



ADMINISTRATIVE RULES OF MONTANA

37.62.1115 EFFECT OF HARDSHIP DETERMINATION

- (1) A pending hardship determination does not stay or delay hearings on, or implementation of, income withholding.
- (2) A request for hardship determination may be made at any time, without regard to whether income withholding is pending or has been previously implemented.
- (3) A hardship adjustment applies only to the amount to be withheld to defray accumulated interest, fees, if any, and delinquent support amounts owed. It does not affect the amount of the obligor's current support obligation.
- (4) Whenever the CSSD has determined that a hardship adjustment is appropriate, it shall issue a withholding order, or a modification of an existing withholding order, which reflects the hardship adjustment. No order may be issued for the withholding of less than:
 - (a) the amount of current support plus the monthly hardship payment determined by the CSSD if the obligor owes an ongoing current support obligation; or
 - (b) the monthly hardship payment determined by the CSSD if the obligor's current support obligation has terminated.
- (5) When the hardship adjustment ceases, the CSSD may, without further notice to the obligor, modify or amend the order to withhold the amount of delinquent support determined to be proper prior to the hardship adjustment.

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.