

Guidelines Review and Oversight Committee (GROC)

2024 Jan 25, 10:00a–12:00n – Meeting Minutes

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

I Opening business and participants list

At about 10:00 a.m., Kim greeted everyone and opened the meeting. Below is a list of all GROC participants (x = present today):

	Community reps	Title, with county(ies) covered if any	Location
x	Thiel, Cindy	Ret.:Atty. Missoula	Missoula
-	Timmer, Colleen	Master Mineral, Missoula	Missoula
	State workers	Title	Location
x	Atkinson, Jade	CSSD Regional manager	Helena
x	Chaffey, Casse	CSSD Investigator	Missoula
x	Delaney, Barb	CSSD Bureau chief, SPOT	Helena
x	Eckley, Alison	CSSD Regional manager	Missoula
x	Ensey, Miranda	CSSD Investigator	Great Falls
x	Gilbert, Nikki	CSSD Investigator	Great Falls
x	Hochhalter, Priscilla	CSSD Recorder / Training specialist	Helena
x	Leach, Kial	CSSD Compliance manager	Helena
x	Mosby, Micky	CSSD Regional manager	Great Falls
x	Paul, Echoe	CSSD Investigator supervisor	Helena
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, though not discussed today, is retained here for reference.

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 2024 Quadrennial Review / Report (QR)

To meet all above requirements for the upcoming 2024 QR, the below work is underway.

A Economic data

There was no further discussion today about the US Department of Agriculture (USDA) 2015 figures on cost of raising a child (<https://www.fns.usda.gov/cnpp/2015-expenditures-children-families>) and the MT Department of Labor & Industry (DLI) 2022 Labor Day report (<https://lmi.mt.gov/docs/Publications/LMI-Pubs/Labor-Market-Publications/LDR20221.pdf>)

B Case data

Last meeting, Kim shared her early case data analytics, including data on: methodology and findings; variances from GLs; and payment histories by case characteristics. This ongoing work will be covered in our 2024 QR. No new details were discussed today.

C Tax data

CSSD has made all tax updates required to keep MT calculations correct and accurate in its system, and will do so again in April. Let Kim know if you see tax-related issues in calculations.

IV GLs changes being considered

A Removing taxes, similar to Delaware (DE) – attachment 1

GROC continued last meeting's discussion of DE's guidelines approach (attachment 1). DE, like MT, uses a Melson-based GLs model and has no sales tax. Since 2019, DE's GLs worksheet has excluded taxation; however, it does not consider long-distance parenting.

Kim reported she is continuing to test MT GLs calculations, both with and without taxes, and shared her test results. Her hope is for each calculation to result in the same amount, no matter who performs it. GROC participants agreed that MT GLs should be the best and fairest they can be, and that standardized GLs do help to achieve that result. After further discussion of the pros and cons of simplifying GLs, and of the impact on practitioners and families, it was agreed that further testing and research should be completed. In the future GROC will discuss additional findings, as well as options for other smaller changes which could improve MT GLs.

B Adjusting parent and/or child allowance – attachments 2, 3

GROC briefly reviewed Kim's findings on impacts of adjusting allowances for parent (per self-support reserve) and for child (per federal poverty index guideline, or PIG). Kim noted that compared to DE, MT is higher on one and lower on the other.

See attachments 2 and 3: Rule 12 (ARM 37.62.121) for a formula and explanation; and policy CS 404.2 (table 2, line 11) for current allowances.

C Adjusting imputed work hours per week (hrs/wk) – attachments 2, 4

Discussion continued on average work hrs/wk for imputing income. Last meeting, Kim had shared a table from MT's (above-cited) DLI 2022 Labor Day report, showing average number of hrs/wk worked in each state and in Washington DC; the average is below 40 hrs/wk in certain industries and circumstances. No consensus was reached on recommending any change to the current rule. CSSD will continue monitoring calculations under current practices, and will provide any relevant examples to GROC. Future discussions may consider a possible change from 40 hrs/wk to a range of hours, as well as the impact of professions that use salaried employees.

V Closing business / Adjournment

Several expressed thanks to Kim and Kial for their hard work.

Patrick suggested that GROC keep seeking community representatives, in addition to Colleen and Cindy, to bring key external input to GROC. Suggestions of potential candidates are welcome.

Next meeting will be March 28 (Thursday), 10:00a–12:00n, to give people a few weeks to compare and/or test DE's GLs vs. MT's GLs.

Meeting was adjourned.

