



TANF 306-1 Child Support Enforcement

Supersedes: TANF 306-1 (7/1/09)

Reference: ARM 37.78.206 and .215; 45 CFR 264.30

Overview: Prior to authorization of eligibility, applicants, clients and caretaker relatives are required to cooperate with Child Support Enforcement Division (CSED).

HCS/CS-332 'CHILD SUPPORT ENFORCEMENT REFERRAL':

Except in circumstances where the individual cannot obtain the information and/or claims Child Support Good Cause, the individual will be required to provide both the name of the putative (assumed to be) father and/or mother and other information sufficient to verify the identity of the person named. The other information, which must be given if known, includes the non-custodial parent(s):

1. Social security number
2. Date of birth
3. Past or present address
4. Telephone number
5. Past or present place of employment
6. Past or present school attended
7. Names and addresses of parents, friend or relatives able to provide location information
8. Military service
9. Other information that could enable the CSED staff to locate the non-custodial parent(s) and serve legal documents

A separate referral form must be completed for each non-custodial parent (or alleged parent) of the child(ren) for whom assistance is requested. If the applicant is the child's mother, the referral is completed on each person believed to be the child's father.

If the child's mother was married at the time the child was born, or ten (10) months prior to the time the child was born, a referral must be completed on the spouse, even if the

mother indicates he is not the father of the child. If there is another alleged/potential father in the household, even if he is receiving TANF, a child support referral must be completed on him as well as on the spouse. This will allow CSED to accurately establish paternity.

If the applicant is not the child's parent, a referral must be made on both the child's natural/adoptive mother and natural/adoptive father even if one or both are deceased.

Only one set of 332's is required for an individual who is the parent of more than one child who is in the custody of a specified relative.

If the applicant is a pregnant woman in her last trimester with no other children receiving assistance, the hard copy HCS/CS-332 is not submitted to CSED nor is data entered on CHIMES until the child is born.

If the unborn child is the basis for the woman's eligibility then the HCS/CS-332 needs to be completed at application, as a condition of eligibility. The HCS/CS-332 should be retained in the case file until the child is born.

If the unborn is not the basis of eligibility, the HCS/CS-332 does not need to be completed until the child is born.

Anytime the effective closure date has passed and a new application is required, a new set of child support papers is required.

HCS/CS-332 NOT REQUIRED:

A Child Support Enforcement Referral Form HCS/CS-332 is not required in the following circumstances:

1. Single parent adoption or other special circumstances;
2. Parental rights terminated by court action;
3. Child receives SSI;
4. Non-custodial parent is deceased.

COOPERATION FOR SUPPORT:

Cooperation with Child Support Enforcement Division includes:

1. Completing Form HCS/CS-332, "Child Support Enforcement Referral".
2. Identifying and locating the parent(s) of the child.
3. Assisting in establishing the paternity of a child born out of wedlock.
4. Obtaining support payments unless there is Child Support Good Cause for refusing/failing to do so.
5. Obtaining any other payments or property due the parent/caretaker relative or the child.

6. Appearing at the local Office of Child Support Enforcement or the Office of Public Assistance to provide oral or written information or documentary evidence relevant to the case.
7. Appearing as a witness at court or other hearings or proceedings.
8. Providing information or attesting to the lack of information under penalty of perjury.
9. Paying to the State any support payments received directly from the non-custodial parent after approval of eligibility for TANF cash assistance.

ASSIGNMENT OF RIGHTS:

By signing the 'Application for Assistance' (HCS-250), the parent or caretaker relative has automatically assigned and transferred all rights to child, spousal and medical support to the State of Montana, Department of Public Health and Human Services (DPHHS).

The assignment is effective for current support and delinquent support accrued prior to the assignment. The assignment takes effect upon a determination that the family is eligible for assistance and remains until eligibility terminates.

As a condition of eligibility, if the child's natural or adoptive parent is not living with the child, the specified caretaker relative (with whom the child is living) is required to cooperate with the State in pursuing child support unless Child Support Good Cause is determined to exist.

FAILURE OR REFUSAL TO COOPERATE:

Failure or refusal to cooperate with CSED without good cause will result in assistance being denied or closed. If the parent or caretaker relative complies prior to case closure, assistance continues if the family is otherwise eligible. If the individual complies after closure, the family must reapply.

A claim of 'unknown' is considered cooperation.

If, after closure of the case for non-compliance with CSED, the family reapplies within six (6) months, they must cooperate with CSED before benefits are issued.

If a case remains closed for more than six (6) months and the family reapplies after the end of the sixth month, the previous non-compliance does not need to be resolved. They will be considered compliant by completing a new set of HCS/CS 332's for each absent parent.

SUPPRESSING INFORMATION:

The address of the custodial parent will be included on legal notices sent to the non-custodial parent. CSED may suppress the custodial parent's address information based on the following circumstances:

1. There is a restraining order in place against the non-custodial parent.
2. CSED receives a threat from a non-custodial parent conveying the intent to harm the custodial parent.
3. The custodial parent directly states or implies to CSED she/he fears physical or emotional harm from the non-custodial parent.
4. CSED receives information from OPA that indicates the possibility of domestic violence directed toward the parent or caretaker relative.

CSED TRIBAL COURT:

CSED cannot recommend non-cooperation when a parent or caretaker relative indicates they will not pursue a child support order through tribal court. If however, the parent or caretaker relative does not respond to the question from CSED of whether or not they intend to pursue the order through tribal court, they can be considered to be non-cooperative.

CONTINUATION OF ENFORCEMENT SERVICES:

The Child Support Enforcement Division is required to provide all enforcement services during the TANF cash assistance eligibility period. Once TANF closes, CSED is federally required to inform the custodial parent that CSED will continue services until they request the CSED case to close. If there is debt owing to the State, CSED will only close the custodial parent's portion of the case and will continue collection efforts for State arrears.

Effective Date: January 01, 2018