

Notification of Policy Changes

(FY2020 Appropriation Act - Public Act 67 of 2019)

April 1, 2020

Sec. 222. (1) The department shall make the entire policy and procedures manual available and accessible to the public via the department website.

(2) The department shall report by April 1 of the current fiscal year on each specific policy change made to implement a public act affecting the department that took effect during the prior calendar year to the house and senate appropriations subcommittees on the budget for the department, the joint committee on administrative rules, the senate and house fiscal agencies, and policy offices. The department shall attach each policy bulletin issued during the prior calendar year to this report.



ACCOUNTING

EFFECTIVE

March 1, 2019.

Subject(s)

ACB 2019-001

Accounting Policy Manual (ACM) 600, Contract Payments

ACM-600, Contract Payments, policy is obsolete. Historical policy can be viewed by changing the effective date and then clicking search.

EFFECTIVE

May 1, 2019.

Subject(s)

ACM-300, Federal Grant Spending Reporting

This is to document the Department of Health and Human Services' (MDHHS) policy for reporting federal grant obligations and expenditures. It is MDHHS's policy to assure federal funds are expended in accordance with the intent of the federal funding and within federal award budget period.

EFFECTIVE

September 1, 2019.

Subject(s)

The Michigan Department of Health and Human Services (MDHHS) Revenue Operations Division is responsible for processing and reconciling all revenue funds.

Every revenue refund request must have at least two signatures. The first signature will be from the person who has prepared the refund voucher and compiled all backup documentation. The second signature is an authorized signor who is verifying and authorizing that the information listed on the voucher is accurate and correct. The authorized signor must have the proper signing limit through the Payment Authorization List (PAL).

ADMINISTRATIVE POLICY

EFFECTIVE

January 1, 2019.

Subject(s)

Michigan Department of Health and Human Services (MDHHS) workforce must use appropriate administrative, technical, and physical safeguards to protect the confidentiality, availability,

integrity, privacy, and security of PHI, PII, sensitive or confidential information. MDHHS workforce will only use or disclose PHI, PII, sensitive or confidential information as permitted under all applicable confidentiality laws. MDHHS workforce must use PHI, PII, sensitive or confidential information only to perform work duties. MDHHS workforce members will follow the department's policy and procedures for the use or disclosure of the minimum necessary and for verification of the recipient's authority to receive PHI, PII, sensitive or confidential information. MDHHS workforce members should also assess whether a limited data set may be disclosed upon execution of a data use agreement.

EFFECTIVE

January 1, 2019.

Subject(s)

Administrative Policy Human Resources

The following items have been added to the Administrative Policy Manual for Human Resources:

- APR 262, Annual Leave Scheduling.
- APR 262-01, Annual Leave Scheduling; Hospitals and Centers, Juvenile Justice Facilities.
- APR 263, Overtime.
- Apr 263, Overtime, Hospitals and Centers, Juvenile Justice Facilities.
- APR 264, Work Hours, Breaks, Lunch Periods, Absences and Tardiness.

EFFECTIVE

January 1, 2019.

Subject(s)

Administrative Policy Organization (APO) 216, Office Space

Service Animals

Service animals may accompany people with disabilities in MDHHS facilities. The tasks performed by a service animal must be directly related to the individual's disability.

Example: A dog trained to sense that an anxiety attack is about to happen and to take a specific action to help avoid the attack or lessen its impact, qualifies as a service animal. However, if the dog's mere presence provides comfort, that would **not** be a service animal under the American with Disabilities Act (ADA).

In situations where it is not obvious that the dog is a service animal, staff may ask only two specific questions:

1. Is the animal required because of a disability?
2. What work or task is the animal trained to perform?

Staff may not request any documentation for the animal, require that the animal demonstrate its task, or inquire about the nature of the person's disability.

ADA Revised Requirements: Service Animals FAQ, US Dept of Justice, Civil Rights Division, Disability Rights Section
https://www.ada.gov/service_animals_2010.htm

Michigan Protection & Advocacy Services (MPAS) Service Animals
<http://www.mpas.org/contact-mpas/service-animals>

EFFECTIVE

February 1, 2019.

Subject(s)

APR 201, Mandated Reporter - Adult

This item contains requirements and procedures for reporting suspected abuse, neglect, or exploitation of a vulnerable adult. Updates include:

- Reporting suspected abuse, neglect, or exploitation of an adult to the MDHHS Centralized Intake Unit.
- Minor corrections.

EFFECTIVE

February 1, 2019.

Subject(s)

Michigan Department of Health and Human Services (MDHHS) workforce must use appropriate administrative, technical, and physical safeguards to protect the confidentiality, availability, integrity, privacy, and security of PHI, PII, sensitive or confidential information. MDHHS workforce will only use or disclose PHI, PII, sensitive or confidential information as permitted under all applicable confidentiality laws. MDHHS workforce must use PHI, PII, sensitive or confidential information only to perform work duties. MDHHS workforce members will follow the department's policy and procedures for the use or disclosure of the minimum necessary and for verification of the recipient's authority to receive PHI, PII, sensitive or confidential information. MDHHS workforce members should also assess whether a limited data set may be disclosed upon execution of a data use agreement.

EFFECTIVE

March 1, 2019.

Subject(s)

Administrative Policy Facilities and Hospitals (APF) 113, Interpreter/Translator Services

The Michigan Department of Health and Human Services (MDHHS) is revising state hospital policy relating to interpreter and translation services.

EFFECTIVE

March 1, 2019.

Subject(s)

Approved requisition (RQN) in SIGMA when the conference/seminar involves purchase for goods and/or services has been raised to \$5,000.00 effective immediately.

EFFECTIVE

April 1, 2019.

Subject(s)

New Administrative Policy for Human Resources

APR-215, Fraternalization and APR 216, Neglect of Duty and Falsification of Agency Records, have been added to the Administrative Policy Manual for Human Resources.

EFFECTIVE

April 1, 2019.

Subject(s)

Administrative Policy Legal (APL) 133, Recipients Rights Appeals Process

The second level of appeal conducted by a member of the appeals section of the Michigan Department of Health and Human Services (MDHHS) legal division when handling and reviewing appeals regarding the findings, remedial action, or timeliness of the complaint investigation at state operated facilities, or licensed private hospitals (LPH) which have requested, under MHC 330.1774(b)(4), to use the MDHHS appeals committee.

The appeals committee shall document its decision in writing within 10 working days following the decision and shall provide copies of such to the respondent, appellant, recipient (if different than appellant), the recipient's legal guardian (if any), the RMHA and the office. Documentation shall include justification for the decision made by the committee.

Mail the appeal to:

Level 2 Appeal
Michigan Department of Health and Human Services
PO Box 30807
Lansing, MI 48909
FAX: 517-241-7973

EFFECTIVE

April 1, 2019.

Subject(s)

Administrative Policy Communications (APC) 160, Logo Policy

The Michigan Department of Health and Human Services (MDHHS) reserves the right to review the use of the MDHHS logo, both internally and externally, prior to its use; and may at any time require the discontinuance of the use of the logo. The MDHHS Communications Office authorizes the use of the MDHHS logo for commercial purposes or for use with any other event or purpose, including but not limited to print and electronic publications.

Logos are available with and without names.

EFFECTIVE

May 1, 2019.

Subject(s)

Administrative Policy Facilities and Hospitals (APF) 169, Crisis Intervention

The Michigan Department of Health and Human Services (MDHHS) is establishing uniform policy relating to crisis intervention training and techniques across the state inpatient hospital system.

Reason: Patient safety; hospital system continuity.

Administrative Policy Facilities and Hospitals (APF) 171, Use of Restraint and Seclusion

The Michigan Department of Health and Human Services (MDHHS) is establishing uniform policy relating to standards for restraint and seclusion across the state inpatient hospital system.

EFFECTIVE

May 1, 2019.

Subject(s)

APA-210, Compliance Examination Monitoring

The Michigan Department of Health and Human Services (MDHHS) has established a uniform and coordinated method of monitoring the Prepaid Inpatient Health Plan's (PIHP) and the Community

Mental Health Service Provider's (CMHSP) compliance examinations. This will help provide assurance that applicable laws, rules, regulations, and contract provisions are followed through an appropriate system of accounting and administrative controls.

EFFECTIVE

May 1, 2019.

Subject(s)

Administrative Policy Facilities and Hospitals (APF) 171, Use of Restraint and Seclusion, Correction

The Michigan Department of Health and Human Services (MDHHS) is establishing uniform policy relating to standards for restraint and seclusion across the state inpatient hospital system.

EFFECTIVE

May 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR)

APR- 210, Reasonable Accommodation

The Michigan Department of Health and Human Services (MDHHS) accommodates qualified employees, or qualified applicants, with a disability. Some telephone numbers in central office human resources has changed.

The reasonable accommodation coordinator (RAC) telephone number is now 517-335-0020.

The Office of Human Resources telephone number is now 517-335-0968.

Administrative Policy Organization (APO)

APO-100, Policy and Procedure Guidelines

The policy manuals contain the Michigan Department of Health and Human Services (MDHHS) official policy. All MDHHS staff and Department of Education Office of Great Start for the Child Development and Care program (CDC) staff have access to read-only files for current and historical policy. To open the policy manuals application from the start menu, select [Policy Manuals](#).

APO-127, Telecommunications

The Bureau of IT Support Services, Smart Device and Technology Services, is responsible for coordination of the following services:

- Telephones.
- Telephone service.
- Installation, moves, additions, changes and disconnects.

Users, who have an assigned State of Michigan (SOM) mobile device (iPhone), will not be eligible to obtain or retain a desk telephone. Exceptions may apply.

APO-217, Ergonomic Workstation Requests

The Michigan Department of Health and Human Services (MDHHS) adjusts a job or work environment to enable a worker to perform the job. Types of accommodations include:

- Making existing facilities readily accessible and usable.
- Restructuring job duties or tasks.
- Modifying work schedules.
- Acquiring or modifying equipment or devices.
- Providing readers or interpreters and modifying exams, training materials or policies.

EFFECTIVE

May 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR) 263-01, Overtime Hospitals and Youth Facilities

Involuntary Overtime

When shift coverage cannot be obtained voluntarily from employees, management will then go to the involuntary list that consists of 100 percent of the employees on a shift in a classification series and assign the overtime.

The involuntary overtime list will be arranged in seniority order, and initially the least senior employee will be assigned the overtime and so on through the list on a rotational basis.

An employee that is not available and does not work the overtime, for any reason, at the time they are to be assigned involuntary overtime will be bypassed and placed at the top of the list for the next involuntary overtime assignment.

Equalization of overtime is evaluated based on opportunities offered.

EFFECTIVE

May 1, 2019.

Subject(s)

Administrative Policy Facilities and Hospitals (APF) 169, Crisis Intervention

The Michigan Department of Health and Human Services (MDHHS) is establishing uniform policy relating to crisis intervention training and techniques across the state inpatient hospital system.

EFFECTIVE

June 1, 2019.

Subject(s)

**Administrative Policy Facilities and Hospitals (APF) 143,
Access Control**

The Michigan Department of Health and Human Services (MDHHS) is establishing uniform policy relating to physical plant access control across the state inpatient hospital system.

EFFECTIVE

June 1, 2019.

Subject(s)

The Michigan Department of Health and Human Services (MDHHS) is responsible for training all members of its workforce on diversity, equity and inclusion and related subject areas as a strategy for reducing disparities and improving the lives of Michigan citizens. MDHHS works to improve the lives of Michigan families by focusing on outcomes that reduce and prevent risks, promote equity, foster healthy habits, and transform the Health and Human Services system. To accomplish this, MDHHS workforce must first be aware of the impact of health and social inequities, communities at greater risk for experiencing inequities, and effective strategies for promoting equity.

All MDHHS workforce who are in work status for at least 6 months of the calendar year, irrespective of administration, bureau, office, division, section, or unit, must complete the following on-line training modules each calendar year:

1. Introduction to Health Equity.
 2. Systemic Racism.
- Current workforce must complete on-line training modules by December 31, 2019.
 - New workforce must complete on-line training modules within 90 days of hire date or by December 31, 2019, whichever is later.

EFFECTIVE

June 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR) 262-01, Annual Leave Scheduling Hospitals and Youth Facilities; Direct Care Staff

Employees may request a vacation by reserving time in the vacation book. There will be two reservation periods per year:

- January 1 – 31, for vacations commencing April 1 – September 30.
- July 1 – 31, for vacations commencing October 1 – March 31.

Pass the vacation book within each classification by shift in descending order of continuous service hours.

Pass the vacation book two times per reservation period:

- The first pass will allow employees to reserve 7-14 consecutive calendar days.
- The second pass will allow employees to reserve 7 consecutive calendar days.

EFFECTIVE

June 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR)

APR-214, Administrative Leave

Administrative leave can be used for jury duty if supported by appropriate documentation. **Note:** Code time in SIGMA as **JUR1**.

APR-419, Supplemental Employment

Michigan Department of Health and Human Services (MDHHS) employees may participate in supplemental employment provided the conditions set forth in this policy and applicable Michigan Civil Service Commission Rules are maintained.

EFFECTIVE

July 1, 2019.

Subject(s)

Administrative Policy Administration Hospitals and Facilities (APF) 129, Gender and Sexual Orientation Based Anti-Discrimination

Gender and Sexual Orientation Based Anti-Discrimination

The Michigan Department of Health and Human Services (MDHHS) policy relating to gender and sexual orientation-based anti-discrimination across the state inpatient hospital system.

EFFECTIVE

July 1, 2019.

Subject(s)

Administrative Policy Organizational Services (APO) 214, Parking for South Grand Building, is obsolete. The policy is being moved to Administrative Policy Human Resources (APR) 114, Parking for South Grand and Lewis Cass Building.

EFFECTIVE

July 1, 2019.

Subject(s)

Administrative Policy Organizational Services (APO) 211, Building Access

All employees are responsible for using safe work practices, for following all security policies and procedures and for assisting in maintaining a safe and secure work environment by displaying proper identification in Michigan Department of Health and Human Services (MDHHS) buildings.

