



ADMINISTRATIVE RULES OF MONTANA



37.62.103 DEFINITIONS

For purposes of this chapter, unless the context requires otherwise, the following definitions apply:

- (1) "Actual income" is defined in ARM 37.62.105.
- (2) "CSSD" means the Child Support Services Division of the Department of Public Health and Human Services.
- (3) "Department" means the Department of Public Health and Human Services.
- (4) "Federal poverty guidelines" means the guidelines published by the U.S. Department of Health and Human Services under the authority of 42 USC 9902(2), which will be updated periodically in the Federal Register. Such updates will be adopted by amendment to these rules as appropriate.
- (5) "Guidelines" means the administrative rules for establishment of child support as provided in ARM Title 37, chapter 62, subchapter 1, as promulgated in 40-5-209, MCA.
- (6) "Imputed income" is defined in ARM 37.62.106.
- (7) "Incarceration" means a parent is held in a correctional, detention, or treatment facility for more than 180 days.
- (8) "Legal dependent" means natural born and adopted minor children, spouses, special needs adult children, household members covered by a conservatorship or guardianship, and parent's parents living in the household who are claimed on tax returns as legal dependents.
- (9) "Long distance parenting" is defined in ARM 37.62.130.
- (10) "Other child" means a child whom a parent is legally obligated to support but who is not the subject of the child support calculation. A step-child is not considered an other child.
- (11) "Personal allowance" is defined in ARM 37.62.114.
- (12) "Primary child support allowance" is defined in ARM 37.62.121.
- (13) "SOLA" means standard of living adjustment.
- (14) "Standard of living" includes the necessities, comforts and luxuries enjoyed by either parent, the child or both parents and the child, which are needed to maintain them in customary or proper community status or circumstances.
- (15) "Transfer payment" is defined in ARM 37.62.134.

- (16) "Underemployed" means employed less than full time, when full-time work is available in the community or the local trade area, and/or earning a wage that is less than the parent has earned in the past, or is qualified to earn, when higher paying jobs are available in the community or the local trade area, for which the parent is qualified.

Authorizing statute(s): 40-5-203, MCA

Implementing statute(s): 40-5-209, MCA

History: NEW, 1998 MAR p. 2066, Eff. 11/1/98; AMD, 2012 MAR p. 747, Eff. 7/1/12; AMD, 2017 MAR p. 2441, Eff. 12/23/17; AMD, 2020 MAR p. 966, Eff. 5/30/20.