



ADMINISTRATIVE RULES OF MONTANA

37.78.215 TANF: TANF CASH ASSISTANCE; CHILD SUPPORT SERVICES COOPERATION REQUIREMENTS

- (1) Except as provided in (2), in every TANF cash assistance case where one or both of the minor child's parents is absent from the home, the specified caretaker relative must:
 - (a) assign child and medical support rights, as defined in ARM 37.78.103, to the department; and
 - (b) cooperate in establishing paternity and obtaining child or medical support, or both, subject to the exception for good cause provided in (3)(a) through (f).
- (2) In cases where there is only one adoptive parent or where the parental rights of the child's parents have been terminated by a court of competent jurisdiction, the applicant or recipient is not required to assign child or medical support rights or cooperate in establishing paternity or obtaining child support.
- (3) The requirement of cooperation in establishing paternity and obtaining child support may be waived if good cause is shown. For purposes of this rule, good cause exists if one of the following circumstances exists, and as a result of that circumstance cooperation would be detrimental to the child:
 - (a) cooperation is likely to result in substantial danger, physical harm, undue harassment or severe mental anguish to the child or the caretaker relative;
 - (b) the child was conceived as a result of forcible rape or an incestuous relationship;
 - (c) the caretaker relative has relinquished the child to a public or licensed social agency for the purpose of adoption;
 - (d) legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;
 - (e) the parental rights to the child have been terminated by a court of competent jurisdiction;
 - (f) the absent parent is listed on the Montana Department of Justice Sexual or Violent Offender Registry; or
 - (g) any other situation which makes cooperation with child support requirements detrimental to the child.
- (4) A specified caretaker relative who claims to have good cause for refusing to cooperate must:
 - (a) provide evidence to substantiate the claim; or
 - (b) provide sufficient information to permit an investigation to determine whether good cause exists.

- (5) Assistance will not be denied, delayed, or discontinued pending a determination of good cause for refusal to cooperate if the specified caretaker relative has complied with the requirements of (4). However, if it is ultimately determined that good cause does not exist and the recipient continues to refuse to cooperate, the department may recover amounts paid pending the determination of good cause.
- (6) In cases where good cause has been found, a review must be held at each redetermination of eligibility to determine whether there has been any change in circumstances such that good cause no longer exists.
- (7) The local Office of Public Assistance will promptly notify the Child Support Services Division of all cases in which it has been determined that there is good cause for refusal to cooperate in establishing paternity or obtaining child or medical support.
- (8) A pregnant woman is required before the birth of her child to provide information about the father of her unborn child for the purpose of establishing paternity and obtaining child and medical support after the child's birth.
- (9) When a parent or parents fail or refuse without good cause to assign child or medical support rights or to cooperate in establishing paternity or obtaining child or medical support, all household members will be ineligible for assistance.

Authorizing statute(s): 53-4-212, MCA

Implementing statute(s): 53-4-211, 53-4-601, MCA

History: NEW, 1996 MAR p. 284, Eff. 1/26/96; AMD, 1998 MAR p. 3284, Eff. 12/18/98; TRANS, from SRS, 2000 MAR p. 3414; AMD, 2003 MAR p. 15, Eff. 1/17/03; AMD, 2008 MAR p. 1154, Eff. 6/13/08; AMD, 2020 MAR p. 966, Eff. 5/30/20.