



ADMINISTRATIVE RULES OF MONTANA



37.62.1113 AVAILABILITY OF HARDSHIP ADJUSTMENTS

- (1) In certain circumstances, the amount of money required to be withheld to defray delinquent support amounts owed under the terms of the act may be temporarily reduced at the discretion of the CSSD. Such a "hardship adjustment" may be made upon a showing that extraordinary costs or expenses for special medical, dental, and mental health needs have been incurred by the obligor or the obligor's dependents; that these costs are actually being paid by the obligor; and that the obligor is not being reimbursed by insurance. A hardship adjustment may also be based upon special costs or expenses which are directly related to the obligor's ability to earn income available for withholding, and which, if not paid by the obligor, would result in a major loss of income. Further, a hardship adjustment may be considered if the total income of the obligor's household only minimally meets the subsistence level for food, housing, clothing, and other necessities as established by the United States poverty guidelines.
- (2) Such exercise of discretion does not constitute a "contested case" under the terms of the Montana Administrative Procedure Act, nor does it represent a "mistake of fact" upon which a hearing may be granted.

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, 2020 MAR p. 966, Eff. 5/30/20.