



ADMINISTRATIVE RULES OF MONTANA



37.62.1117 PROCEDURES FOR DETERMINING HARDSHIP ADJUSTMENTS

- (1) The CSSD will use the following procedures as a guideline for the exercise of its discretion in determining hardship adjustments:
 - (a) The review will determine if the obligor is eligible for a reduction of the amount which would normally be withheld to defray the support delinquency and interest, if any.
 - (b) The review will be conducted ex parte by the CSSD's regional office based on financial information provided by the obligor or obtained from other sources.
 - (c) The standard for review will be the application of a formula developed by the CSSD. The CSSD will, upon request, provide copies of the formula to any interested person.
 - (d) The CSSD will determine the length of time the hardship adjustment will continue. The hardship adjustment will terminate at the end of the determined period, or cessation of the hardship condition, whichever occurs first. In the event the hardship condition continues after the end of such period, it shall be the obligor's duty to request further review at that time.
 - (e) If the obligor disagrees with the CSSD's determination, a request may be made in writing for further review by the CSSD division administrator or designee.
 - (f) If a request for further review is received, the division administrator or designee will review the previous determination and make an independent determination based on all relevant considerations. The decision of the division administrator or designee will be final for all purposes.
 - (g) Only one request for a hardship review is available to the obligor for each claimed incident of hardship. Further review will not be granted except upon a showing of circumstances not existing at the time of the original determination.

Authorizing statute(s): 40-5-405, MCA

Implementing statute(s): 40-5-416, MCA

History: NEW, 1990 MAR p. 1337, Eff. 7/13/90; TRANS, from SRS, 2000 MAR p. 3551; AMD, 2017 MAR p. 135, Eff. 1/21/17; AMD, 2020 MAR p. 966, Eff. 5/30/20.