Hearings).
OCSE	[Federal] Office of Child Support Enforcement.
OFH	[State] Office of Fair Hearings (changed in about 2020 to Office of Administrative Hearings).
OLA	[State] Office of Legal Affairs.
OPA	[State] Office of Public Assistance.
OCSE	[Federal] Office of Child Support Enforcement; part of ACF.
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.
PII	Personally identifiable information
PPC	Policy and Procedure Committee
S/E	Self-employment (for income calculations).
SEARCHS	System for the Enforcement and Recovery of Child Support (internal system CSSD uses to perform calculations for child support); see GLW.
SNOCS	Subsequent Notice and Order Concerning Support – a followup order, used if the same two parties have an additional child.
SOS	Secretary of State
TNOCS	Temporary Notice and Order Concerning Support – a temporary order to establish child support while action is pending in court.
UM	University of Montana.
WC	Worker's Compensation.

Resources

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. Best practices (casenotes) for performing a child support calculation – for internal and external users – from Natalie Shoemaker

CASE NOTES – BEST PRACTICE (for performing calculations)

- We need to state what minimum wage was used and year (\$9.20/hour 2022), and how many hours applied or imputed based on wage stub/tax return. [CSSD can calculate the number of hours and the parents should not be required to guess or assume.]
- We need to indicate the amount of income overall we used for each parent, especially the obligor. Ex. \$31,200 from last four reported quarters; \$15/hour at 40 Hours/week per Employment Verification; or \$31,200 per mother/father's financial affidavit or tax return.
- We need to provide explanation for other child support obligations or other children in the household. Ex. Father has 1 child in his household (Line 2b) and is ordered to pay \$3,600 for 2 other children (Line 2a).
- We should mention tax status (single or married) and who claims which children.
- We need to provide explanation for other items appearing in the income, deductions, or supplemental needs sections and ideally state "Line __," especially for Lines 1(h), 1(g), and 2(k), and 12(d).

Minutes

Note 1: The main body of the minutes is divided into three parts (preceded by an “opening” part and followed by a “closing” part) to reflect TM’s three-part job description as guidelines coordinator. After we cover the quadrennial review / report, our community representatives are free to leave if they wish.

Note 2: Sometimes topics are discussed “out of sequence,” or are revisited more than once within the same meeting. Therefore, discussions are grouped logically by topic—not necessarily chronologically by the actual order in which they originally occurred.

PART 1 – Opening

I Call to order / General business

- A Joining GROC for the first time today are these new participants...
 - Cynthia (Cindy) Thiel, a Missoula attorney with 20+ years of experience in family law, mediation, and pro bono work.
 - Audrey Cromwell, a Bozeman attorney who does family law, criminal defense, and mediation, and helps MSU students work on their own cases.
 - Holli Boysun, a CSSD-Billings (Region 3) investigator.
- B Leaving GROC due to other responsibilities is Vaughn Rohrdanz, CSSD-Billings (Region 3) supervisor.
- C TM thanked everyone for responding to her survey re. the form of draft and published minutes.

II Software considerations

- A SEARCHS. Since 2021’s migration, some data results have been unreliable. While Peraton works on issues, GROC will monitor workarounds.
- B MTCS. Comments unexpectedly truncate when printed. TM will ask MTCS for a floating field that won’t truncate &/or a popup warning of the limit.

III Best practices (casenotes) for performing calculations – for internal and external users – from Natalie Shoemaker – per resource 3

For both internal and external users who perform calculations: Natalie Shoemaker’s best practices casenotes (presented by TM to CSSD in fall 2019) are recommended. They are attached as **resource 3** (internal link: [\state.mt.ads\hhs\Shared\CSSD\Guidelines\Forms\Guidance Issued](https://state.mt.ads/hhs/Shared/CSSD/Guidelines/Forms/Guidance%20Issued)).

PART 2 – Child Support Guidelines – per resource 1

IV 2020 Quadrennial Review / Report (QR)

The proposed rule change to add the word “residence” to ARM 37.62.106, as required by 45 CFR 302.56(c)(1)(iii), is proceeding (see https://sosmt.gov/Portals/142/ARM/ARM_flow_chart.pdf?dt=1526399982123 and https://rules.mt.gov/gateway/Browse_MAR.asp).

V 2024 Quadrennial Review / Report (QR) – preparing for 2023 legislature and beyond