This policy provides general guidelines for obtaining building access and employee identification cards.

EFFECTIVE

August 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR) 471, Employee Safety

When the zero-tolerance notice letter is issued to clients please send a copy of the letter to: State MDHHS Director

- Chief Deputy Director.
- Field Operations Administration Director.
- County Director.
- GEO County Directors.
- District Manager.

- Emergency Management and Security Manager.
- Office of Human Resources Director.
- Assistant to the Director.

EFFECTIVE

August 1, 2019.

Subject(s)

Administrative Policy Facilities and Hospitals (APF) 169, Crisis Intervention

The Michigan Department of Health and Human Services (MDHHS) policy relating to crisis intervention training and techniques across the state inpatient hospital system.

The minimum level of required training is based on the training level of the hospital staff. In specific instances (such as in situations when staff have physical limitations or if day-to-day patient management is not a necessary duty) hospital administration may, on a case-by-case basis and if documented in the employee's personnel file, waive staff training level requirements.

For more information concerning this policy contact the Bureau of Hospitals and Administrative Operations.

EFFECTIVE

August 1, 2019.

Subject(s)

Administrative Policy Manual Human Resources (APR) 500, Mandatory Diversity, Equity and Inclusion Training Policy

State employees with access to the State of Michigan (SOM) network will access the training through the [Learning Center](#) link on the intranet home page.

EFFECTIVE

September 1, 2019.

Subject(s)

Patient Clothing

The Michigan Department of Health and Human Services (MDHHS) policy relating to the procurement and distribution of patient clothing across the adult state inpatient hospitals.

EFFECTIVE

September 1, 2019.

Subject(s)

Video Surveillance Monitoring

Video surveillance monitoring may be conducted in a Michigan Department of Health and Human Services (MDHHS) hospital for purposes of safety, security, and quality improvement.

EFFECTIVE

September 1, 2019.

Subject(s)

Administrative Policy Financial Operations (APA) 211, Subrecipient Audit Report Monitoring

Replaced references to Egrams, Contract Tracking System, and Contract Tracking Program with SIGMA.

EFFECTIVE

October 1, 2019.

Subject(s)

APF-105, Careflow

The Michigan Department of Health and Human Services (MDHHS) process that identifies barriers and provides guidance for adults moving through the continuum of behavioral health care involving state hospitals.

EFFECTIVE

October 1, 2019.

Subject(s)

Administrative Policy Communications (APC) 112, Vetting Policy

The Michigan Department of Health and Human Services (MDHHS) thoroughly reviews individuals, businesses or organizations considered for the following:

- Receiving an award from MDHHS as an agency (not employee to employee recognition awards).
- Speaking at an MDHHS event or, an event where MDHHS is a sponsor.
- Receiving a letter of congratulation from the governor or MDHHS director.

Note: A letter of congratulation is different from a retirement letter. Submit requests for a retirement letter from the governor

or the MDHHS director to the MDHHS External Affairs and Communications; see [APC-200, Retirement Recognition](#).

- Receiving a tribute from the governor's office.

EFFECTIVE

October 1, 2019.

Subject(s)

Administrative Policy Hospitals and Facilities, (APF) 263-01, Overtime Hostipals and Youth Facilities.

An employee may not be subject to involuntary overtime on the employee's last regular scheduled shift proceeding their vacation.

When operationally feasible, employees who work two consecutive voluntary overtime days will be exempt from involuntary overtime at the end of their next scheduled work shift. If for some reason management is unable to fill all the vacancies on a particular shift, involuntary overtime may be assigned to such exempt employees starting with the least senior employee until the vacancies are filled.

EFFECTIVE

October 1, 2019.

Subject(s)

Personal Property and Search

The Michigan Department of Health and Human Services (MDHHS) is revising policy relating to personal property and search across the state inpatient hospital system.

EFFECTIVE

October 1, 2019.

Subject(s)

All Michigan Department of Health and Human Services (MDHHS) employees and contractors who are in work status for at least six months of the calendar year, irrespective of administration, bureau, office, division, section, or unit, must complete the following on-line training each calendar year:

1. Introduction to Health Equity.
 2. Systemic Racism.
- Current workforce must complete on-line training modules by the end of each fiscal year, starting with fiscal year 2020.
 - New workforce must complete on-line training modules within 90 days of hire date or by the end of the fiscal year, whichever is later.

EFFECTIVE

October 1, 2019.

Subject(s)

1. Neglect definition statutory change.
2. Online reporting capabilities.

1) Neglect Definition

APR 200, Mandated Reporter - Child

MCL 722.622 altered neglect definition to include that negligent treatment includes failure to provide food, clothing, shelter or medical care though financially able to do so, or by failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care. Previous statutory definition did not consider financial ability or resource accessibility.

Reason: Michigan Child Protection Law, 1975 PA 238

2) Online Reporting Capabilities

APR 200, Mandated Reporter - Child

MCL 722.623 provides for allowance of online reporting of alleged child abuse and/or neglect. Michigan has developed an online reporting system in which employees and other individuals identified as mandated reporters may use in order to make reports of alleged child abuse and/or neglect. Direction on use and access was added to policy.

EFFECTIVE

November 1, 2019.

Subject(s)

Administrative Policy Organizational Services (APO) 120, Automated External Defibrillation (AED) Program

To order replacement parts create a requisition in SIGMA and submit for approval, enter the description and part number for each item for example:

- State of Michigan Safeware:
 - Contract title - Homeland Security Equipment & Accessories (Not Otherwise C).
 - Contract number - 171 18000001151.
- AED Replacement Pads:
 - Description - Philips HeartStart FXr SMART Pads 2.

- Part number - PHI 989803139261.
- AED Replacement Battery:
 - Description - 9 Volt DC, 4.2 Ah, Lithium Manganese Dioxide (LiMno2), disposable long-life primary cell.
 - Part number - M5070A.

EFFECTIVE

November 1, 2019.

Subject(s)

Administrative Policy Accounting (APA) 230, Travel and Employee Expense Reimbursement - please process with an October 1, 2019 effective date.

Consecutive days travel must be inputted as one expense into SIGMA Employee Self-Service.

Overnights must be indicated on the request. If lodging is being provided by an outside entity, the information must be provided with the attachments.

When traveling on out-of-state on official business, a MDHHS-5811, Out-of-State Travel Requisition, must be entered and fully approved by the requester's administration deputy director prior to making any travel arrangements.

The approved MDHHS-5811 must be attached to the reimbursement request in SIGMA. Due to SIGMA travel advance processes, out-of-state travel with a travel advance request must still be entered and fully approved through the Travel Authorization process in SIGMA Employee Self-Service prior to making any travel arrangements.

Emergency out of state travel related to youth placement is exempt from this requirement. The reimbursement request must have an explanation stating it was emergency travel regarding youth placement.

Travel advances may be requested for meals, lodging, and/or mileage. An explanation for the advance request is required and must include the estimated dollar amount for the full trip on the travel authorization. Travel advances may not be requested for airfare, conference registration fees, tips or expenses paid by another entity. Airfare must be charged through the state's contracted travel agency. Registration fees must be paid in advance on the state procurement card.

SIGMA EMPLOYEE SELF-SERVICE - ESS

Process all employee reimbursements for: Time, Expense, Leave & Labor, in Sigma.

EFFECTIVE

November 1, 2019.

Subject(s)

Administrative Policy Human Resources (APR) 261, Alternative Work Schedules, Voluntary Work Schedule, Adjustment Program, and Telecommuting

The Michigan Department of Health and Human Services (MDHHS) requires supervisor and bureau director approval for employees who volunteer for non-traditional work schedules.

EFFECTIVE

November 1, 2019.

Subject(s)

APA 230, Travel and Employee Expense Reimbursement

When a work assignment to the field will require more than one consecutive day's effort, an overnight stay is recommended for destinations 60 or more miles away from the employee's home and/or workstation, whichever is less. The decision to commute or stay overnight under these circumstances is left to the traveling employee's supervisor. If necessary, a cost comparison, listing all hotel, meals, and mileage expenses, can be done to determine the most cost-effective method as part of the basis for the decision. The cost comparison should be attached to the travel reimbursement request.

ADOPTION ASSISTANCE

EFFECTIVE

February 1, 2019.

Subject(s)

- 1. AAM 650, Post Placement- Parent Responsibilities**
- 2. AAM 660, Post Placement-Address Changes and Interstate Moves**

These policies have been updated to reflect current department name, unit names, payment system and contact information.

EFFECTIVE

July 1, 2019.

Subject(s)

AAM 200, Adoption Assistance Eligibility & Funding Source Determination

This policy has been updated to provide clarification on specific error determination review. Additionally, the Michigan's special needs criteria required for adoption assistance eligibility has been expanded to include:

- The child had an active guardianship assistance agreement through MDHHS at the time the adoption assistance application is submitted.
- A MDHHS foster care level II or above determination of care (DOC) may be documented by the DHS-470, 470A, 1254 or 1945.

AAM 205, Adoption Support Subsidy/NRE Applications After Finalization of Adoption

This policy has been deleted. Sections of AAM 205 have been incorporated into AAM 200 and AAM 700.

ADOPTION SERVICES

EFFECTIVE

July 1, 2019.

Subject(s)

3. ADM 520, Background Checks, Clearances, Criminal History Checks, and Fingerprinting.
4. ADM 1020, Adopted Child Case Record.
5. ADM 1030, Adoption Case Record Retention.

1) ADM 520

Clarification provided for documentation of background clearances completed and assessed during the adoptive family assessment.

Reason: Compliance with Criminal Justice Information System (CJIS) Security Policy and Adoption Program Office Recommendation.

2) ADM 1020

Documentation that is required to be placed in a child's adoption case record following the finalization of adoption has been updated.

Note: Criminal History Records Information (CHRI) that was collected during the adoption case **cannot** be placed in the child's **adoption** record and must be stored per SRM 200, Fingerprinting Policy.

Reason: Compliance with Criminal Justice Information System (CJIS) Security Policy and Adoption Program Office Recommendation.

3) ADM 1030

Updated department name.

ADULT SERVICES

EFFECTIVE

January 1, 2019.

Subject(s)

Annual Payment Rate Update

ASM 077, ACP SSI/SDA Provider Rates

SSI/SDA

The Supplemental Security Income (SSI) payment rates for domiciliary and personal care in adult foster care homes and homes for the aged increased by 2.8 percent effective January 1, 2019.

The personal care rate for SDA payments increased to \$880.00 per month. The domiciliary rate of \$810.00 a month remains the same.

Personal Care Allowance

The personal care allowance for SSI clients remains at \$44.00 per month. The personal care allowance for SDA clients remains at \$49.00 per month.

Medicaid Personal Care Supplement

The Medicaid personal care supplement increased to \$250.92 effective October 1, 2018.

EFFECTIVE

January 1, 2019.

Subject(s)

ASM 264, Law Enforcement Information Network (LEIN) for Adult Protective Services, is Obsolete

ASM 264 Obsoleted

ASM 264, Law Enforcement Information Network (LEIN) for Adult Protective Services

Manual item ASM 264, Law Enforcement Information Network (LEIN) for Adult Protective Services, has been obsoleted.

Information on use of LEIN by MDHHS adult protective services staff is now located in [Services Requirement Manual \(SRM\) 700, LAW ENFORCEMENT INFORMATION NETWORK \(LEIN\)](#).

Additional LEIN requirement including definitions of roles and responsibilities, appropriate use, and safeguarding the system and

security of the network is located in [SRM 701](#), LAW ENFORCEMENT INFORMATION NETWORK (LEIN) USE, SYSTEM & SECURITY POLICY.

EFFECTIVE

February 1, 2019.

Subject(s)

1. Update ASCAP to MiAIMS.
2. Update adult services specialist to adult services worker (ASW).
3. Update independent living services (ILS) to Home Help for consistency in terminology between DHS and DCH as both departments are part of MDHHS.
4. Reference to actual hours and frequency replaced with average hours and frequency.
5. References to individual providers replaced with caregiver.
6. Reference to general narrative replaced with contact module.

1) Update ASCAP to MiAIMS

ASM 150, ASM 155, ASM 156, and ASM 170

All references to Adult Services Comprehensive Assessment Program (ASCAP) changed to Michigan Adult Integrated Management System (MiAIMS).

2) Update Adult Services Specialist to Adult Services Worker (ASW)

ASM 120, ASM 150, ASM 155, ASM 156, and ASM 170

All references to adult services specialist changed to adult services worker (ASW).

3) ILS Changed to Home Help

ASM 155

All references to Independent Living Services (ILS) updated to Home Help.

4) Actual Hours replaced with Average Hours

ASM 120

Reference to language of actual hours and actual frequency replaced with average hours and average frequency.

5) Individual Providers Replaced with Caregiver.

ASM 120, ASM 150, ASM 155, ASM 156, and ASM 170

All references to individual providers changed to caregiver.

6) General Narrative replaced with Contact Module

ASM 150, ASM 155, ASM 156, and ASM 170

All reference to general narrative updated to contact module.

EFFECTIVE

March 1, 2019.

Subject(s)

ASM 138, County Rates

Per Public Act 368 of 2018, the minimum wage will increase to \$9.45 effective March 29, 2019. Michigan Department of Health and Human Services (MDHHS) has decided to begin the minimum wage increase for Home Help individual caregivers on March 1, 2019, to simplify the coding and make for a smoother transition.

EFFECTIVE

April 1, 2019.

Subject(s)

1. Update ASCAP to MiAIMS.
2. Update adult services specialist to adult services worker (ASW).
3. Reference to individual providers replaced with individual caregiver.
4. Update timely hearing request.
5. Update Adult Community Placement or Home for the Aged recoupments to DHS-567.
6. Update Adult Protective Services recoupments to DHS-564.

1) Update ASCAP to MIAIMS

ASM 165

All references to Adult Services Comprehensive Assessment Program (ASCAP) changed to Michigan Adult Integrated Management System (MiAIMS).

2) Update Adult Services Specialist to Adult Services Worker (ASW)

ASM 165

All references to adult services specialist changed to adult services worker (ASW).

