



ADMINISTRATIVE RULES OF MONTANA



37.62.929 OFFICIAL NOTICE

- (1) Official notice may be taken of:
 - (a) federal law, including the constitution of the United States, congressional acts, resolutions, records, journals, and committee reports, the decisions of federal courts and administrative agencies, executive orders and proclamations, and all rules, orders and notices published in the federal register;
 - (b) state law, including the constitution, acts of the legislature, resolutions, records, journals and committee reports, decisions of the administrative agencies of the state of Montana, executive orders and proclamations by the governor, and all rules, orders and notices published in the Montana administrative register;
 - (c) department and CSSD organization, including administration, officers, personnel, official publications and official acts of the department and the CSSD;
 - (d) any fact that could be judicially noticed in the district courts including generally recognized technical and scientific facts obtained from treatises of learned scholars and public documents to the extent allowed by the rules of evidence;
 - (e) the records of other CSSD proceedings;
 - (g) codes, regulations, standards, action transmittals, policy interpretation questions and information transmittals issued or adopted by a federal agency pursuant to Title IV-D of the Social Security Act;
 - (h) written CSSD policy directives;
 - (i) the CSSD policy and procedures manual;
 - (j) records, reports, statements, and data compilations in any form of a clerk of court, public office or state agency of this or any other state or federal agency which are part of the regularly conducted activities of that clerk of court, public office or state agency;
 - (k) payment histories originated by the CSSD or obtained from clerks of court, the child support agencies of other states or other public records sources, and CSSD-prepared abstracts of those histories including computerized data compilations; and
 - (l) child support guidelines worksheets and similar documents, completed CSSD case related forms, and other papers within the scope of the CSSD's technical knowledge as a body of experts and within the scope of its duties, responsibilities and jurisdiction.

- (2) Officially noticed law may be admitted during a hearing without the necessity of foundation testimony or formal proof of the existence of the law. Officially noticed facts, if relevant to a determination of the matter at issue, may be admitted as evidence without the necessity of foundation testimony. A party is entitled upon timely request to an opportunity to rebut any facts officially noticed or to contest the application of an officially noticed law before the matter is resolved by a final decision or order of the ALJ. If official notice is taken during a hearing without prior notice, the request for opportunity to rebut or contest must be presented during that hearing. If official notice of facts or law is taken in a proposed written hearing decision and order without prior mention during the hearing or otherwise, the request for an opportunity to rebut or contest must be made within 20 days after the proposed decision is first issued as provided for in ARM 37.62.951.

Authorizing statute(s): 17-4-105, 40-5-202, 40-5-262, 40-5-272, 40-5-273, 40-5-405, 40-5-713, 40-5-825, 40-5-906, MCA

Implementing statute(s): 17-4-105, 40-5-157, 40-5-202, 40-5-208, 40-5-226, 40-5-233, 40-5-261, 40-5-271, 40-5-273, 40-5-414, 40-5-431, 40-5-703, 40-5-710, 40-5-821, 40-5-822, 40-5-823, 40-5-824, 40-5-906, MCA

History: NEW, 2000 MAR p. 3547, Eff. 12/22/00; AMD, 2020 MAR p. 966, Eff. 5/30/20.