- A Analytics. Due to the issue in II.A above, case data from 2021Oct through 2022Mar (the first half of this fiscal year) won’t be used for analytics in the case analysis section of the 2024 Quadrennial Report.
- B Historical matrix of all MT rules: 1987, Supreme Court; 1989, Dept. of Revenue (DOR); 1990, Social & Rehabilitation Services (SRS); 1998, DPHHS. TM is compiling, from the Secretary of State (SOS) archives at <https://sosmt.gov/arm/register/>, the full history of each rule from original proposal to what was eventually adopted, including all comments. The purpose is to understand the intent of each rule and rule change, and to avoid proposing changes that inadvertently contradict that original intent.
- C Economic study. On 2021Nov09, at our request, MSU’s Dr. Christiana Stoddard shared how she’d approach expanding the work she started for us (in 2009) on the cost of raising a child in MT. One challenge is that Montana is sparsely populated and, in some statistics, is combined with other states. So we are redirecting away from studying the full “cost of raising a child” in MT, and toward studying instead key elements (e.g., Personal Allowance, Primary Support Allowance, “Other Child” Allowance) in the federal poverty index guidelines (PIG)—our current foundation for the primary support of a child. We’ll consider continuing to do things the way we do now, or making adjustments based on the study results. We may need only minor adjustments to reach our goal, which is to show that our guidelines are reasonable and up to date for Montana’s current economy. If other DPHHS divisions need this research and data, they may be able to share costs for this study.
- D Baseline testing of 2018 v. 2019 tax laws, and possibly removing taxes—including tax credits—from the calculation.
 - Using 2018 v. 2019 tax laws, TM continues to do baseline testing to compare the effects of removing both taxes and tax credits from calculations.
 - After discussion, the attorneys on GROC agreed with removing the Child Tax Credit (CTC) and Additional Child Tax Credit (ACTC) as “less for attorneys to argue about” and agreed IRS standards should be followed to determine who gets each credit. CSSD follows IRS standards already, absent an order stating otherwise. TM is breaking out each section (and accompanying tables) in the calculation to test its effect on the whole.
- E Line 7: TM is doing comparison testing of line 3 to “1st dollar” that triggers minimum contribution and “1st dollar” that triggers standard-of-living adjustment (SOLA). The goal is to ensure any change in the calculation will yield dollar amounts similar to current guideline calculation results.
- F Consider percentage caps? Daycare is huge in the guidelines worksheets (GLW), including at line 2j—a 1998 allowance for expenses of “other children.” Per ARM 37.62.110(1)(i), allowable deductions include “one-half the amount of a parent’s unreimbursed payments for an “other child” for extraordinary medical expenses and child care expenses necessary to allow the parent to work, less federal tax credits...” (emphasis added).
 - To avoid discouraging new families, there was a 2012 repeal of ARM 37.62.146 regarding “subsequent child.” See details at these links...
 - Notices about the repeal: <https://rules.mt.gov/gateway/ShowNoticeFile.asp?TID=3725>
 - Comments about the repeal: <https://rules.mt.gov/gateway/ShowNoticeFile.asp?TID=4075>
 - Still, TM asked caseworkers to note how often children of the calculation are adversely affected by “other children” daycare costs at line 2j and to note modifications, especially if started at 0 (“zero orders”) and not necessarily due to a stated variance.

- Cindy T said parents may know the expenses for a child in their own household, but not for a child elsewhere. TM gave assurance that caseworkers are trained to require proof of daycare costs—either an invoice from the provider, or a tax return proving deduction for dependent care.
- KW gave an example where an obligor has new/other children with a new spouse. The new spouse is contributing to the household and working outside the home. The daycare expense is allowed under the rules for “other children” even if the daycare expense is more than that spouse’s income. The rules require that the expense be counted, even while that spouse’s income is not. This is the most difficult situation to explain to a custodial parent, especially where the obligation is decreased in a modification due to that allowed “other child” daycare expense.
- TM said parents object less to the bottom line if you can show, on other lines, where each item is considered.
- Delaware’s Melson model contains a “high income offset” that applies to higher incomes when considering SOLA. Also, in early 2019 Delaware removed taxes from their calculation.

- G** PQ (arriving ~1:45p) has finished reviewing MT’s rules and statutes; he reports “net income” is not defined for establishing or modifying an obligation.
- H** Summary: All of this research and testing is needed to show that we considered the effects of any proposed rule change. If any such change is adopted, the attorneys on GROC feel the legal community won’t strenuously object, as long as continuing legal education (CLE) is offered.

PART 3 – District Court Partnership Project – per resource 2

V External support for the community

- A** Past and/or upcoming trainings / continuing legal education (CLEs) include...
- 2022 Mar 23: PQ’s virtual presentation on TNOCS to Gallatin Legal Assistance Clinic (GLAC), as invited by Principal Officer Pamela Poon.
 - 2022 May 17: Andrew Betson’s virtual presentation on hand calculations to a small law firm (beta presentation; he and TM will adapt it for others).
- B** Future possibilities: We could notify the State Bar / family law section that we can offer training / CLEs, which always seem welcome. Ideas include...
- Cindy: Many newer attorneys need a basic overview of guidelines, calculations, regulations and requirements, etc.
 - PQ: We need [internal and external] training on review and modification of orders, and on the role of CSSD; many judges and attorneys don’t know what it can and can’t do. I’d rather ensure a good calculation and reasonable obligation from the start, than get stuck with enforcing a bad one later.

VI Eliciting input from the community

[Tabled for a later date:] TM’s annual survey to judges (and their clerks) re. variances.

PART 4 – Support and Project Management

VII Internal support for state workers – including Natalie Shoemaker’s best practices (casenotes)

- A** Past and/or upcoming trainings include...
- 2022May04 – To OAH – TM presented training (basic and advanced) on how to handle self-employment income.
- B** Future possibilities: None mentioned at this time.

VIII Proposed GROC Guidances

[Note: Some of these guidances are related to, or affected by, the SEARCHS issue in item II.A above.]

- A** Correcting improper values that sometimes autopopulate for self-support reserve and Earned Income Tax Credit (EITC).
- B** Verifying proper handling of casenotes, especially the three new (2021) ones re. whether imputed income, if used, is from father, mother, or both.

IX Best practices (casenotes) for performing a child support calculation

X Additional / Closing business

- A** CSSD representatives, please verify proper handling by your coworkers (especially recent hires) of those new casenotes and ticklers in VII.B above.
- B** Everyone, please review the minutes when they come out.

XI Adjournment / Next meeting

- A** We adjourned at about 2:40pm. Upcoming meetings are scheduled as indicated in the text on the cover page.
- B** TM asked Christie T. to consider whether GROC’s next meeting (2022Aug09) could be “in person” in Helena.
- [Note: GROC’s last meeting “in person” was 2019May, before the first COVID19 lockdowns began in 2020Mar.]