3) Individual Providers Replaced with Caregiver

ASM 165

All references to individual providers changed to individual caregiver.

4) Hearing Request

ASM 165

Client has up to 90 days to request an administrative hearing regarding a negative action. When an administrative hearing is requested within the 10 business days of the negative action effective date, the proposed negative action is delayed pending the outcome of the hearing.

5) DHS-567, Recoupment for AFP/HA payments

ASM 165

Recoupments for Adult Community Placement of Home for the Aged cases are completed on DHS-567, Recoupment Letter for AFC/HA.

6) DHS-564, Recoupment for APS payments

ASM 165

Recoupments for Adult Protective Services payments are completed on DHS-564, Recoupment Letter for APS.

EFFECTIVE

September 1, 2019.

Subject(s)

1) MDHHS

ASM 200, ASM 205, ASM 258

All references to Michigan Department of Human Services (MDHS) have been updated to Michigan Department of Health and Human Services (MDHHS).

2) MIAIMS

ASM 207, ASM 210

All references to the Adult Services Comprehensive Assessment Program (ASCAP) have been updated to the Michigan Adult Integrated Management System (MiAIMS).

3) PROGRAM GOAL

ASM 200

Begin, within 24 hours, to investigate and assess situations referred to the Michigan Department of Health and Human Services (MDHHS) where a vulnerable adult is suspected of being or is believed to be abused, neglected, or exploited.

Assure, to the extent possible, that adults in need of protection are living in a safe and stable situation, including legal intervention, where required, in the least intrusive and restrictive manner.

4) FREEDOM OF INFORMATION ACT (FOIA)/COURT ORDERS AND SUBPOENAS

ASM 203

The Michigan Department of Health and Human Services (MDHHS) is a public body, required by law, to provide public records to persons requesting public records unless those records are exempt from public disclosure by the Freedom of Information Act (FOIA) or another statute.

This policy is intended to ensure uniformity in the release of Adult Protective Services (APS) records and other public records that may be contained within APS records.

Freedom of Information Act (FOIA)

The entire department record, except for the identity of the referral source (RS), may be subject to disclosure under FOIA. However,

FOIA provides that the department may exempt information of a personal nature from disclosure where the public disclosure of the information would constitute a clearly unwarranted invasion of an individual's privacy.

FOIA Requests

Since other information may also be confidential in addition to the above, all written FOIA requests received by the local office must be submitted immediately to the MDHHS, Legal Affairs Administration, Legal Compliance Section, by emailing MDHHS-FOIA@michigan.gov.

If an individual or entity is requesting information through FOIA, but has not submitted a formal request, direct them to the GovQA web portal. GovQA allows the requester to establish an account, submit a FOIA request and track the progress of their request. Requesters should be directed to the MDHHS Public Records Center for information and instructions.

Individuals Who Do Not Require a FOIA Request

There are individuals and entities that may receive APS case information without submitting a FOIA request. There are, however, restrictions that may apply to the information they have access to.

Redacted Reports

The following individuals may receive a redacted copy of an APS investigation report without submitting a FOIA request:

APS client and/or their legal representative.

County medical examiner.

Department of Attorney General.

Law enforcement officers investigating alleged criminal activity (this applies to reports specifically regarding their investigation).

Licensing and Regulatory Affairs (LARA) licensing staff involved with investigations in licensed homes for the aged.

Department of Attorney General, Medicaid Fraud Control Unit.

Local prosecuting attorney.

Michigan Protection and Advocacy Services.

Recipient Rights officers and rights advisors who work under local, community mental health service providers (CMHSP's).

Information that must be redacted includes the RS and any information that may identify the RS, social security numbers, and dates of birth.

After redactions are completed, the local MDHHS office must submit the APS investigation report and supporting documents to the Supportive Adult Services Section through the policy mailbox MDHHS-Adult-Services-Policy@michigan.gov for review. This must be done before giving the report to those listed above.

Unredacted Reports

The following individuals may receive an unredacted copy (reports include referral source information) of an APS investigation report without submitting a FOIA request:

LARA licensing staff involved with investigations in nursing homes and licensed adult foster care homes.

Recipient Rights officers for MDHHS/Behavioral Health and Developmental Disability operated facilities; see ASM 258, for a list of these facilities.

Any questions regarding FOIA and/or those who may receive information without submitting a FOIA request, should be submitted to the Supportive Adult Services Section policy mailbox with the subject line Redaction Guidance. The policy mailbox address is MDHHS-Adult-Services-Policy@michigan.gov.

Court orders and subpoenas

All court orders and subpoenas must be responded to promptly. Judge signed subpoenas must be treated as court orders.

As soon as a MDHHS employee receives a court order or subpoena, they must notify their immediate supervisor and the court order/subpoena must then be forwarded to the MDHHS Legal Affairs Administration for guidance.

Notification to Legal Affairs is completed by scanning the court order or subpoena and any supporting documentation and emailing the document(s) to MDHHS-Subpoena@michigan.gov.

Reason: Created manual item specific for FOIA, court order and subpoena processes. Changes to contact information for FOIA requests, court orders and subpoenas and changes to how individuals make FOIA requests. Expanded information regarding who may receive APS reports and what information they have access to.

5) OVERVIEW

ASM 205

The adult protective services (APS) program requirements and procedures are outlined in this manual item.

6) MANDATORY REPORTERS

ASM 205

A referral from any source must be documented and reviewed to determine if it meets requirements for investigation. Certain persons, however, are required by 1982 P.A. 519 to make an oral report regarding suspected abuse, neglect or exploitation of adults to the Michigan Department of Health and Human Services (MDHHS), Centralized Intake for Abuse and Neglect (CI) toll-free hotline at 855-444-3911. Those required persons are:

Individuals employed, licensed, registered, certified to provide or an employee of an agency licensed to provide:

Note: Attorneys, members of the clergy and long-term care ombudsmen **are not** mandatory reporters to APS.

Certain individuals are required to report to the Department of Licensing and Regulatory Affairs (LARA) when there are allegations of abuse, neglect or exploitation of vulnerable adults residing in facilities licensed by LARA ([see ASM 210](#) for a list of these facilities). As provided in the Public Health Code, P.A. 368 of 1978 (MCL 333.21771), those individuals are:

- Nursing home employee, nursing home administrator, nursing director.
- Physician or other licensed health care personnel of a health care facility to which a patient is transferred.

These individuals are not required to also make a report to adult protective services.

Exception: If the alleged perpetrator is not an employee of the facility, a report to adult protective services is required in addition to a report to LARA.

7) REFERRALS

ASM 205

All referrals, requests and complaints that allege an adult is vulnerable and is being or is at risk of being abused, neglected or exploited must be documented accurately on the Michigan Adult Integrated Management System (MiAIMS) by CI. A CI manager then reviews each referral for assignment decision. See ASM 207 for CI processes.

8) AFTER BUSINESS HOURS/ON-CALL

ASM 205

Local office on-call staff must promptly address all APS referrals received after business hours that meet criteria for investigation.

Note: Adult services staff, who have received APS training, provide on-call coverage for state holidays and weekends. CPS staff continue on-call coverage Monday through Thursday (excluding state holidays that fall on a Monday-Thursday). On-call coverage begins at 5:00 p.m. and ends at 8:00 a.m. the next business day.

After Hour Emergencies in LARA Licensed Facilities/Nursing Homes

MDHHS on-call staff must provide assistance with LARA licensed facilities for emergency and life threatening situations that occur after business hours. MDHHS staff must provide services to resolve the immediate emergency and inform LARA of the referral the next working day.

If a licensed nursing home requires immediate evacuation due to a natural disaster, such as a flood or fire, MDHHS is responsible to ensure the safe relocation of each resident as provided in the Public Health Code, P.A. 368 of 1978 (MCL 333.21786).

9) REQUIRED INFORMATION

ASM 205

The identity and the address of the next of kin or guardian.

CI utilizes a standard intake format to gather as much information as possible, such as dates, names, addresses and phone numbers of involved or knowledgeable persons. Special effort is made to gather information which can be used to determine if the adult is vulnerable and in need of protective services.

10) CONFIDENTIALITY

ASM 205

Substance Abuse Treatment Agencies

The identity of the referral source (RS) must be held confidential unless MDHHS is given written permission by the RS or is ordered by a court to release the RS identity.

- Prior to involving these adults with the prosecuting attorney or in judicial proceedings contact either area below for additional guidance:

Content Changes ... MDH HS

Content Changes ... Aging and Adult Services Supportive Adult Services Section

Content Changes ... MDH HS

Content Changes ... Behavioral Health and Developmental Disabilities Administration

Social Media

MDHHS employees should comply with all confidentiality laws and policy. When using social media sites; see SRM 131, Confidentiality and Administrative Policy Manual Communications (APC) 110, Social Media Policy, for additional guidance.

11) INTAKE REGISTRATION

ASM 205

The APS complaint coordinator will review cases assigned by CI through a MiAIMS command button labeled *Assignments from CI*.

The APS complaint coordinator will review cases denied by CI through a MiAIMS command button labeled *CI Dispositions*.

The APS complaint coordinator must follow the reconsideration process for any assigned or denied decisions they disagree with. The reconsideration process can be found in [ASM 207, Centralized Intake for Reports of Abuse and Neglect](#).

12) MULTIPLE REFERRALS

ASM 205

The CI manager must print and send an APS referral denial letter to the RS.

The complaint coordinator must send an APS referral acknowledgement letter to the RS.

The APS worker and supervisor must ensure that MiAIMS documentation is updated within 5 business days, and that all allegations which are being addressed are included in the case documentation, including the investigation module/investigation details tab of MiAIMS and/or case contacts.

Reasons for assignment may include that the client's circumstances may have changed and/or a previous intervention did not alleviate the client's needs on a long-term basis.

13) COMPLAINT ASSESSMENT/ASSI GNMENT

ASM 205

Document the information used to make CI's referral decision in MiAIMS. CI must still determine if the referral is required to be forwarded to another investigative or regulatory authority.

If harm/risk of harm and vulnerability exist, the CI manager must assign the referral to the local office APS complaint coordinator as quickly as possible.

14) NOTIFICATION TO COMPLAINANT

ASM 205

The APS referral acknowledgement letter and APS referral denial letter are generated on MiAIMS and MiAIMS will auto-populate a contact into the case record when printed.

The APS referral denial letter must be printed and mailed to the RS by CI. The letter includes contact information for the local office.

The local office APS complaint coordinator or supervisor must print and mail the APS referral acknowledgement letter for all APS referrals assigned by CI for investigation. The letter must include the name and contact information of the assigned APS worker.

15) INVESTIGATION PROCESS

ASM 205

The worker must commence an investigation of all assigned referrals within 24 hours of the time the complaint was received by CI.

16) STANDARD OF PROMPTNESS

ASM 205

Note: Contact with the **referral source** does not meet the 24-hour initial contact required for the commencement of an investigation.

The purpose of the 24-hour contact is to determine the client's need for protective services and their degree of risk.

17) INVESTIGATION

ASM 205

Statutory Requirements

The worker must determine if the adult is or was abused, neglected or exploited.

Pursuant to the Social Welfare Act the investigation/assessment must include:

- An in-person interview with the adult.
- A determination of the nature, extent and cause of the abuse, neglect, or exploitation.
- Examination of evidence.
- Identification, if possible, of the person(s) responsible for the abuse, neglect, or exploitation.
- The names and conditions of other adults in the place of residence.
- An evaluation of the person(s) responsible for the care of the adult, if appropriate.
- The environment of the residence.
- The relationship of the adult to the person responsible for the adult's care.
- An evaluation as to whether or not the adult would consent to receiving protective services.
- Other pertinent data.

Non-statutory Investigation Requirements

In addition to the statutory requirements listed above, the investigation must include the following:

- The adult's capacity for self-care and management of personal and financial affairs.
- The adult's willingness and capacity to use available resources and services.
- Extent to which natural helping network (friends, relatives, neighbors) is available, capable and willing to provide protection and/or services.
- Extent to which needed community resources, for example, social, medical, financial, legal, psychiatric, etc. are available, capable and willing to provide services.

- Feasibility of developing resources required to meet protective goal.

18) PHOTOGRAPHS

ASM 205

- If the client consents to photographs but resides in the home of another who is not present to give consent, the AS worker *may only take photographs of the client and common areas of the household.*

19) RISK ASSESSMENT

ASM 205

INS - Insufficient: APS is not able to assess/evaluate.

20) PROVISION OF PROTECTIVE SERVICES

AMS 205

Note: The worker must offer services to clients in unsubstantiated cases when a need is determined and provision of the offered services will reduce the risk of the need for future APS intervention.

21) SOCIAL INTERVENTION PROCESS

ASM 205

- Explore and make maximum use of resources within the individual's natural helping network (for example, family, friends, neighbors, relatives, clergy), and the community, (utility companies, bankers, landlords, service agencies, providers and licensing personnel).
- Incorporate in the Plan of Care, appropriate roles for involved persons or agents for the purpose of providing protection.

22) STANDARDS FOR ON-GOING CASES

ASM 205

Services initiated must be provided and documented in MiAIMS including how provision of services was verified. The provision of services paid for utilizing APS funds must be verified, in person, and documented in MiAIMS.

23) CASE DOCUMENTATION

ASM 205

- Plan of care (substantiated cases, unsubstantiated cases where services are being provided, or unsubstantiated cases that are not closed prior to day 30).

Handwritten or typed notes, taken by the AS worker, must be accurately transcribed into MiAIMS within 5 business days. Once transcribed, handwritten notes need not be retained.

Documentation of all case activity, including any related narrative and MiAIMS updates, *must be* completed in MiAIMS within 5 business days.

24) PLAN OF CARE

ASM 205

- All cases that are open for 30 days or longer, regardless of substantiation status (for example: the POC should indicate the goals and action steps the APS worker will take to complete the investigation).
- Include any services/resources offered to the client from the investigation module/investigation details tab in MiAIMS (these will auto-populate to the POC).
- Must include the date and worker's signature.