Attachment 1: 2023 DE Child Support Formula (Form 509)

<https://courts.delaware.gov/Forms/Download.aspx?id=268>; see also instructions at <https://courts.delaware.gov/Forms/Download.aspx?id=109568>

Form 509
Rev 1/23

2023 Delaware Child Support Formula

Petitioner _____ Respondent _____ Date: _____

File No: _____ Petition No.: _____ DCSS No.: _____

		Gross Income					Parent 1	Parent 2			
		Wages	2d Job	Other	Self	Nontax					
NET INCOME AVAILABLE	1	Parent 1					1				
		Parent 2									
	2	Nontaxable Income Adj. (25% of income exempted by law from Federal income tax)					2				
	3	Self-Employment Adjustment (7% of documented SE income up to \$12250)					3				
	4	Deductions					4				
			Pension	Union Dues	Disability	other		HI not on child			
		Parent 1									
		Parent 2									
5	Self Support Allowance					5	\$1,460	\$1,460			
6	Net Income after Self Support (Line 1 plus Line 2 minus Lines 3, 4, and 5)					6					
7	A – Does the parent support other dependent children? (Yes or No)					7	Yes / No	Yes / No			
	B – Adjustment for Other Dependents (If Line 7 = Yes, then 70%, otherwise \$100%)						70% / 100%	70% / 100%	Total		
8	Net Income Available for Primary Support (Line 6 x Line 7B)					8					
PRIMARY	9	Share of Net Available (Line 8 / Line 8 Total; 50% nonparent override: \$ _____)					9			100%	
	10	Number of children of this union in each home					10				
	11	Primary Support Allowance (Line 10 x \$390 + \$340)					11				
	12	A – Childcare for children of this union necessary for parent to maintain employment					12A				
		B – Private School Tuition and Costs / other primary expenses					B				
		C – Health Insurance					C				
			Medical	+ Dental	+ Vision	x 75% or 50%					
	If Line 7A=No, 75%	Parent 1							Total		
	If Yes, then 50%	Parent 2									
13	Total Primary Need (Line 11 + Lines 12A, B and C)					13					
14	Primary Support Obligation (Line 9 x Line 13 Total)					14					
SOLA	Standard of Living Adjustment		15 – Net Income Available for SOLA			15			Total		
	# Children	SOLA %	16A - Line 15 - \$14,600 (but not less than 0)			16A					
	1	12%	B – High Income Offset (30% of Line 16A Total)			B					
	2	17%	17 – Standard of Living Percentage (Table)			17			Total		
	3	21%	18A – SOLA (Line 15 - Line 16B x Line 17)			18A					
	Each addl	2%	B – Per child SOLA (Line 18A Total / Line 10 Total)			B					
CREDITS	19	Gross Obligation (Line 14 plus Line 18A)					19				
	20	Primary and SOLA retained (Line 10 multiplied by Line 18B plus Line 11)					20				
	21	Itemized Primary (Line 12A plus Line 12B plus Line 12C)					21				
	22	A – Parenting Time Percentage (80 - 124 Overnights, 10%; 125-163, 30%)					22A				
		B – Parenting Time Adjustment (Line 22A x other parent's Line 20)					B				
	23	A – Does the parent support children in 3 or more households? (Yes or No)					23A	Yes / No	Yes / No		
B – Self Support Protection % (If Line 23A = No, then 50%; if Yes, then 35%)					B						
C – Self Support Protection (Line 8 x Line 23B)					C						
24	Net Obligation (Line 19 minus Lines 20, 21 and 22B, but not more than 23C)					24					
	<input type="checkbox"/> Minimum Order (1 child = \$150; 2 or more = \$220)										
	25 - Cash Medical Support (Line 9 rounded towards 50% to the next multiple of 10)					25					

Attachment 2: Rules 5 and 12 (ARM 37.62.106 and .121)

<https://rules.mt.gov> or <https://dphhs.mt.gov/assets/cssd/GuidelinesARM.pdf>

Rule 05 (ARM 37.62.106) – Imputed Income For Child Support

(1) "Imputed income" means income not actually earned by a parent, but which is attributed to the parent based on the provisions of this rule. It is presumed that all parents are capable of working at least 40 hours per week at minimum wage, absent evidence to the contrary.

(2) It is appropriate to impute income to a parent, subject to the provisions of (6) of this rule, when the parent:

- (a) is unemployed;
- (b) is underemployed;
- (c) fails to produce sufficient proof of income;
- (d) has an unknown employment status; or
- (e) is a student.

