



306-1 Child Support Enforcement Referral

Supersedes:	TANF 306-1 (01/01/07)
References:	ARM 37.78.102 and .215; 45 CFR 264.30
Overview:	<p><u>GENERAL RULE</u>—Prior to authorization of eligibility, applicants, participants and caretaker relatives are required to provide sufficient information to:</p> <ol style="list-style-type: none"> 1. Locate the non-custodial parents; 2. Establish paternity of a child born out-of-wedlock; and 3. Secure child/medical support; <p>unless there is Child Support Good Cause for refusing/failing to do so.</p> <p>NOTE: Anytime the effective date of closure has passed and a new application is required a new set of child support papers is required.</p>
ASSIGNMENT OF RIGHTS	<p>By signing the 'Application for Assistance' (HCS-250), the parent or caretaker relative has automatically assigned and transferred all rights to child, spousal and medical support to the State of Montana, Department of Public Health and Human Services (DPHHS). The Child Support Enforcement Division (CSED) is designated by law to:</p> <ol style="list-style-type: none"> 1. Locate the non-custodial parent(s); 2. Establish paternity; and 3. Establish and enforce all support obligations assigned. <p>The assignment is effective for current support, delinquent support accrued prior to the assignment and for medical obligations. The assignment takes effect upon a determination that the family is eligible for assistance and remains until eligibility terminates.</p>
COOPERATION FOR SUPPORT	<p>As a condition of eligibility, if the child's natural or adoptive parent is not living with the child, the specified caretaker relative (with whom the child is living) is required to cooperate with the State in pursuing child and medical support unless Child Support Good Cause for refusing to do so is determined to exist (TANF 306-2).</p> <p>NOTE: If a participant receives child support after approval of benefits and <u>does not return it to the State, the Client Service Coordinator will establish an overpayment for the total amount of child support retained and make a referral to Claims and Recovery for an IPV. (TANF 1505-1)</u></p>
FAILURE RO REFUSAL TO COOPERATE	<p><u>At application</u>, if a TANF cash assistance parent or caretaker relative fails or refuses to provide any required information (unless Child Support Good Cause is determined to exist), the application is denied.</p>
CSED TRIABLE COURT	<p>CSED cannot recommend non-cooperation when a parent or caretaker relative indicates they will not pursue a child support order through tribal court. If however, the parent or caretaker relative does not respond to the question from CSED of whether or not they intend to pursue the order through tribal court, they can be</p>

	considered to be non-cooperative.
CONTINUATION OF ENFORCEMENT SERVICES	The Child Support Enforcement Division (CSED) is required to provide all enforcement services during the TANF cash assistance eligibility period. Once eligibility ends, the CSED will inform the former participant they may request these services to be discontinued.
Date Revised	July 1, 2009