

NON-TANF CHILD CARE ELIGIBILITY

CHILD CARE 2-2a

Child Support

Supersedes: Child Care 2-2a (4/9/16)

References: 52-2-701 - 704 & 52-2-711 - 713 MCA
Sections 37.78.215 (3), 37.80.101-103, 37.80.201-202, 37.80.205-206, 37.80.301-302, 37.80.305 -306, 37.80.315-316, 37.80.501 ARM 45
CFR Part 98.20 – 47

General Rule

Compliance with child support policies is a basic condition of eligibility for Best Beginnings Child Care Scholarship. In Non-TANF Best Beginnings Child Care Scholarship households where a child has an absent parent, the parent or guardian with whom the child resides must maintain cooperation with the Child Support Enforcement Division [CSED]. When a parent refuse to cooperate with CSED, the family will be ineligible for a Best Beginnings Child Care Scholarship. In such cases, eligibility specialists will deny the scholarship application or close the scholarship case with appropriate notice.

When a child is added to the household membership, a change to the open child support case requirement may be needed. The participant should contact their CCR&R agency to discuss the requirement. All children under the age of 18 with an absent parent must meet the child support requirement.

Child Support Enforcement information and applications are available by calling the Child Support Enforcement Division [CSED] at 1-800-346-KIDS (5437).

Out-of-state Child Support Documentation

Written documentation must be provided by a parent to verify child support in another state. If child support cannot be verified, a child support case must be opened in Montana.

Exceptions to Child Support

A single parent is exempt from meeting the child support compliance policy under the following circumstances:

- ❑ In cases of single-parent adoption or where the absent parent has terminated parental rights, the parent is not required to cooperate in establishing paternity or obtaining child support. A court filed document is necessary to verify compliance.
- ❑ The absent parent is deceased.
- ❑ An adult acting in loco parentis, as designated in a military parent's family plan, is not required to pursue child support while the child's parent is deployed. The military family plan substitutes for child support arrangements. A copy of the military family plan must be submitted.
- ❑ The requirement of cooperation in establishing paternity and obtaining child support may be waived if good cause is shown
- ❑ The parent who is applying for child care assistance is under the age of 18.

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Parents dissatisfied with Child Support Enforcement Division determinations must appeal through the Child Support Enforcement Division [CSED]. The Montana Department of Public Health and Human Services [DPHHS] Child Support Enforcement Division offers payment information online at <https://app.discoveringmontana.com/csed/index.html>. The site requires the child support case number and the parent's Social Security Number in order for parents to verify compliance and payments received.

Separation and/or Divorce

By the 30-day application period if a parent is in the process of a legal separation or divorce, the parent has to be in compliance with the child support requirement as well as all other eligibility requirements. A 120-calendar day extension may be given at the discretion of the Early Childhood Services Bureau.

Incarcerated Parents

If one parent of an intact family is incarcerated, a child support order is not required. The family must report when the incarcerated Parent is released and when they return to the household.

If an absent parent is incarcerated and the family does not consider themselves intact, cooperation with child support policy is required by the parent applying for child care assistance.

If both parents are incarcerated, whether or not the family is intact and a child support order is required for the person acting in loco parentis

Child Support Verification

The Child Support Compliance Checklist Form is required as part of the completed Best Beginning Scholarship application packet. In order to grant good cause for not cooperating with child support with the Child Care Program, the Notice of Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate in Child Support Enforcement form must be completed. The Child Care Resource and Referral [CCR&R] must obtain verification when granting good cause [see the good cause section below]

Families, who have an absent natural or adoptive parent must verify one of the following:

- ❑ The parent receives child support payments under a child support order recognized by a court for each child with an absent parent and can verify payments received with written documentation. A copy of the order must be in the parent's file at the CCR&R.
- ❑ The parent applies for services with Department of Public Health and Human Services [DPHHS] Child Support Enforcement Division [CSED] for each child for whom court-ordered child support is not received. Cooperation with DPHHS Child Support Enforcement must be maintained while receiving a Best Beginnings Child Care Scholarship. Cooperation with DPHHS Child Support Enforcement means that the parent has completed the required application and any other documents requested from CSED.

Good Cause

A parent may apply for good cause for not meeting the child support requirement, at the time of application, during a report change, or at re-determination. A child care scholarship will not be denied, delayed, or discontinued pending a determination of good cause for refusal to cooperate if the parent has complied with the requirements listed below.

