

HOUSE BILL NO. 352

INTRODUCED BY C. SCHOMER, D. LENZ

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A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE MONTANA CHILD SUPPORT GUIDELINES; REQUIRING CERTAIN EXPERTISE FOR STAFF; ESTABLISHING THE GUIDELINES REVIEW OVERSIGHT COMMITTEE AND ASSOCIATED DUTIES OF THE COMMITTEE; ESTABLISHING REPORTING REQUIREMENTS; REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO CONTRACT WITH A PRIVATE SOFTWARE VENDOR; AND AMENDING SECTION 40-5-209, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 40-5-209, MCA, is amended to read:

"40-5-209. Child support guidelines -- periodic review -- oversight committee -- reporting requirement. (1) The department shall adopt uniform child support guidelines to be used to determine minimum child support amounts. In addition to giving notice and publicizing the rules as provided in the Montana Administrative Procedure Act, the department shall give notice to the supreme court, the district courts, and the state bar of Montana prior to adopting the guidelines.

(2) The guidelines must consider the factors set forth in 40-4-204(2) and 40-6-116(5).

(3) At least once every 4 years, the department shall:

(a) review the uniform child support guidelines employed to determine child support obligations to ensure that their application results in the determination of appropriate child support award amounts; and

(b) propose any appropriate modification to the legislature.

(4) There is a child support guidelines project manager within the department. The child support guidelines project manager and at least one other staff person within the child support services division must have or obtain expertise in tax preparation and analysis.

(5) There is a guidelines review oversight committee within the department.

(a) The committee shall include but is not limited to the child support guidelines project manager

1 and the following members appointed by the division administrator:

2 (i) one member of a federally recognized Indian tribe located within the boundaries of the state
3 who has expertise in child support matters;

4 (ii) three noncustodial parents, each of whom may be a representative of an advocacy group, an
5 attorney, or an individual, with at least one representing the interests of low-income, noncustodial parents;

6 (iii) three custodial parents, each of whom may be a representative of an advocacy group, an
7 attorney, or an individual, with at least one representing the interests of low-income, custodial parents; and

8 (iv) one current or retired administrative law judge with expertise in child support matters.

9 (b) The committee shall include one member of the children, families, health, and human services
10 interim committee provided for in 5-5-225 jointly selected by the president of the senate and the speaker of the
11 house.

12 (c) The public members of the council shall serve without compensation but may be reimbursed as
13 provided in 2-18-501 through 2-18-503, subject to available funding.

14 (6) The committee shall meet at least quarterly and all meetings must be open to the public and
15 provide opportunity for comment.

16 (7) The committee shall:

17 (a) research, develop recommendations, and suggest proposed rule changes to the department
18 regarding the Montana child support guidelines;

19 (b) make recommendations to the department to carry out the requirements of subsection (3);

20 (c) review and approve any policy changes and internal administrative guidelines proposed by the
21 department related to the Montana child support guidelines; and

22 (d) establish a process for verifying the accuracy of the state's child support calculator by
23 comparing the calculator to that of a private vendor operating in the state pursuant to subsection (9). The
24 process must include consultation with a certified public accountant experienced in the income tax implications
25 of child support calculations.

26 (8) The committee shall report to the children, families, health, and human services interim
27 committee provided for in 5-5-225 in accordance with 5-11-210 on all matters described in this section and
28 additionally as the guidelines review oversight committee sees fit.