Exception: Services may be provided to a client, prior to consent being given, in limited circumstances and on a case by case basis. The Business Service Center Director or their designee will determine if services will be allowed prior to client consent. **Any of the following must be met for approval:**

- Client's safety is a risk.
- Client's capacity is a risk.
- Services provided will mitigate risk.
- There is a pending petition for guardianship.

If the APS worker believes the client is unable to understand a POC due to cognitive or other limitations, **a signature from the client must not be requested.** This must be documented in MiAIMS under investigative details module, *consent/willingness* tab.

25) STANDARDS FOR CLOSURE

ASM 205

There is no time frame in which an APS case must close, however, services may be terminated, and the case closed when:

- An investigation/assessment has been completed and the worker has determined:
 - The referral is unsubstantiated with no identified needs, or the investigation is the responsibility of another agency.
 - The referral is unsubstantiated, needs have been identified, a plan of care has been completed **but** the adult refuses services and is aware of the risks and consequences of their situation.
 - The referral is unsubstantiated, needs have been identified, a plan of care has been completed **and** any available services referred have been verified as having been provided.
 - The referral has been substantiated, a plan of care has been completed, **but** the adult refuses services and is aware of the risks and consequences of their situation.
 - The referral is substantiated, a plan of care has been completed and any available services referred have been verified as having been provided.
- Coordination/assistance is no longer required with another investigative authority (for example: law enforcement, LARA, office of recipient rights, etc.).
- There is no ongoing or pending probate court activity.
- Supervisory approval has been obtained for cases showing moderate or high risk in the risk assessment at the time the case is ready to close.
- The APS supervisor has completed an APS case read in MiAIMS when required.

Note: If the APS client dies, the case may be closed after the DHS-4712, Adult Services Death report, has been completed and any required supervisory approvals and/or case reads have been completed.

26) CLOSING SUMMARY

ASM 205

A closing summary must be completed for all APS investigations. Closing summaries are documented in MiAIMS and must include a short, written summary of the investigation including any actions taken since the last client contact and the reason for closure.

27) LEGAL PACKET

ASM 205

Each case record where guardianship/conservatorship is established, and MDHHS was the petitioner, must have a separate legal packet, which will include:

- Copy of petitions filed.
- Copy of court orders resulting from filed petitions.
- Any other available court documents, legal documents or correspondence affecting the individual's legal rights.

Note: Any other court or legal documents provided to APS (for example: circuit or district court documents, probate court records where MDHHS was not the petitioner, or police reports) may also be included in the legal packet.

28) FORMS/DOCUMENT ATION

ASM 205

- DHS-5533, APS Closing summary record, with ASW signature.
- Any written correspondence related to the APS case (this does not include MiAIMS generated letters, for example, the APS Acknowledgment letter).
- Any invoice(s) specifying services provided.
- All billings related to services paid utilizing MDHHS funds (DHS-93 payments and APS funds).

29) CASE MONITORING

ASM 205

APS supervisors will conduct all case reads utilizing the case reading tool in MiAIMS. The Field Operations Administration (FOA) is responsible for the development of APS case reading procedures which are outlined in FOA memo 2019-03.

30) OVERVIEW

ASM 207

Reworded section title to overview.

31) APS REFERRAL INTAKE

ASM 207

CI receives Adult Protective Services (APS) referrals through the toll-free number. An intake specialist gathers information needed to determine if the referral meets criteria for an APS investigation.

Documenting Referrals

Referral information is documented in the Michigan Adult Integrated Management System (MIAIMS). The intake specialist gathers all information from the referral source (RS) and then forwards the referral to the CI supervisor.

32) REFERRAL ASSIGNMENT AND DENIAL

ASM 207

All APS referral decisions (assignment for investigation or denied) are completed by CI supervisors.

CI Supervisor Review Process

The CI supervisor reviews all APS referrals and determines if the referral is assigned for investigation or denied. MiAIMS utilizes a structured decision-making process to assist the CI supervisor with the assignment decision.

After review of each referral, the CI supervisor will take the following steps:

7. Referral **does not** meet criteria for APS investigation:
 - Documents any contacts completed or attempted, to assist in the decision-making process, in MiAIMS.
 - Prints APS denial letter from MiAIMS and mails to (RS).
 - MiAIMS will auto generate a contact for all APS denial letters when printed.
 - Denies referral on MiAIMS and referral is automatically transferred to the local office.
8. Referral **does** meet criteria for APS investigation:
 - Documents any contacts completed or attempted, to assist in the decision-making process, in MiAIMS.
 - Assigns referral on MiAIMS which prompts the transfer of an open APS case to the local office for assignment to an APS worker.

Note: The local office is responsible for printing and mailing the APS referral acknowledgement letter to the RS on all assigned APS cases.

9. Referral does not meet criteria for assignment but **must be forwarded** to an agency responsible to investigate the allegations.
 - CI completes referral to responsible agency and documents the action in the *referral to other agencies* section of MiAIMS.
 - Documents any contacts completed or attempted, to assist in the decision-making process, in MiAIMS.
 - Prints APS denial letter from MiAIMS and mails to the RS.
 - Denies referral on MiAIMS and referral is transferred to the local office.

33) REFERRALS WITH SPECIAL CIRCUMSTANCES

ASM 207

- If the referral allegations are being addressed in the current investigation as determined by case documentation in MIAIMS, CI will:
 - Deny the referral. CI will notify the APS worker that there is a new referral that has been denied regarding their client. The APS worker must then review the denied referral for any information that may be relevant to their ongoing investigation.
 - Print and send the APS denial letter informing the RS that there is an active investigation.
- If the referral allegations **are not** being addressed in the current investigation (MIAIMS documentation does not reflect that the current allegations are known to the worker), CI will:
 - Document any contacts that are completed or attempted in MIAIMS.
 - Assigns the referral on MIAIMS, which prompts the transfer of an open APS case to the local office for assignment to an APS worker.

34) TRANSFERRING ASSIGNED REFERRALS

ASM 207

The CI supervisor transfers all assigned referrals, via MiAIMS generated email, to the designated, county APS contact and transfers the "open" referrals on MiAIMS to the appropriate county APS complaint coordinator. All local office contacts must be maintained on the MDHHS County sites.

CI is responsible for printing and mailing all APS referral denial letters to the RS(s). **The local office maintains responsibility for printing and mailing all APS referral acknowledgement letters to the RS(s).**

Local Office Contacts/ SharePoint

The [MDHHS County Sites](#) is located in SharePoint which is a collaborative software that facilitates the sharing of information between CI and the county offices. Each county must develop and maintain on-call calendars that identify who the CI contact(s) are for each day.

APS Supervisor(s) and Worker(s): Each local office must have an APS folder on their county SharePoint site. This folder must include the names and contact numbers for all APS supervisors and workers. This folder must be maintained by the local office and updated whenever there are staffing changes in the local office APS unit.

Example: The names and individuals listed may include the APS complaint coordinator, back up APS complaint coordinator and CPS supervisor/after-hours complaint coordinator.

35) AFTER- HOURS/WEEKEND REFERRALS

ASM 207

APS on-call staff provide investigation and intervention on weekends and holidays. CPS on-call staff provide coverage for assigned APS referrals after hours Monday-Thursday.

36) REFERRALS FROM LAW ENFORCEMENT

ASM 207

When referrals are received from law enforcement (LE) requesting immediate assistance by APS with a vulnerable adult, the CI supervisor will immediately notify the local office APS complaint coordinator or designated, on-call contact to mobilize a worker to the location **as soon as possible**.

**37)
RECONSIDERATION
PROCESS**

ASM 207

1. The APS complaint coordinator or supervisor submits a reconsideration request through MiAIMS, including their rationale for the request.
2. CI is notified of the reconsideration request by an email generated from MiAIMS.
3. CI reviews the reconsideration request and responds through MiAIMS, including the reasons for their decision and if they are changing or maintaining the case status.
4. The CI director has final decision in all reconsiderations and will make any needed contacts with APS program office to make a more informed decision.

38) OVERVIEW

ASM 210

The Michigan Department of Health and Human Services (MDHSS) reporting and investigating responsibilities when other agencies are involved.

**39) DHS-PUB-269,
MI-MVP**

ASM 210

The Michigan Model Vulnerable Adult Protocol (MI-MVP) was introduced on June 16, 2013 and is intended to assist local communities in protecting, investigating and serving older and vulnerable adults through increased collaboration. MI-MVP is a model for local communities to adapt, as needed, based on their local resources and needs.

A copy of MI-MVP can be located on the MDHHS public website at Adult & Children's Services/Abuse & Neglect/Adult Protective Services..

40) MDHHS/BHDD

ASM 210

Behavioral Health and Developmental Disability Administration (BHDD) has responsibility for MDHHS/BHDD operated facilities.

Local office adult protective services (APS) workers do not investigate referrals of abuse, neglect, or exploitation of adult residents of MDHHS/BHDD operated facilities. MDHHS/BHDD Office of Recipient Rights (ORR) will conduct investigations in these facilities. See [ASM 258](#), for a list of these facilities.

41) LARA/BCHS

ASM 210

Licensing and Regulatory Affairs (LARA)/Bureau of Community and Health Systems (BCHS)-Health Facility Complaints

MDHHS local office staff are responsible for investigation of referrals involving adult patients and residents of LARA licensed facilities listed above if either of the following occurred:

The alleged violation took place outside the facility in the community.

MDHHS Staff must advise the complainant to make an oral report immediately by telephone to the appropriate LARA complaint unit at 800-882-6006 including the following information:

A complaint against a state licensed or federally certified health facility, including nursing home, hospital, home health agency, hospice, surgery center, dialysis center and other providers, may be completed in the following manners:

- Submit a complaint using the online form.
- Submit a complaint using the BCCHS-361, Complaint form by:
 - Mail to:
Department of Licensing and Regulatory Affairs
Bureau of Community Health Systems-Health Facility Complaints
P. O. Box 30664
Lansing MI 48909
 - Fax to:
517-335-7167
 - Email to:
BCCHS-Complaints@michigan.gov
- Call the toll-free hotline at 800-882-6006.

42) ADULT FOSTER CARE AND CAMP LICENSING DIVISION

ASM 210

APS has responsibility to investigate referrals of abuse, neglect or exploitation involving residents of adult foster care (AFC) homes and homes for the aged (HFA). BCCHS, Adult Foster Care and Camp Licensing Division, has responsibility to investigate any allegations of rule violations within BCCHS licensed facilities.

Note: APS may not share referral source information with the BCHS licensing consultants when they are investigating allegations in homes for the aged. APS may share referral source information with BCHS licensing consultants investigating allegations in adult foster care facilities.

Reports or complaints to BCHS may be completed in the following manners:

- Fill out the online complaint form.
- Print and complete a paper complaint form.

- Mail paper complaint form to:

Bureau of Community and Health Systems
Children and Adult Licensing-Complaint Intake Unit
611 W. Ottawa, 1st Floor
P. O. Box 30664
Lansing, MI 48909

- Fax paper complaint form to:

517-284-9739

- Contact the toll-free number at 866-856-0126.

APS must investigate any allegations of abuse, neglect or exploitation while BCHS must investigate any licensing rule violations. The worker must send a copy of the investigation report to the AFC/HFA licensing consultant, redacting any identifying information regarding the referral source for homes for the aged investigations. (See [SRM 131, Confidentiality](#))

Note: BCHS licensing consultants must also provide the APS worker with a copy of their investigation report to include in the APS case file.

43) CONTRACTED CMH AFC HOMES

ASM 210

RS information cannot be provided to recipient rights officers and rights advisors who work under community mental health service programs (CMHSP's) as they are not MDHHS employees.

BCHS is responsible for investigating licensing rule violations. ORR is responsible for investigating client rights violations.

**44) ATTORNEY
GENERAL MEDICAID
FRAUD CONTROL
UNIT REFERRALS**

ASM 210

The Medicaid Fraud Control Unit (MFCU) in the Department of Attorney General is required to investigate allegations of abuse or neglect of patients/residents of facilities which accept Medicaid payments or provide services funded under Title XIX of the Social Security Act. Where appropriate, the MCFU can act upon such complaints and prosecute offenders under the criminal laws of the state.

Local APS offices are required to make referrals to the MFCU related to a patient/resident of a nursing home, home for the aged or adult foster care home when the facility/home is receiving Medicaid funds or providing services funded under Title XIX of the Social Security Act.

Referrals are made when there is:

- Suspected abuse, neglect, or exploitation of an adult patient/resident;
- Suspected abuse or neglect that would cause a reasonable person to believe **physical or mental harm** could be inflicted on an adult patient/resident;
- Suspected misappropriation of an adult patient's/resident's funds or property.

All such referrals must be documented on MiAIMS and referred immediately to the MFCU in one of the following manners:

- Mail to:
Department of Attorney General
Medicaid Fraud Control Unit
Health Care Fraud Division
P.O. Box 30218
Lansing, MI 48909
- Email: hcf@michigan.gov
- Fax 517-241-1029
Attn: Supervisor, Patient Abuse Team - APS Referral

Contact the tollfree hotline at 1-800-242-2873.

**45) COORDINATION
WITH LAW
ENFORCEMENT**

ASM 210

Local offices must cooperate with law enforcement agencies conducting criminal investigations and must make records or client information available as provided in SRM 131.

**46) REFERRALS TO
LAW
ENFORCEMENT**

ASM 210

Mentally Ill and Dangerous Persons

The local MDHHS director may seek a search warrant by personally filing an affidavit; see ASM 262, Affidavit for Search Warrant, with the district court.

A law enforcement officer may enter a dwelling without a warrant if the officer has reasonable grounds to believe a crime is being committed or if an individual's health is believed to be in danger and exigent circumstances exist, such as, if time were taken to obtain a warrant, the situation would change so that a warrant would no longer be necessary, such as, the client is in danger of dying.

**47) MDHHS/BHDD
OPERATED
FACILITIES**

ASM 258

Reason: Chart was updated to include change in name from DCH to MDHHS/BHDD operated facilities, updated names of directors for facilities and updated link to list of local community mental health services programs.

EFFECTIVE

October 1, 2019.