(3) In all cases where imputed income is appropriate, the amount is based on the following:

- (a) the parent's residence and recent work and earnings history;
- (b) the parent's occupational, educational, and professional qualifications;
- (c) existing job opportunities and associated earning levels in the community or the local trade area;
- (d) the parent's age, literacy, health, criminal record, record of seeking work, and other employment barriers;
- (e) the availability of employers willing to hire the parent; and
- (f) other relevant background factors.

(4) Imputed income may be in addition to actual income and may not necessarily reflect the same rate of pay as the actual income.

(5) Income is imputed according to a parent's status as a full- or part-time student, whose education or retraining will result, within a reasonable time, in an economic benefit to the child for whom the support obligation is determined, unless actual income is greater. If the student is:

- (a) full-time, the parent's earning capacity is based on full-time employment for 13 weeks and approximately half of full-time employment for the remaining 39 weeks of a 12-month period; or
- (b) part-time, the parent's earning capacity is based on full-time employment for a 12-month period.

(6) Income is not imputed if any of the following conditions exist:

- (a) the reasonable and unreimbursed costs of child care for dependents in the parent's household would offset in whole or in substantial part, that parent's imputed income;
- (b) a parent is physically or mentally disabled to the extent that the parent cannot earn income, or is incarcerated for more than 180 days;
- (c) unusual emotional and/or physical needs of a legal dependent require the parent's presence in the home;
- (d) the parent has made diligent efforts to find and accept suitable work or to return to customary self-employment, to no avail; or
- (e) the court or hearing officer makes a finding that other circumstances exist which make the imputation of income inequitable. However, the amount of imputed income shall be decreased only to the extent required to remove such inequity.

History: 40-5-203, MCA; IMP, 40-5-209, MCA; NEW, 1998 MAR p. 2066, Eff. 11/1/98; AMD, 2012 MAR p. 747, Eff. 7/1/12; AMD, 2017 MAR p. 2441, Eff. 12/23/17; AMD, 2022 MAR p. 1878, Eff. 9/24/22.

Rule 12 (ARM 37.62.121) – Primary Child Support Allowance

(1) Primary child support allowance is a standard amount to be applied toward a child's food, shelter, clothing and related needs and is not intended to meet the needs of a particular child. This allowance is .30 multiplied by the personal allowance found at ARM 37.62.114 for the first child. For the second and third children, the personal allowance is multiplied by .20 and added for each child. For four or more children, the personal allowance is multiplied by .10 and added for each additional child.

History: Sec. 40-5-203, MCA; IMP, Sec. 40-5-209, MCA; NEW, 1998 MAR p. 2066, Eff. 11/1/98.

Attachment 3: GLs Tables (Policy Section CS 404.2)

<https://dphhs.mt.gov/cssd/PolicyManual/> / <https://dphhs.mt.gov/assets/cssd/PolicyManual/cs404-2.pdf>

MONTANA CHILD SUPPORT GUIDELINE TABLES		
EFFECTIVE APRIL 1, 2023		
		CS 404.2
TABLE 1		
PERSONAL ALLOWANCE PER YEAR (ARM 37.62.114)		
FOR EACH PARENT \$18,954		
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 A)	Allowance for "other children" (enter on line 2b worksheet A)
1	\$5,686	\$2,843
2	\$9,477	\$4,739
3	\$13,268	\$6,634
4	\$15,163	\$7,582
5	\$17,059	\$8,529
6	\$18,954	\$9,477
7	\$20,849	\$10,425
8	\$22,745	\$11,372
TABLE 3		
LONG DISTANCE PARENTING ADJUSTMENT (ARM 37.62.130)		
IRS Business Mileage Rate: \$0.655/mile		
Standard Expense: \$1,310		

Attachment 4: GLs Instructions, Pg 2, Line 1e – Imputed Income

<https://dphhs.mt.gov/assets/cssd/GuidelineWorksheetsandInstructions.pdf>

1e. Imputed income – enter the gross amount of income the parent could earn if employed full-time (usually 40 hours/week) at the highest rate of pay the parent can realistically earn. Consider the place of residence, jobs available in the area where the parent lives. If the parent is working but not working full-time, enter the parent’s actual wages/earnings on the appropriate income line. Subtract the actual or average hours worked each week from 40 hours to determine how many hours to impute. Multiply the imputed hours by the rate of pay the parent could earn if the hours were worked and enter the total here at line 1e. See Rule 5 which also includes reasons why income should not be imputed in some cases.