



ADMINISTRATIVE RULES OF MONTANA



37.62.2119 MODIFICATION HEARING

- (1) A party may request a hearing on the Notice of Administrative Review.
- (2) The request for hearing must be received in the office of the administrative law judge within 20 days after the Notice of Administrative Review is received by the party requesting a hearing.
- (3) If no party timely requests a hearing, the administrative law judge may enter an order adopting the terms and provisions proposed in the notice, including the child support amount and the imposition or modification of a medical support order.
- (4) After the modification hearing, the administrative law judge shall enter an order in accordance with 40-5-277, MCA.
- (5) The order shall be effective the first day of the month following the issuance of the Notice of Proposed Modification, or as determined by a district court. If the modification result is a lowered child support obligation, all payments received during the pendency of the modification action shall be credited against the new obligation, and amounts exceeding the modified obligation shall be applied first to outstanding arrearages, fees, and fines. Any amount remaining after such credits shall be applied to future child support by reducing the amount of child support collected under the new order for no more than six months, or before the order terminates, whichever comes first. Parties may agree to an alternate schedule. No refunds shall be available from the CSSD.

Authorizing statute(s): 40-5-202, MCA

Implementing statute(s): 40-5-202, 40-5-272, 40-5-273, MCA

History: NEW, 1994 MAR p. 2011, Eff. 7/22/94; TRANS, from SRS, 2000 MAR p. 3551; AMD, 2006 MAR p. 574, Eff. 2/24/06; AMD, 2017 MAR p. 135, Eff. 1/21/17; AMD, 2020 MAR p. 966, Eff. 5/30/20.