Subject(s)

1. Guardians with permissive exclusions.
2. Criminal History changes for permissive exclusions.
3. CHAMPS revalidation.
4. Implementation of MSA-1904, Home Help Agency Invoice.

**1) Guardians with
Permissive
Exclusions**

ASM 135

Guardians with permissive exclusions cannot be the paid individual caregiver of the client they have guardianship over. Therefore,

guardians cannot sign their own MSA-119, Personal Choice and Acknowledgement of Provider Selection form.

2) Criminal History Changes for Permissive Exclusions

ASM 135 and ASM 136

As of April 1, 2019; Provider Enrolment will change to a 10-year look back on federal or state felonies and a 5- year look back for federal or state misdemeanors at time of caregiver enrollment. Caregivers who have a permissive exclusion may request reinstatement if needed. The policy on mandatory exclusion has not changed.

3) CHAMPS Revalidation

ASM 135

MDHHS must have all Medicaid providers revalidate their CHAMPS enrollment information at least once every three to five years based on risk category.

4) Implementation of MSA-1904, Home Help Agency Invoice

ASM 136

As of October 1, 2019, MDHHS will no longer accept the DHS-721, Provider Log, as a form of verification that Home Help services were provided. Agency providers must submit a monthly invoice, MSA-1904, Home Help Agency Invoice, for each month of services for verification of Home Help services.

EFFECTIVE

November 1, 2019.

Subject(s)

1) PET CODES

ASM 125 and ASM 126

All references to level of care (LOC) codes have been changed to program enrollment type (PET) codes.

2) MI Health Link

ASM 126

Updated procedure of the MI Health Link program and addresses of ICOs.

3) MI Choice Waver

ASM 125

Updated procedure of MI Choice Wavers.

4) PACE

ASM 125

Updated procedure of PACE.

5) Adult Services Worker

ASM 125 and ASM 126

All references to adult services specialist have been changed to adult services worker (ASW).

EFFECTIVE

November 1, 2019.

Subject(s)

Provider Management email address.

ASM 065, ASM 221 and ASM 160

The email address for the Provider Management Unit (PMU) has been updated in the manual from the MDHHS-ProviderSupport-Helpdesk@michigan.gov to reflect their original address. Requests for ACP/APS provider enrollments should be forwarded to MDHHS-Provider-Management@michigan.gov. Enrollment requests must be submitted to PMU on the DHS-2351X, Bridges Provider Enrollment/Change Request form.

EFFECTIVE

November 1, 2019.

Subject(s)

ASM 138, County Rates

Per Public Act 67 of 2019, Home Help agency providers will receive a rate increase for dates of services on and after October 1, 2019. The increased funding for fiscal year 2020 allows the Michigan Department of Health and Human Services (MDHHS) to move to one statewide rate for all Home Help agency providers. The new

statewide rate is \$16.08 an hour. The rate increase will be reflected in payment for October services issued in November 2019.

BRIDGES

EFFECTIVE

January 1, 2019.

Subject(s)

Michigan Combined Application Project (MiCAP)

BEM 618

The MiCAP benefits have changed as follows:

If an individual's total shelter expense are below \$1,000, the FAP monthly benefit is \$100. If the total shelter expenses are equal to or exceed \$1,000, the monthly benefit is \$190.

EFFECTIVE

January 1, 2019.

Subject(s)

1) ASSISTING THE CLIENT

BAM 105

The information on Pub-478, Applying for Assistance, has been added to Pub-765, Applying for Assistance, therefore Pub-478 is now obsolete.

2) APPLICATION FILING AND REGISTRATION

BAM 110

All Programs

An MDHHS-1171, Application, that does not have a program selected and is not accompanied by a program supplement form, should be considered a request for assistance.

3) APPLICATION PROCESSING

BAM 115

Application After Denial/Termination

All Programs

When an individual chooses to update an existing valid application after a denial or termination, they must comply with all application requirements prior to eligibility approval.

Interviews

Family Independence Program (FIP), Refugee Cash Assistance (RCA), State Disability Assistance (SDA), Child Development and Care (CDC), and Food Assistance Program (FAP)

The interview must be documented. An interview guide is available in Bridges as a source for documentation.

4) CONDUCTING THE INTERVIEW

BAM 210

FIP, SDA and FAP

Update to headings in the PUB-1010, Michigan Department of Health and Human Services (MDHHS) Application Information Booklet, for reference to the client.

Reason: Change in format of PUB-1010.

5) DIVESTMENT PENALTY

BAM 220

Only adequate notice is required at case open with a divestment penalty.

6) ISSUING BENEFITS

BEM 213

FAP

Minimum FAP benefits now are \$1 instead of \$2.

7) CHILD SUPPORT INCOME

BEM 503

FIP, RCA, SDA, CDC AND FAP

If child support payments are paid for a minor child who has been removed from the home of the custodial parent, the income is still the income of the child, unless documented otherwise.

All Programs

Certified child support may include court-ordered medical support payments.

8) MEDICAID ELIGIBILITY

BEM 137, BAM 402

Removed references to MI Marketplace Option.

9) CHILD SUPPORT ARREARAGES

BEM 503

When the payment of child support arrearages is passed through from the receiving parent to the adult child it is not countable to the parent.

10) REFUGEE SERVICES

BEM 630

RCA and Refugee Medical Assistance (RMA)

The Refugee Services Program under the Michigan Office for New Americans in the Department of Licensing and Regulatory Affairs administers the refugee assistance programs and Refugee Unaccompanied Minor Program. The cash policy unit under the Division of Field Operations Administration in the Michigan Department of Health and Human Services (MDHHS) is responsible for RCA and RMA policy. Additionally, MDHHS is responsible for refugee health screenings.

RMA

It is not necessary to contact the resettlement agency when MA or RMA has been approved.

**11) FIP/RCA/SDA
BUDGETING**

BEM 520

FIP, RCA and SDA

Procedural steps in the policy are updated to reflect the changes in the DHS-1172, FIP/RCA/SDA WORKSHEET.

12) DFAP

BEM 800

The FAP *maximum allotment and monthly income limit table* were updated effective 10/1/18.

13) SED WAIVER

BEM 172

MA is available to a child who requires care in the state psychiatric hospital, (Hawthorn Center) but can be cared for in the community for less cost. The child must be under age 18 when approved for the waiver. If a child on the SEDW turns 18, continues to meet all non-age related eligibility criteria, and continues to need waiver services, the child can remain on the waiver up to their 21st birthday.

14) COLA

BEM 400, 402, 405 540, 541 and 546

Medicaid Only

Annual cost of living increases (COLA).

EFFECTIVE

January 1, 2019.

Subject(s)

BRIDGES EMPLOYMENT AND TRAINING

BEM 233B, Failure to Meet Employment Requirement: FAP

Disqualify non-deferred adults who were working when the person:

- Voluntarily quits a job of 30 hours (weekly earnings equal to or in excess of 30 hours times federal minimum wage) or more per week without good cause.
- Voluntarily reduces hours of employment below 30 hours per week without good cause, and after the reduction, earnings are less than 30 hours times the federal minimum wage.

BEM 620, Time Limited Food Assistance

- Moved the definition for chronically homeless to it's own bullet rather than under verifications.
- Added two examples for chronically homeless deferral.
- Updated any language that pertained to counties that are in a waiver county. (there are no longer counties that have a waiver).
- Added a paragraph for Regained Eligibility – Expedited food benefits, due to a FNS clarification.
- Removed OSMIS FAP 731 report section (Report is outdated and incorrect).

EFFECTIVE

February 1, 2019.

Subject(s)

BEM 400

The homestead sale exclusion policy is corrected. The time frame for exclusion of the proceeds from the sale of the homestead is limited to three months.

The definition of the homestead is updated to more closely align with federal policy.

Promissory note, land contract, and mortgage policy has been clarified and re-formatted for ease of reading.

BEM 211

The Medicaid group composition policy is reformatted. The language is expanded to illustrate group composition for SSI related Medicaid groups with adult applicants and for the Medicare Savings Program.

EFFECTIVE

March 1, 2019.

Subject(s)

1) Health and Safety Coaching Visits

BEM 704, BEM 706

License exempt-unrelated and license exempt-parent on site providers must have an annual health and safety visit.

Additional information has been added related to visit requirements and potential penalties.

2) Fingerprint Time Limit

BEM 704

License exempt-unrelated provider enrollment requires a fingerprint submission. The provider or applicant will be denied if the fingerprint is not completed within 30 days of the Fingerprint Request form mailing date.

3) Provider Enrollment Exclusions

BEM 704, BEM 705, BEM 706

When exclusionary background information is discovered for an enrolled or applicant child care provider, this information will be utilized for current and future enrollment, including enrollment as a different child care provider type.

The crime codes exhibit linked in BEM 705 includes crimes that will result in denial or closure of a child care provider. Crimes of similar statute that are not specified on this list will also result in denial or closure.

An individual who has had a license or registration closed while under disciplinary action may not be eligible to receive CDC payment.

4) Bi-Weekly Block Reimbursement Rate

BEM 706

Block reimbursement rate is the reimbursement amount for child care hours billed that has been rounded up and multiplied by the applicable hourly rate.

Child care centers, group homes and family homes are eligible to receive block payments. License exempt-related and license exempt-unrelated providers are not eligible for block payment rates.

5) Narrative text removed from RFT 270

BEM 703, BEM 706

The narrative text has been removed from Reference Table Manual RFT 270. This information either already exists in the Bridges Eligibility Manual (BEM) or has been added with this release.

The information includes the details of income eligibility, family contributions and child care fees.

6) BEM 706 Reorganized

BEM 706

Due to the large number of changes in the March 2019 Bridges policy release, the contents of BEM 706 have been reorganized.

Major content change or new information is indicated (in published policy) by a change bar along on the right side of a section.

EFFECTIVE

April, 2019.

Subject(s)

1) FIP HOME VISITS

BEM 200, 201

FIP

It is not mandatory for FIP specialists to conduct home visits.

2) RESPONSE TO REQUESTS

BAM 110

The DHS-1171, Filing Form, is no longer a separate form. The filing form is now page 1 of the MDHHS-1171, Assistance Application.

3) STANDARD OF PROMPTNESS

BAM 210

The redetermination packet is sent to the client on the fourth day of the month before the redetermination is due.

4) CHILD SUPPORT

BEM 255

FIP

The child support income test compares the amount of child support collected by the Office of Child Support (OCS) with the FIP grant automatically each month for FIP cases that have certified support. FIP closes when collected child support exceeds the grant by \$50 in two consecutive months; see BEM 518. This test does not include support collected for Medicaid purposes.

**5) REPORTING
UNAUTHORIZED
FEDERAL TAX
INFORMATION
ACCESS**

BAM 803

Contact the Michigan Department of Health and Human Services (MDHHS) Compliance Office at 517-284-1018 to report unauthorized access to federal tax information.

**6) MINOR PARENT
SUPPLEMENTAL
PAYMENTS**

BEM 201

FIP

Foster homes and residential facilities may no longer receive supplemental FIP payments for caring for minor parents and their children.

7) MISCELLANEOUS

BEM 210

FIP

Changed BAM 255 to BEM 255

BEM 401 and 503

Medicaid Only

For MAGI related programs there is no asset test. However, disbursements from annuities are generally countable as income in the month that they are received. In some cases, such as annuities that result from wrongful death lawsuits, this annuity income may not be taxable. Therefore, part, or all of the annuity payments may not be countable toward an individual's MAGI income. To determine what parts of an annuity payment may or may not be countable toward an individual's income please follow the process for referrals to the Trusts and Annuities unit outlined in this chapter to have the annuity evaluated. In the case of MAGI-related annuity evaluations the lawsuit settlement agreement will be necessary to make the determination.

For MAGI Medicaid some annuity income that is non-taxable may not be counted toward an individual's Medicaid income. See BEM 401 for further information.

BEM 554

Correction of misspelled word and spacing.

Glossary

Parent

Removed FAP as a program under the definition of parent.

8) MSP Asset Limits

BEM 400

The annual increase of the Medicare Savings Program asset limits is added to the policy effective April 1, 2019. The new limits are \$7,730 for an individual and \$11,600 for a couple.

EFFECTIVE

April 1, 2019.

Subject(s)

1) Negative Actions

BAM 220

Removed the sentence " Because Bridges will not allow a negative action during 12-month continuous eligibility, a remedy ticket will be required." This was removed because it is no longer accurate.

2) CDC EDG Closure Reasons

BAM 220

Added the phrase "during 12-month continuous eligibility" to clarify that this list of closure reasons is specific to this period of time.

3) Provider Assignment Restrictions

BAM 115

Added note referring to BEM 706 for "provider assignment restrictions". Some individuals or providers are not eligible to receive CDC payments or are not eligible for assignment to certain children.

4) CDC Provider Files

BAM 300

The Michigan Department of Health and Human Services (MDHHS) must retain license exempt provider files that were enrolled prior to January 1, 2013.

License exempt provider application or documents should be retained for three years after the date of inactivity or closure.

EFFECTIVE

July 1, 2019.

Subject(s)

1) MEDICAID

Notices

BAM 402, MA Benefits

Medicaid health plans report beneficiary pregnancy via the revised DCH-2010, Health Plan Beneficiary Information form.

BEM 145, Newborns

The MSA-2565C, Facility Admission Notice, is now the MSA-2565C, Hospital Newborn Notice.

Reason: Local office information.

Policy Clarification

BAM 810, Medicare and Medicare Cost-Sharing

A client who has Part A and/or Part B coverage can join a prescription drug plan. Information on part D enrollment may be found on the Social Security website. Once enrolled, Medicaid beneficiaries may change plans once per quarter in a year.

BAM 825, Medical Transportation

Foster parents that provide medical transportation for a foster child in their care may receive mileage reimbursement at the volunteer driver rate.

BEM 211, MA Group Composition

SSI-Related MA

When an adult is applying for L/H, waivers (BEM 106 and 167) or FTW (BEM 174) the fiscal and asset group is the adult, even if the individual lives with a spouse, and the spouse is not **also** an L/H, waiver, or Freedom to Work client.

When the adult is applying for any other program (including the Medicare Savings Program) the fiscal and asset group is the adult applicant and the spouse.

