

1 SENATE BILL NO. 151

2 INTRODUCED BY D. LENZ

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THE DEPARTMENT OF PUBLIC HEALTH AND  
5 HUMAN SERVICES TO ADOPT RULES RELATING TO CHILD SUPPORT OBLIGATIONS IN CHILD ABUSE  
6 AND NEGLECT CASES; PROVIDING RULEMAKING AUTHORITY; AND PROVIDING AN IMMEDIATE  
7 EFFECTIVE DATE."

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9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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11 NEW SECTION. **Section 1. Rulemaking authority for referral and assignment of child support**

12 **obligations.** (1) The department shall adopt rules that require an assignment of rights to child support to the  
13 state for children entering foster care only in very rare circumstances in which:

14 (a) there will be only positive or no adverse effects on the child; or

15 (b) the assignment will not impede successful achievement of the child's permanency plan.

16 (2) The rules may adopt a categorical exemption for all children entering foster care.

17 (3) The rules may reflect that securing an assignment of rights to child support for children entering  
18 foster care is not appropriate unless the parent or guardian is above a certain income level.

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20 NEW SECTION. **Section 2. Transition.** The department of public health and human services shall  
21 adopt rules pursuant to [section 1] by September 1, 2023.

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23 NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
24 integral part of Title 41, chapter 3, part 1, and the provisions of Title 41, chapter 3, part 1, apply to [section 1].

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26 COORDINATION SECTION. **SECTION 4. COORDINATION INSTRUCTION.** IF BOTH HOUSE BILL NO. 227 AND  
27 [THIS ACT] ARE PASSED AND APPROVED, THEN [SECTION 1 OF THIS ACT] IS VOID AND MUST BE REPLACED WITH:

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"SECTION 1. RULEMAKING AUTHORITY FOR MANAGEMENT OF COURT-ORDERED CHILD SUPPORT

1 **OBLIGATIONS. THE DEPARTMENT SHALL ADOPT RULES TO MANAGE COURT-ORDERED CHILD SUPPORT TO THE STATE FOR**  
2 **CHILDREN ENTERING FOSTER CARE AS PROVIDED FOR IN 41-3-446. RULES TO MANAGE CHILD SUPPORT:**

3 (1) MUST HAVE NO ADVERSE EFFECTS ON THE CHILD; AND

4 (2) MAY NOT IMPEDE SUCCESSFUL ACHIEVEMENT OF THE CHILD'S PERMANENCY PLAN."

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6 **NEW SECTION. Section 5. Effective date.** [This act] is effective on passage and approval.

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