Montana Department of Public Health & Human Services

However, if it is ultimately determined that good cause does not exist and the recipient continues to refuse to cooperate, the department will deny the application.

If good cause is shown, the requirement of cooperation in obtaining child support will be deemed to be met. Good cause exists if one of the following circumstances exists and, as a result of that circumstance, cooperation would be detrimental to the child:

- ❑ cooperation is likely to result in substantial danger, physical harm, undue harassment or severe mental anguish to the child or the parent;
- ❑ the child was conceived as a result of forcible rape or an incestuous relationship;
- ❑ the absent parent is planning to relinquish or has relinquished the child to a public or licensed social agency for the purpose of adoption;
- ❑ legal proceedings for the adoption of the child are pending before a court of competent jurisdiction;
- ❑ the parental rights of absent parents to the child have been terminated by a court of competent jurisdiction;
- ❑ a situation that makes cooperation with child support requirements detrimental to the child; or
- ❑ The parent must provide documentation from a legal authority indicating that legal separation or divorce proceedings are under way.
- ❑ Circumstances that might warrant an extreme hardship on the family. This circumstance is deemed appropriate only by the Early Childhood Services Bureau Child Care Manager which may occur in extremely rare situations.

A parent who claims to have good cause for refusing to cooperate must:

- ❑ provide evidence to support the claim based on the above criteria; or
- ❑ provide sufficient information to permit an investigation to determine whether good cause exists.

Evidence provided to support the good clause claim may include any of the following types:

1. Birth certificates or medical or law enforcement records that indicate that the child was conceived as the result of incest or forcible rape;
2. Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;
3. Court, medical, criminal, child protective services, social services, psychological, or law enforcement records that indicate that the putative [assumed to be such] father or non-custodial parent might inflict physical or emotional harm on the child or caretaker relative;
4. Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child;
5. Written statements from a mental health professional indicating a diagnosis or prognosis concerning the emotional health of the caretaker relative, the parent, or the child;
6. A written statement from a public or licensed private social agency indicating that the applicant or participant is being assisted by the agency to resolve the issue of whether to keep the child or relinquish him for adoption;
7. Sworn statements from individuals, other than the applicant or participant, with knowledge of the circumstances that provide the basis for the good cause claim may be provided in addition to the documentation listed in items 1-6 above.

Parents selecting number seven [7] above, must include another type of corroborated evidence from the remaining types listed above. If the reason for claiming good cause is fear of substantial danger, physical harm, undue harassment, or severe mental anguish to the child or the parent and it is impossible to obtain medical records, law enforcement records or court documents as evidence, the child care resource and referral agency may still be able to make a good cause determination. This will be accomplished by collecting notarized statements or affidavits from individuals who possess knowledge of the circumstances that provide the basis of the parent's good cause claim. The parent must clearly indicate why obtaining the above-noted evidence is impossible to the Child Care Resource and Referral [CCR&R] agency.

Good cause for not cooperating with child support enforcement is approved by Early Childhood Services Bureau. Parents receive a Child Care Program – Notice of Requirement to Cooperate and Right to Claim Good Cause for Refusal to Cooperate in Child Support Enforcement form when applying for a Best Beginnings Child Care Scholarship and at annual redetermination.

Parenting Plans

A court-filed, judge-signed parenting plan meets the child support requirement. The amount of child support indicated on the parenting plan is unearned income for the household. If the parent disagrees with the amount identified in the parenting plan, the parent must apply with CSED to open a child support case, update the information in the parenting plan, or the parent must have appropriate reasons and documentation to apply for good cause.

During the 30-day application period if a parent has court-filed a parenting plan but a judge has not signed it, the parent has thirty calendar days to be in compliance with the child support requirement as well as all other eligibility requirements. A 120-calendar day extension may be given at the discretion of the Early Childhood Services Bureau.

If the parenting plan stipulates that both parents will share the cost of child care and only one parent is eligible, the scholarship may cover the non-eligible parent's child care costs if the following criteria is met:

1. The non-eligible parent must be working during the child care hours needed;
2. The provider must be a registered or licensed facility;
3. The Authorization of Services must be based on the non-eligible parent's work schedule;
4. A current Child Care Service Plan must be in place; and
5. The co-payment must be paid as stipulated in the authorization plan based on the income of the eligible parent.
6. In cases where the Parenting Plan states that the non-custodial parent must cover child care costs, the scholarship is awarded to the non-custodial parent [if eligible], but is based on the custodial parents work schedule.