BEM 400, Assets

SSI-Related MA Only

A promissory note is a written promise to pay a certain sum of money to another person at a specified time. Promissory notes are loans. The promissory note may call for installment payments over a period (installment note) or a single payment on a specified date. The note is an asset to the lender. The value of the note is the outstanding balance due as of the date of application for long term care, home help, waiver services, or home health services.

All money used to purchase a promissory note or loan, **are** transfers of assets.

A loan is bona fide if it meets all the following requirements:

- It is enforceable under state law
- The loan agreement is in effect at the time of the transaction
- The borrower acknowledges an obligation to repay
- The loan document includes a plan for repayment
- The repayment plan is feasible

Note: Count principal payments from a bona fide loan or promissory note are the return of the principal as an asset in the month received. Payment of interest on a bona fide loan and all payments from a loan or promissory note which is not bona fide is countable unearned income.

BEM 405, MA Divestment

Obtain a statement from the LTC or waiver client's physician (M.D. or D.O.) to verify the following:

- Undue hardship.
- The client's non-disabled child (age 21 or older) provided care that would otherwise have required LTC or waiver services **and** that a physician recommended the services at the time of receipt.

BEM 545, MA Group 2 Income Eligibility

For a Service animal (such as a guide dog) or service animal maintenance to be a covered medical service in Michigan the animal must be fully trained and cannot be for emotional support, companionship, therapy for others, or crime deterrence.

Life expectancy tables

BEM 405, MA Divestment

Value of Transferring Right to Income

When a person gives up a right to receive income, the fair market value is the total amount of income the person could have expected to receive.

Updated EXHIBIT I - Life Expectancy Table, used to compute the fair market value of a lifetime income source such as a pension. Based the calculation on the person's sex and age on the date of transfer.

Miscellaneous

BEM 106, MA Waiver for Elderly and Disabled

Added non-financial factors to the item.

BEM 536, Determining Budgetable Income - Group 2 under 21 and Caretaker Relative

Removed reference to RFT 295.

BEM 540, MA Deemed Income and Deduction SSI-Related Children

Removed reference to RFT 295.

BEM 541, MA Income Deductions - SSI Related Adults

Removed reference to RFT 295.

BEM 546, Post Eligibility Patient Pay Amount

- Removed reference to RFT 295.
- The heat and utility allowance for a month is now \$617.25.

2) Food Assistance

BEM 556, Computing the Food Assistance Budget

Updated instructions to align with display in Bridges.

Reason: Consistency for the specialists.

3) Miscellaneous

BAM 600, Hearings

Rearranged order of where to send a request for a reconsideration.

BAM 804, Incarceration Matches

Removed links for locating prisoners.

BAM 814, PARIS Interstate Match

Grammatical correction.

BEM 212, Food Assistance Program Group Composition

Form number correction.

BEM 501, Income from Employment

Changed Workforce Innovation Act to Workforce Innovation Opportunity Act.

EFFECTIVE

July 1, 2019.

Subject(s)

1) Fingerprint Clarification

BEM 704

Fingerprint results remain valid 180 days from the date of separation from employment or closure of provider enrollment, unless there was an out of state move.

2) Mandatory Denial

BEM 705

There are crimes for which an arrest or conviction may result in the mandatory denial or closure of a provider's enrollment.

3) Fleeing Felon

BEM 709, BEM 711

Fleeing felon, parole or probation violation have been removed from the CDC closure list.

EFFECTIVE

July 1, 2019.

Subject(s)

BAM 805, Prepaid Funeral Contracts

Effective June 1, 2019 the funeral max for burial funding has increased to \$13,020.

Note: Prior to 1986 a funeral contract could be funded with a certificate of deposit (CD) held at a bank. These pre-1986 contracts can be certified as irrevocable.

EFFECTIVE

August 1, 2019.

Subject(s)

Children's Clothing Allowance

Family Independence Program (FIP)

The 2019 Fiscal Appropriations Act included funding for the children's clothing allowance. The allowance is intended to assist FIP families to purchase school clothing for their children.

The children's clothing allowance for the 2019 fiscal year is \$277 per child and is excluded as income for all programs.

ELIGIBILITY CRITERIA

The FIP eligibility determination group (EDG) must have an eligible dependent child on an active FIP EDG.

All eligible children on the FIP EDG will receive the clothing allowance. The eligible child(ren) must be eligible for FIP during August 2019. This includes children receiving SSI in the FIP EDG. Disqualified children will not receive the clothing allowance supplement.

Exception: Children disqualified for not having a social security number will receive the clothing allowance supplement.

Definition

For purposes of the children's clothing allowance, an eligible child is defined as a FIP mandatory group member that is a dependent child. These individuals may be indicated on the active FIP EDG as *eligible child* or *other child*.

PAYMENTS

Bridges will automatically issue supplements for the children's clothing allowance to FIP EDGs with qualifying children who are eligible for August FIP payments in Bridges as of the single deadline date of July 31, 2019. The children's clothing allowance supplement is deposited into the client's EBT cash account.

The supplement amount will include \$277 for each eligible child. The supplement will be automatically issued if the FIP EDG is active on July 31, 2019 for August benefits. A supplement will be deposited into the client's EBT cash account at the same time as the FIP payment is issued, but will appear as a separate payment, with an availability date of August 1, 2019. The supplement will be viewable in Bridges under *benefit issuance* and *view benefits*.

Any request for new FIP EDG openings or member adds for August 2019 that are processed after the initial clothing allowance monthly

payroll run for August will require an exception. Please contact Bridges resource center in order to request a supplement for the FIP EDG.

Note: Once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG.

A letter from the Michigan Department of Health and Human Services director will be mailed to eligible clothing allowance supplemental households in July. This letter advises eligible families of the allowance coming in August to help with the cost of children's clothing.

For questions regarding this bulletin please contact the FIP policy mailbox: Policy-FIP-SDA-RAP@michigan.gov.

EFFECTIVE

October 1, 2019.

Subject(s)

1) Missed Interviews

BAM 115

FIP, SDA and RCA

If the client misses an interview appointment, the application may be denied after the 10th day from the date the DHS-170, Appointment Notice, was sent.

2) Food Benefit Replacement

BAM 502

FAP

Send a DHS-176, Client Notice, to the client when approving a food benefit replacement.

3) Policy Interpretations

BEM 100

All Programs

- A new policy email box has been added for Medicaid hearing reconsideration requests: MDHHS-Medicaid-Hearing-Reconsideration-Requests@michigan.gov.
- Under Michigan's Child Protection Law, mandated reporters can now submit reports of suspected abuse or neglect online, instead of making an oral report.
Exception: An emergency exists if a child is at imminent risk of injury, death or serious harm. In these situations, call 911 and contact the phone hotline at 855-444-3911.

4) Lag SSCs

BEM 225

Added the 2018 and 2019 minimum earnings amount needed to earn Social Security Credits (SSC).

5) Dependent Care Expenses

BEM 554

FAP

Updated Department of Technology, Management and Budget (DTMB) travel website to [DTMB/Services/Travel](#).

6) Medicaid

BAM 110, 210

A federal application is acceptable for any category of Medicaid at application and redetermination.

BAM 825

The agency responsible for conducting hearings for medical transportation has changed its name to the Michigan Office of Administrative Hearings and Rules (MOAHR). Clarified verification requirements for transportation receipts.

BEM 113

Divorce or separation agreements executed after December 31, 2018, exclude spousal support as countable income in a MAGI Medicaid determination.

BEM 130

Enrollment in other comprehensive health insurance plans is cause for denial and/or termination of MICHild.

BEM 150

Minor grammatical correction.

BEM 400

SSI-Related MA Only

For most assets *non-salable* is a temporary condition.

Added 2019 equity excess value of \$585,000 for a client's homestead for January 2019.

Long Term Care (LTC) insurance is a potential third-party payer for some medical expenses. Usually the LTC insurance can pay all or some of the LTC expenses before the MA program pays. Report LTC insurance policies to Third Party Liability Division (TPL) by fax at 517-346-9817 or at www.michigan.gov/report_TPL

BEM 502

Remove obsoleted tax forms.

BEM 503

Private disability insurance, if funded entirely by an individual, is not countable income in a MAGI Medicaid determination.

Divorce or separation agreements executed after December 31, 2018, exclude spousal support as countable income in a MAGI Medicaid determination.

BEM 504

This item does not pertain to MAGI Medicaid.

7) Miscellaneous

BAM 105, 200, 210 BEM 230A, 230C, 501, 703

All Programs

Work Number/TALX is now Equifax verification services.

BEM 618

The address used when referring an individual to MiCAP is updated.

MICHIGAN DEPARTMENT OF HEALTH & HUMAN SERVICES

Michigan Combined Application Project SPO/MiCAP

PO Box 30037

Suite 1403

Lansing MI 48909

EFFECTIVE

October 1, 2019.

Subject(s)

Flint Emergency Declaration Child Development and Care (CDC).

**Date Restrictions
at Application and
Review**

BEM 709

A child for whom CDC is requested on an application or review document received **on or after October 1, 2019**, is not eligible for Flint Emergency Declaration CDC.

EFFECTIVE

October 1, 2019.

Subject(s)

BAM 430 and 435, Provider Management Unit Roles

Updated the Provider Management Unit (PMU) process. Removed the local office role of enrolling providers. All DHS-2351-X, Bridges Provider Enrollment/Change Request, are to be sent to the Provider Management Unit (PMU).

EFFECTIVE

October 1, 2019.

Subject(s)

1) Location of Care

BEM 704

License Exempt-Related providers must provide care in their own home or where the child(ren) lives.

2) Provider Training

BEM 704, BEM 706

Providers are required to complete initial and ongoing training that covers child development and 11 required health and safety topics.

3) Intentional Program Violation

BEM 707

Two instances of providing care in the wrong location added to the list of potential intentional program violations (IPVs).

EFFECTIVE

November 1, 2019.

Subject(s)

1) Asset Limits

FIP, SDA, RCA

BEM 400

There is a \$15,000 or less asset limit for cash, investments and retirement plans. The real property asset limit for the cash programs remains \$200,000.

FAP

There is a \$15,000 or less asset limit. Vehicles are now an excluded asset.

2) Verification Requirements

FIP, SDA, RCA and FAP

If questionable, verify countable assets at application, semi-annual, mid-certification, redetermination and when a change is reported. Examples include, but are not limited to, recent program closure or denial due to excess assets and a new application is received with an asset balance now under the asset limit, or the client is reporting that they are close to the asset limit.

Example: Aaron applies for cash and FAP. Aaron's total liquid assets are close to the asset limit. The specialist determines during a conversation with the client the amount reported is questionable. Verification of the assets is requested.

Exception 1: Client statement is not an acceptable verification for trusts and annuities.

Exception 2: Client statement is not an acceptable verification for asset detection unless previously reported.

Exception 3: For FAP, client statement is not an acceptable verification for asset transfers/divestment.

If questionable, verify the following factors affecting exclusion of an asset at application, redetermination, and when a change is reported:

- An asset is not available.
- Joint ownership prevents sale (other owner refuses to sell).
- There is a written agreement to repair/replace a damaged or destroyed homestead (cash exclusion for FIP, SDA and RCA).
- There is a written agreement to purchase another homestead.
- The asset is a bona fide loan.

3) Lottery Match

FIP and SDA

BAM 809

If winnings are \$15,000 or less, send a verification request to determine if the client is over the asset level.

If winnings are over \$15,000, take appropriate action to close the case; clients are allowed timely notice.

FAP

Change Reporters and Simplified Reporters.

If winnings are \$15,000 or less, send a verification checklist request to determine if the client is over the asset level.

If winnings are over \$15,000, take appropriate action to close the case; clients must be given timely notice.

4) Miscellaneous

FAP

BEM 406

Divestment examples were updated to accommodate the new asset limit.

EFFECTIVE

November 1, 2019.

Subject(s)

BEM 400, 406 and BAM 809

FIP, SDA, RCA and FAP

Asset Limit is reverted back to prior limits.

EFFECTIVE

November 1, 2019.

Subject(s)

BEM 620, Time Limited Food Assistance (TLFA)

Effective 10/01/2019 all counties will be live with Time Limited Food Assistance.

- Updated new 36 month time period for Time Limited Food Assistance.
- Updated and clarified work registrant deferral policy and how work registrant deferrals are applied to TLFA.
- Updated and clarified verification sources for all deferrals.

EFFECTIVE

December 1, 2019.

Subject(s)

1) Asset Limits

FIP, SDA, RCA

BEM 400

There is a \$15,000 or less asset limit for cash, investments and retirement plans. The real property asset limit for the cash programs remains \$200,000.

FAP

There is a \$15,000 or less asset limit.

2) Vehicles

FAP

BEM 400

Vehicles are now an excluded asset.

3) Verification Requirements

FIP, SDA, RCA and FAP

BEM 400

If questionable, verify countable assets at application, semi-annual, mid-certification, redetermination and when a change is reported. Examples include, but are not limited to, recent program closure or denial due to excess assets and a new application is received with an asset balance now under the asset limit, or the client is reporting that they are close to the asset limit.

Example: Aaron applies for cash and FAP. Aarons's total liquid assets are close to the asset limit. The specialist determines during a conversation with the client the amount reported is questionable. Verification of the assets is requested.

Exception: Exception 1: Client statement is not an acceptable verification for trusts and annuities.

Exception 2: Client statement is not an acceptable verification for asset detection unless previously reported.

Exception 3: For FAP, client statement is not an acceptable verification for asset transfers/divestment.

If questionable, verify the following factors affecting exclusion of an asset at application, redetermination and when a change is reported:

- An asset is not available.
- Joint ownership prevents sale (other owner refuses to sell).

- There is a written agreement to repair/replace a damaged or destroyed homestead (cash exclusion for FIP, SDA and RCA).
- There is a written agreement to purchase another homestead.
- The asset is a bona fide loan.

4) Lottery Match

FIP and SDA

If winnings are \$15,000 or less, send a verification request to determine if the client is over the asset level.

If winnings are over \$15,000 take appropriate action to close the case; clients are allowed timely notice.

