

BEFORE THE DEPARTMENT OF PUBLIC
HEALTH AND HUMAN SERVICES
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF PUBLIC HEARING ON
ARM 37.62.705 pertaining to Child) PROPOSED AMENDMENT
Support Services Fee Schedule)

TO: All Concerned Persons

1. On July 12, 2024, at 1:00 p.m., the Department of Public Health and Human Services will hold a public hearing via remote conferencing to consider the proposed amendment of the above-stated rule. Interested parties may access the remote conferencing platform in the following ways:

(a) Join Zoom Meeting at: <https://mt-gov.zoom.us/j/89694224978?pwd=VGtrckYyeE1QQ2R1aGZWa2szcm13UT09>, meeting ID: 896 9422 4978, and password: 973837; or

(b) Dial by telephone: +1 646 558 8656, meeting ID: 896 9422 4978, and password: 973837. Find your local number: <https://mt-gov.zoom.us/j/89694224978>.

2. The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, contact the Department of Public Health and Human Services no later than 5:00 p.m. on June 28, 2024, to advise us of the nature of the accommodation that you need. Please contact Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; telephone (406) 444-4094; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov.

3. The rule as proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

37.62.705 FEE SCHEDULE (1) through (1)(b) remain the same.

(c) a fee of \$25.00 shall be collected for from each ~~application~~ applicant for non-assistance related services. This fee shall be collected from the applicant at the time of application in the form of a personal check, electronic check, cashier's check, or money order, credit card, or debit card.

(2) and (3) remain the same.

(a) for parent locate services, a fee of \$10.00 if the social security number of the person to be located is provided to the CSSD, and \$14.00 if the social security number of the person to be located is not provided; and

(b) for each intercept of federal or state payments, a standardized fee of \$25.00 or actual costs if less than the standardized fee; federal or state payments include, but are not limited to, income tax refunds; ~~and~~

~~(c) for photocopies of CSSD files, records and other materials, for each page, a fee of \$.25.~~

(4) through (6) remain the same.

AUTH: 40-5-202, 40-5-210, MCA
IMP: 40-5-210, MC

4. STATEMENT OF REASONABLE NECESSITY

The Department of Public Health and Human Services (department) is proposing to amend ARM 37.62.705 Fee Schedule.

CSSD proposes amending ARM 37.62.705 Fee Schedule in three ways to reduce barriers to CSSD services.

1. To allow payment of the application fee by methods other than cashier's checks or money orders. Changing the rule to allow personal checks and debit/credit cards will reduce a barrier to CSSD services and allow for commonly used electronic payment methods.
2. Require an application fee per applicant, not per application form. Changing the rule as proposed will align it with federal regulation at 45 CFR 302.33(c)--State Plan Requirements.
3. The photocopying fee for CSSD files, records, or materials should be entirely removed. CSSD files and most CSSD records and materials are now in electronic format, and they can be provided electronically at no cost.

ARM 37.62.705

1. ARM 37.62.705 only allows payment of the child support application fee by cashier's check or money order. Obtaining a cashier's check or money order can be a barrier to services as a fee is usually involved in obtaining those payment types. There is also a customer service issue when only cashier's checks or money orders are allowed for application fees. Electronic payment methods, such as debit/credit cards, electronic checks, and online payments, are commonplace now with current technology. The rule, as written, does not allow these payment methods.
2. ARM 37.62.705 requires a fee per application, not per applicant. The proposed amendment would align the rule with federal regulation at 45 CFR 302.33(c)--State Plan Requirements. The state plan must provide that an application fee be charged to everyone who applies for services. The proposed amendment would also reduce a possible financial barrier by limiting the application fees collected per applicant when they request CSSD services.
3. ARM 37.62.705 requires a photocopy fee of \$.25 per page for CSSD files, records, or other materials. The proposed amendment would remove that fee in its entirety. CSSD files and most CSSD records and materials are now in electronic format, and they can be provided electronically at no cost. By removing the photocopy fee, we are removing any possible financial barrier

that may occur when requesting photocopies of CSSD files, records, or materials.

Fiscal Impact

During FFY 2023, CSSD application fees accounted for only \$22,368 of CSSD's FFY 2023 budget of \$11,768,279. Based on application fee data for FFY 2023, the first proposed amendment to ARM 37.62.705(1)(c) would have decreased the amount collected in application fees by \$175. The proposed amendment to ARM 37.62.705(1)(c) requiring an application fee per applicant rather than per application is not expected to have any substantive change to the CSSD budget. The proposed amendment to ARM 37.62.705(3)(c) is expected to have minimal financial impact and affect between zero and 12 people across the state per year, because photocopies are rarely requested from CSSD since materials can be provided electronically at no cost.

5. Concerned persons may submit their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to: Bailey Yuhas, Department of Public Health and Human Services, Office of Legal Affairs, P.O. Box 4210, Helena, Montana, 59604-4210; fax (406) 444-9744; or e-mail hhsadminrules@mt.gov, and must be received no later than 5:00 p.m., July 19, 2024.

6. The Office of Legal Affairs, Department of Public Health and Human Services, has been designated to preside over and conduct this hearing.

7. The department maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies for which program the person wishes to receive notices. Notices will be sent by e-mail unless a mailing preference is noted in the request. Written requests may be mailed or delivered to the contact person in paragraph 5.

8. An electronic copy of this notice is available on the department's web site at <https://dphhs.mt.gov/LegalResources/administrativerules>, or through the Secretary of State's web site at <http://sosmt.gov/ARM/register>.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the department has determined that the amendment of the above-referenced rule will not significantly and directly impact small businesses.

/s/ April Armstrong
April Armstrong
Rule Reviewer

/s/ Charles T. Brereton
Charles T. Brereton, Director
Department of Public Health and Human
Services

Certified to the Secretary of State June 11, 2024.