



## **TANF 306-3 Child Support Payments and Collections**

**Supersedes: TANF 306-3 (1/1/18)**

**Reference:** 45 CFR 264.30; ARM 37.78.206 and .215; House Bill 529 (2005)

**Overview:** Child Support payments collected by the Child Support Enforcement Division (CSED) or paid directly to the applicant or client must be evaluated for their impact on program eligibility and/or grant amount.

### **PAYMENTS TO APPLICANTS/CLIENTS:**

Child support paid to and received by the applicant in the month of and prior to benefit authorization and/or the first payment is counted as unearned income in its entirety when determining eligibility and/or grant amount.

Anytime a household receives a child support payment from the non-custodial parent or an out of state Child Support Enforcement Agency after benefit authorization, the payment must be turned over to CSED. Child support payments turned over to CSED are not counted in the eligibility determination and/or grant amount.

If the payment is paid from Montana CSED and CSED is aware the household receives TANF, the household can keep the payment. The payment is excluded unearned income for the remaining assistance unit members when determining eligibility and/or grant amount.

Child support payments kept by the client after benefit authorization that are unknown to CSED will result in an overpayment for the entire child support amount kept by the client. An Intentional Program Violation (IPV) referral is made.

### **CHILD SUPPORT INTERFACE:**

SEARCHS, the child support system, is used to view current child support payments made through Child Support Enforcement Division. SEARCHS must be reviewed at application, redetermination and when circumstances change that may affect the child support amount paid on behalf of the children. SEARCHS must also be reviewed when the custodial parent receives the child support supplemental payment as receipt of the

supplemental payment is an indicator that the non-custodial parent is making child support payments.

**CHILD SUPPORT SUPPLEMENT PAYMENTS (CSSP):**

Child support supplemental payments are additional TANF payments to clients when the non-custodial parent is making child support payments. The CSSP amount is an average over a period of time based on child support collected from the non-custodial parent. The payment is up to but not exceeding, \$200.00 per month per TANF household. Payments may be delayed after initial TANF authorization.

**IN EXCESS PAYMENTS:**

The State is limited to retaining the court ordered child support or the amount of public assistance paid; whichever amount is less. The child support amount collected by CSED for current monthly support which is greater than the grant amount for that month is considered an "in excess" payment.

This "in excess" payment is retained by the State when the State has not been reimbursed for past cash assistance and there is child support due and owing to the State. This child support due and owing is called arrears. If there are arrears owing, the State keeps the "in excess" of the current payment to reduce the amount of debt owing.

When the State has been reimbursed for past cash assistance and there are no arrears, the excess would be paid to the custodial parent. This is countable unearned income.

When the amount of collected support exceeds the amount of the TANF cash assistance payment for two (2) consecutive months, the case must be closed unless the payments are not expected to continue.

**Effective Date:** July 1, 2023