FAP

Change Reporters and Simplified Reporters.

If winnings are \$15,000 or less, send a verification checklist request to determine if the client is over the asset level.

If the winnings are over \$15,000, take appropriate action to close the case; clients must be given timely notice.

5) Miscellaneous

FAP

BEM 406

Divestment examples were updated to accommodate the new asset limit.

CHILDREN'S FOSTER CARE

EFFECTIVE

January .,

Subject(s)

10. Mandated reporting.
11. Referrals to Children's Protective Services (CPS) from foster care.
12. Foster care responsibilities regarding maltreatment in care complaints.

1) MANDATED REPORTING

FOM 722, DHS Employee Obligation to Report Suspected Abuse and Neglect

This item is obsolete. Information previously found in this item was moved to SRM 110, Obligation to Report Suspected Abuse or Neglect.

Reason: Reorganization and consolidation of policy.

2) REFERRALS TO CPS FROM FOSTER CARE

FOM 722-13, Referrals to Children's Protective Services (CPS)

Links were added to the following policy items regarding staff responsibility to report suspected child abuse or neglect:

- SRM 110, Obligation to Report Suspected Abuse or Neglect.
- APR 200, Mandated Reporter - Child.

Information on the tasks required for CPS was removed. These requirements are addressed in PSM.

CPS and foster care staff must make a joint recommendation on whether CPS should file a petition regarding a new sibling when there are other siblings currently in foster care, and if so, which children CPS will include on the petition. If the CPS and foster care supervisors disagree on the recommendation, a second line supervisor must make the final decision.

When a child receiving foster care services is in a parental placement and the caseworker finds that the parent has not benefited from services, but the caseworker does not suspect that the parent committed an act of child abuse or neglect, a complaint to CPS is not required.

Minor corrections were made, and links were updated.

Reason: Office of Child Welfare Policy and Programs clarification.

3) FOSTER CARE RESPONSIBILITIES REGARDING MALTREATMENT IN CARE COMPLAINTS

FOM 722-13A, Maltreatment in Care - Foster Care Responsibilities

The actions and timeframes required for foster care staff to ensure the safety of a child with an open foster care program type have been modified. Foster care worker responsibilities are defined by the urgency level of the complaint. The urgency level of the complaint is determined by foster care staff after reviewing the

intake decision notification to determine the agency that Centralized Intake assigned or transferred the complaint to, as well as perpetrator access to the child.

Low urgency complaints will now require phone or face-to-face contact with the child and caregiver within five business days of the intake decision notification. Previously, additional contact with the child and caregiver was at the discretion of the caseworker and supervisor.

Clarification was added regarding the foster care worker's responsibility to coordinate with all agencies investigating the complaint, in addition to coordinating with the receiving agency.

Additional guidance regarding coordination requirements when a complaint is transferred to DCWL or LARA was added.

EFFECTIVE

February 1, 2019.

Subject(s)

1) MANDATED REPORTING

FOM 722, DHS Employee Obligation to Report Suspected Abuse and Neglect

This item is obsolete. Information previously found in this item was moved to SRM 110, Obligation to Report Suspected Abuse or Neglect.

2) Referrals to CPS from Foster Care

FOM 722-13, Referrals to Children's Protective Services (CPS)

Links were added to the following policy items regarding staff responsibility to report suspected child abuse or neglect:

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- APR 200, Mandated Reporter - Child.

Information on the tasks required for CPS was removed. These requirements are addressed in PSM.

CPS and foster care staff must make a joint recommendation on whether CPS should file a petition regarding a new sibling when there are other siblings currently in foster care, and if so, which children CPS will include on the petition. If the CPS and foster care supervisors disagree on the recommendation, a second line supervisor must make the final decision.

When a child receiving foster care services is in a parental placement and the caseworker finds that the parent has not

benefited from services, but the caseworker does not suspect that the parent committed an act of child abuse or neglect, a complaint to CPS is not required.

Minor corrections were made, and links were updated.

EFFECTIVE

April 1, 2019.

Subject(s)

FOM 723, Educational Services

The Revised School Code allows for the foster care worker, either MDHHS or PAFC, to make the final decision on where a child in foster care attends school, either the school district of origin or the school district of residence.

Clarification about when a [DHS-942, School Notification and Records Release](#) form is to be sent to the school.

Education transportation should be set up in collaboration with the school district foster care liaison. MDHHS and the school district can assist with payment of transportation. Education transportation is now paid within MiSACWIS.

Clarification of how to approve taxi cab or Uber/Lyft drivers to provide education transportation.

Clarification of situations when MDHHS will not pay for education transportation.

The MDHHS-5732, School Transportation Plan Agreement, should be completed by the case worker and signed by the school district once transportation has been established. It is uploaded into MiSACWIS with the payment invoice once the payment is being made.

Link to [MDHHS-5732, School Transportation Plan Agreement](#).

Formal dispute resolution process established for situations when MDHHS and the school district cannot agree on a transportation plan or payment.

Each school district is required to have an established procedure plan to include how transportation is to be maintained for children in foster care so they can maintain their school of origin. MDHHS county directors or their designees should have input on this plan and be asked to review.

Timeframe added for online education exception requests. Requests must be approved or denied by MDHHS or PAFC director or designee within 2 weeks of receipt.

EFFECTIVE

April 1, 2019.

Subject(s)

**1) CAPACITY LIMITS
AND PLACEMENT
EXCEPTION
REQUESTS**

FOM 722-03B, Relative Engagement and Placement

***FOM 915A, Child Welfare Continuum of Care Program
Requirements***

The capacity limits identified in Implementation, Sustainability, and Exit Plan (ISEP) 6.12 apply to placements with unlicensed relative caregivers. Any placement made in an unlicensed relative's home resulting in more than three foster children, more than five total children, or more than three children under the age of three residing in the home require the completing and approval of a placement exception request.

**2) CRIMINAL
HISTORY
BACKGROUND
CHECK
CLARIFICATION**

FOM 722-03B, Relative Engagement and Placement

Clarification: References to the phrase *criminal history check* were updated to *criminal history **background** check* because a criminal history check means a fingerprint-based criminal history record check through the department of state police and the Federal Bureau of Investigation. A criminal history background check refers to any other criminal history records check; e.g., LEIN, ICHAT, court records.

Correction: Criminal history background checks are not required for minor household members.

**3) MICHIGAN
PUBLIC SEX
OFFENDER
REGISTRY
CLEARANCES**

FOM 722-03B, Relative Engagement and Placement

Caregivers and household members aged 12 years and older must have their names and addresses searched on the Michigan Public Sex Offender Registry prior to placement.

**4) CLEARANCES
EXPIRATION DATE**

FOM 722-03B, Relative Engagement and Placement

Clearances must be current whenever a placement is made. If the date of placement is more than 30 calendar days after the date the clearances were completed, then new clearances must be completed.

**5) DENIED
PLACEMENT
RECOMMENDATION
REQUIREMENTS**

FOM 722-03B, Relative Engagement and Placement

If the placement recommendation on the DHS-588 is denied then a DHS-31, Foster Care Placement Decision Notice, is required to be provided to the relative caregiver with a copy of the DHS-588, within five business days of the denial; see Foster Care Placement Decision Notice in this item.

**6) MEDICAL AND
EDUCATION
INFORMATION LINK.**

FOM 722-03B, Relative Engagement and Placement

A link was added to FOM 801, Health Services for Children in Foster Care, for the medical information/documents that must be provided to the caregiver upon placement and to FOM 723, Educational Services, for the education information/documents that must be provided to the caregiver upon placement.

**7) PRIOR CPS
COMPLAINTS**

FOM 722-3B, Relative Engagement and Placement

Clarification was given to the policy requiring review, assessment, and director approval for caregivers involved in or alleged to be a perpetrator in a prior CPS investigation. If a prospective caregiver was confirmed (substantiated) as a perpetrator on a prior CPS investigation, a review and assessment of his/her CPS history must be completed prior to placement and director approval is required. MiSACWIS updates on the DHS-588, Initial Relative Safety Screen, to reflect this clarification are in progress. Policy supersedes the current instruction on the form and in MiSACWIS.

8) STEP-RELATIONSHIPS

FOM 722-3B, Relative Engagement and Placement

Clarification was given on the definition of relative. Step-relationships are included as relatives for placement purposes for the relationship types listed within the definition.

9) NEW RELATIVE LICENSURE AND WAIVER POLICY ITEM

FOM 923, Relative Licensing and Waivers

Policy regarding relative licensure and waivers was moved to [FOM 923, Relative Licensure and Waivers](#).

10) FAMILY INCENTIVE GRANT

FOM 980, Family Incentive Grant

The annual Family Incentive Grant Children's Services Agency policy has been updated to align with the 2018-19 budget.

EFFECTIVE

July 1, 2019.

Subject(s)

FOM 722-6H, Case Contacts

- Minor clarification and reorganization of sections within the policy item.
- Unannounced visits with the child are encouraged but no longer required.
- Two telephone contacts with the child during the first month of out-of-home care are encouraged but no longer required.
- Added charts to illustrate contact requirements and standards of promptness.
- Clarified contact requirements for children placed with the non-offending parent.
- Added information on completing a quality visit with a parent.

EFFECTIVE

August 1, 2019.

Subject(s)

The Michigan Department of Health and Human Services (MDHHS) encourages continuity of placement by compensating providers when a temporary break in placement occurs, to hold the bed so that the child may return.

Title IV-E cannot be used to pay for jail, detention, or psychiatric hospitalization bed hold payments. These temporary breaks must be paid out of the child's alternate fund source if the primary fund source is title IV-E.

Any bed hold payment request from a shelter placement must first be approved by the Regional Placement Unit (RPU) director or designee; Kent County requests must first be approved by the West Michigan Partnership for Children (WMPC).

EFFECTIVE

August 1, 2019.

Subject(s)

FOM 805, Glossary of Terms for Foster Care Health Services, Medicaid and Michigan Enrolls.

The FOM 805 Glossary is updated to include revisions and new additions to terms and definitions frequently found within child welfare areas of health care and Medicaid.

EFFECTIVE

September 1, 2019.

Subject(s)

Foster Care (FOM) 903-10, Funeral Payment.

The allowable amounts available for this cost for Michigan Children's Institute (MCI) and former MCI wards has increased. There is no longer a requirement to apply for SER services through the local Michigan Department of Health and Human Services (MDHHS) office.

Questions regarding this policy change can be submitted to the Federal Compliance Division (FCD) at <mailto:MDHHS-federalcompliance@mdhhs.state.mi.us>.

EFFECTIVE

September 1, 2019.

Subject(s)
1) FOM 722-06H,
Case Contacts

Assigned Caseworker

The definition for assigned caseworker was added. The assigned caseworker is the caseworker to whom primary case management responsibility has been assigned for a child or family in MiSACWIS. Unless otherwise noted, all caseworker contacts in FOM 722-06H, Case Contacts, are the responsibility of the assigned caseworker.

Contacts When a Child is Placed in an Emergency Shelter Facility

A caseworker must have weekly face-to-face contacts with each child placed in an emergency shelter facility. The first face-to-face contact with the child must be made by the assigned caseworker and must take place within five business days from the date the case is assigned to the caseworker or within five business days of the date of the placement.

Another caseworker or supervisor, other than the assigned caseworker, may complete the required face-to-face contact with the child every other week, alternating with the assigned caseworker.

The assigned caseworker must have weekly contact with the facility case manager to provide status updates regarding the achievement of the discharge plan. The weekly contact with the facility case manager can be face-to-face or by phone or email.

2) FOM 722-13A,
Maltreatment in
Care - Foster Care
Responsibilities

Caseworker Contact After Intake Decision Notification

If the assigned caseworker and/or supervisor are unavailable to make contact with the child or caregiver within the timeframe required by the complaint's urgency level, another caseworker or supervisor may complete the required contact.

Caseworker Contact with the Receiving Agency

Caseworkers must make every attempt to successfully contact the receiving agency prior to contacting the child and/or caregiver(s) in order to avoid compromising the receiving agency's investigation. Contact information for the CPS-MIC intake mailbox was added to aid in timely contact with the assigned investigator when complaints are assigned to CPS-MIC for investigation.

Low Urgency Complaint Contacts

If phone contact is determined appropriate to verify the child's safety, but phone contact with the child is not developmentally

appropriate, the caseworker must make phone contact with the child's caregiver.

Duplicate Complaints

In some instances, Centralized Intake (CI) may receive multiple separate complaints with the same allegations regarding the same incident(s). In these instances, the MDHHS county director or PAFC director or their designee may use discretion to waive the required contacts for the duplicate complaints. Contacts for duplicate complaints may be waived if **all** the following apply:

- CI received the duplicate complaints within 30 days of the initial complaint.
- The duplicate complaints contain no new allegations or information that would warrant additional contact with the child or caregiver to ensure the child's safety.
- The caseworker has already completed or plans to complete the contacts required for the initial complaint within the timeframes outlined in *Contact Standards* in this item.

Prior to requesting director discretion to waive contacts required for duplicate complaints, the caseworker and supervisor must review the new complaint and previously received complaint to ensure that the new complaint meets the criteria above. The caseworker must document the review of the new complaint and the director's decision in a social work contact.

Complaints by the Foster Care Caseworker

The MDHHS county director, child welfare director, or designee, or PAFC director or designee, may use discretion to waive the caseworker's required contacts with the child and caregiver under *Contact Standards* if the caseworker:

- Was the referral source of the complaint, **and**
- Completed a face-to-face contact with the child and caregiver within one day of making the complaint, **and**
- Established or reviewed a safety plan to address the concerns that lead to the complaint during the face-to-face contact.

The caseworker must document the director or designee's decision in a social work contact within five business days of the decision.

Note: All other contact standards, including contact and coordination with the receiving agency, are still required if additional contact with the child and caregiver is waived.

Minor Corrections and Hyperlinks

Minor corrections were made to formatting and one hyperlink was corrected.

October 1, 2019.

Subject(s)

**1) FOM 722-03,
Placement
Selection and
Standards**

Sibling Placement

Clarification has been provided regarding requirements and efforts to place siblings together when biological siblings were previously adopted or when children are stepsiblings.

Although not required, best practice suggests efforts be made to identify biological siblings who may have been adopted. Placement and visitation are not required but are encouraged when the adoptive parent is interested in placement or visitation.

Efforts should be made, but are not required, to place stepsiblings together. A sibling split PER is not required when stepsiblings are placed apart.

Placement Changes

Requirements for changes in placement have been removed from this item and are now found in a new item, FOM 722-03D, Placement Change.

Documentation requirements for placement changes specific to the DHS-69, Foster Care/Juvenile Justice Action Summary, have been removed from this item. The requirements are now located in FOM 722-08E, Foster Care/Juvenile Justice Action Summary.

Placement Exception Requests

Information on the placement exception request process has been removed from this item and placed in a new item, FOM 722-03E, Placement Exception Requests and Approvals.

Court-Ordered Placements with Unrelated Caregivers

Policy regarding the process and approval of court-ordered placement of a child with an unrelated caregiver has been revised to include distinct procedures for when the placement is made with MDHHS' recommendation versus without or against MDHHS' recommendation.

Parental Placement of an MCI Ward

Requirements for parental placement of an MCI ward were removed from this item and can now be found in FOM 722-03, Placement Selection and Standards.

Out-of-Town Inquiries (OTI)

Procedures for out-of-town inquiries were removed from this item. This information can be found in the Interstate Compact Manual (ICM) items 100-170 and FOM 722-14, Courtesy Supervision.

Multiethnic Placement Act (MEPA) Complaint Procedures

Procedures for filing a complaint regarding discrimination in foster care of adoptive placements based on race, color, or national origin were removed from this item. Complaint procedures are found in SRM 403, Non-discrimination in Foster Care and Adoptive Placements.

Minor Corrections

Hyperlinks were updated and minor corrections were made to this item.

Legal citations were added and updated.

2) FOM 722-03C, Older Youth: Preparation, Placement, and Discharge

Voter Registration

Voter registration information must be provided to any youth in foster care at least 90 days prior to turning 18, and annually thereafter.

Parental Placement of an MCI Ward

Requirements for parental placement of an MCI ward were removed from this item and can now be found in FOM 722-03, Placement Selection and Standards.

Case Closing

Documents required to be provided to youth leaving care at ages 13 or older, 14 or older, and 18 or older were removed from this item and are now contained in [FOM 722-15, Case Closing](#).

Minor Corrections

Link to [FOM 970, Michigan Works! Agency Referrals](#), added.

Link to [FOM 950, Youth in Transition](#), added.

DHS-956, Foster Youth Housing Referral can now be emailed to the [Child Welfare Policy mailbox](#).

3) FOM 722-03D, Placement Change

This new items details considerations and requirements for placement changes, including:

- Reasons that a child's placement may be changed.
- Notification requirements for placement changes.
- Process for Foster Care Review Board appeals.
- Documentation requirements.
- Temporary break placement requirements.

Reason: Reorganization of policy manuals.

4) FOM 722-03E, Placement Exception Requests and Approvals

This new item contains the required timeframes and approval paths for the following placement exception requests and reasons:

- Placement limitations
 - More than three foster children in the home.
 - More than five total children in the home.
 - More than three children under age three in the home.
- Placement more than 75 miles from the removal home.
- Residential placements.
 - Initial and continued residential placement.
 - Children under age ten.
 - Dual wards.
 - Abuse/neglect wards in juvenile justice residential.
 - Juvenile justice wards in abuse/neglect residential.
 - Changes in residential placement.
 - Placement in a residential not under contract.
 - Placement outside of the contracted bed capacity.
- Emergency shelter facility placements.
 - Initial placement in an emergency shelter.
 - Repeated shelter placement within 12 months.
- One-to-one supervision.
- Siblings placed apart.
- Children with high risk behaviors.
- Treatment foster care.
 - Initial placement in treatment foster care.
 - Extension of treatment foster care placement.
- Court-ordered juvenile detention greater than 30 days.

**5) FOM 722-08E,
Foster
Care/Juvenile
Justice Action
Summary**

This item has been updated to reflect timeframes and requirements for completion of the DHS-69, Foster Care/Juvenile Justice Action Summary, due to:

- Child fatality.
- Caseworker/organization change.
- Parent contact information change.
- Foster care transfer to adoption.
- Placement change.
- Temporary break.
- Foster care or juvenile justice program closure.

**6) FOM 722-09C,
Foster Care -
Foster Care Action
Summary**

This item has been moved to [FOM 722-08E - Foster Care/Juvenile Justice Action Summary](#).

Reason: Reorganization of policy manuals.

**7) FOM 722-15,
Case Closing**

Orders Terminating MDHHS Supervision

Clarification was added regarding timeliness requirements for entry of the order terminating MDHHS supervision of a child. The department must enter the court order terminating the department's supervision of the child(ren) in MiSACWIS within 10 calendar days of receipt and no later than 60 days from dismissal of court jurisdiction.

Discharge Documents

Policy has been updated to include discharge documents that must be provided to the child's parent/legal guardian at case closure.

Specific discharge documents required to be provided to youth leaving care at ages 13 or older, 14 or older, or 18 or older were updated and moved to this item from [FOM 722-03C, Older Youth: Preparation, Placement, and Discharge](#).

Minor Corrections

Hyperlinks were updated and minor corrections were made to this item.

Legal citations were added and updated.

**8) FOM 903-04,
Purchased Care
Payment
Procedures**

Placement Exception Requests

Placement exception request requirements were removed from this item, as this information is now contained in FOM 722-03E, Placement Exception Requests and Approvals. A link to FOM 722-03E was added.

Payment for Unlicensed Relatives

Funding sources for payment of treatment/administration rates and maintenance rates for unlicensed relative placements were updated.

Minor Corrections

Hyperlinks were updated and minor corrections were made to this item.

EFFECTIVE

October 1, 2019.

Subject(s)

FOM 722-06A, Criminal Record Check - Law Enforcement Information Network (LEIN)

This item was reviewed and is being republished without updates. This item will be obsoleted once all items that link to it are revised and updated to link to [SRM 700, Law Enforcement Information Network \(LEIN\)](#).

EFFECTIVE

October 1, 2019.

Subject(s)

FOM 722-06E, Consumer Credit Reports

When any youth under the age of 18 leaves care, the caseworker must recommend to the permanent caregiver that a credit check be completed.

For youth who are currently in care, it is the Credit Reporting Technician (CRT) who completes the request for the credit report.

For youth who re-enter foster care through the Youth Adult Voluntary Foster Care Program (YAVFC) program, a credit report will be completed if one has not been completed within the last year.

FOM 950, Youth in Transition Program

Increase in allowable funding for prom dress or tuxedo rental for senior program to \$150. This can include shoes and accessories.

Clarification that youth who have reached the 5-year allowed maximum of Education and Training Voucher (ETV) funding cannot use YIT funding for post-secondary expenses.

Clarification about required paperwork for a vehicle purchase.

Clarification that a service authorization must be completed in MiSACWIS for open cases receiving YIT.

EFFECTIVE

November 1, 2019.

Subject(s)

1) Timeframes for Initial Parenting Time

The first parenting time after removal must occur within seven calendar days of removal.

2) Supervision of Parenting Time

Caseworker Supervision of Supervised Parenting Time

When supervised parenting time is being supervised by individuals other than the assigned caseworker, the assigned caseworker must supervise at least one parenting time during the first 30 days after removal and once per quarter thereafter to assess parent/child interactions and attachment.

Caseworker Observation of Unsupervised Parenting Time

When parenting time is unsupervised, the caseworker is not required to observe parenting time, but may do so at their discretion. If the caseworker is not observing unsupervised parenting times, they may base their assessment of parent/child interactions and attachment on information obtained from the child(ren), parent(s), service providers, and their observations of parent/child interactions on settings other than parenting time.

3) Sibling Visitation

Siblings who are placed apart and who are seeing each other at least once per month during parenting time visits are no longer required to have a separate sibling visit each month.

EFFECTIVE

November 1, 2019.

Subject(s)

1) FOM 722 03B, Relative Engagement and Placement

- Removed all references to the DHS-875 Waiver of Foster Home Licensure. The waiver is no longer required and is obsolete.
- Updated every reference to the Initial Relative Safety Screen to the updated title; Relative Placement Safety Screen.

2) FOM 923, Relative Licensing and Waivers

- Removed all references to the DHS-875 Waiver of Foster Home Licensure.
- Removed Waivers from the policy heading. FOM 923 is now Relative Licensing.

EFFECTIVE

November 1, 2019.

Subject(s)

FOM 902, Funding Determinations and Title IV-E Eligibility

This policy item was changed to reflect some changes and examples in the removal/placement episode start and end reasons.

This policy item was updated to reflect changes from CI-17-126, Trust Accountant Decisions for Title IV-E Determinations. The requirement that title IV-E cannot be claimed while the child is receiving Supplemental Security Income (SSI) was removed from policy effective 10/1/17.

The CI-17-139, Independent Living Payment Schedule Change, effective 1/8/18 allows independent living to be a title IV-E reimbursable placement for youth age 18 and older who are not also in the Young Adult Voluntary Foster Care (YAVFC) program. Contact the MDHHS-federalcompliance@mdhhs.state.mi.us for instructions on how to change this for applicable youth in MiSACWIS.

The details from CI-18-033, Determination of Title IV-E Age Eligibility, were added into this policy item. The new form MDHHS-5717, Determination of Title IV-E Age Eligibility, was added to policy.

A few other clarifications were provided based on feedback from the field.

EFFECTIVE

November 1, 2019.

Subject(s)

FOM 903-3, Payment for Family Foster Care

This item has been updated to further clarify the expectations of documentation and timeliness of completing the determination of care (DOC) assessments. The forms DHS-668, Notification of Determination of Care (DOC) Decision, DHS-669, Local MDHHS Response to Administrative Review Request for Determination of Care (DOC) Denial, and DHS-670, Federal Compliance Division (FCD) Decision to Administrative Review Request for Determination of Care (DOC) Denial, have also been updated.

A DHS-668 must be completed with the foster parent signature with every DOC assessment completed. This is a new requirement and will ensure that the foster parent is aware of the approved rate. If the foster parent does not agree with the rate, the administrative review process is initiated.

This requirement is also being added to assist the adoption assistance program office. Often appeals of the adoption assistance rate are filed by adoptive parents who did not understand or agree with the DOC rate and did not clearly understand their rights to an administrative review.

Policy Contact

Questions regarding this policy update can be forwarded to mdhhs-federalcompliance@mdhhs.gov.

EFFECTIVE

November 1, 2019.

Subject(s)

1) Required Discussion with Children

Removed required topics for discussion during worker child visits.

2) Required Discussion with Parent/Guardian

Removed required topics for discussion during worker parent visits.

EFFECTIVE

November 1, 2019.

Subject(s)

1) FOM 901-6, Legal Status

Clarifications were added to this policy item. CI-18-100, Legal Status 44 Change was incorporated into policy. The last court action to terminate parental rights must be a release for a child to be committed as an Act 296. The fund source for dual wards is based on the commitment legal status not the delinquent legal status.

2) FOM 901-7, Service Types and Living Arrangements

Hyperlinks and policy references were updated.

3) FOM 901-8, Fund Sources

Hyperlinks and policy references were updated. Child Care Fund (CCF) details were removed and this item instead refers to [SRF 904, Child Care Fund Handbook Published Policies and Procedures](#).

4) FOM 901-9, Payment Source Guide

Changes were made to reflect that all payments including Child Care Fund source are made from MiSACWIS. Details on fund source changes by age were added to this policy item.

5) FOM 903-1, Payment Overview

The title of the policy item was changed from Introduction to Paid Service Authorizations to Payment Overview. Hyperlinks and policy references were updated. FOM 903-14, Payment Systems Procedures is obsolete and the information was moved to this policy item.

Processes regarding the state paying first for foster care were incorporated in this policy. The time limits for foster care payments section has also been updated with current requirements.

6) FOM 903-8, Payments Requiring Special Processing

Hyperlinks and policy references were updated. Language was changed to clarify that effective 4/1/19 relatives of temporary court wards can receive payment without being licensed. Independent

living payments can be made from title IV-E for youth age 18 and older who are otherwise reimbursable. A fund source override may be needed until MiSACWIS changes are made by emailing the Federal Compliance Division (FCD) at mdhhs-federalcompliance@michigan.gov.

Serious emotional disturbance (SED) waiver and treatment foster care information was removed from this policy item and moved to [FOM 903-3, Payment for Family Foster Care](#).

7) FOM 903-9, Case Service Payments

Several updates were made to this policy item to clarify the payment processes. CI-14-103, 15-023, 16-009, 17-169, and 18-001, all regarding transportation payments, have been incorporated into this policy item.

Changes have been made to both the Assisted Care and One-on-One Supervision sections to reflect the requirements of the program and that these case services are eligible for title IV-E funds.

8) FOM 903-13, Children's Benefit Fund

This policy item was obsoleted as the fund is no longer available.

9) FOM 903-14, Payments Systems Procedures

This policy item was obsoleted and information was moved to FOM 903-1, Payment Overview.

10) FOM 905-3, Foster Care Rates

Hyperlinks and policy references were updated.

11) FOM 905-5, Rates for Child Care Institutions and PAFC Providers (A-Z)

This policy item was updated to correct the hyperlink to the rate spreadsheet.

CHILDREN'S PROTECTIVE SERVICES

EFFECTIVE

February 1, 2019.

Subject(s)

1) Commencement

PSM 713-01, CPS Investigation - General Instructions and Checklist

Commencement definition and description were moved from PSM 712-4, Intake - Minimal Priority Response Criteria. The commencement definition and description were altered to incorporate additional activities which could be taken to begin an investigation and successfully complete commencement.

2) History/Trends

PSM 713-01, CPS Investigation - General Instructions and Checklist

History and trends were moved from PSM 713-10, CPS Investigation Report. Eight specific areas for a thorough history/trends search were added to policy.

3) Mandated Reporter Follow Up

PSM 713-01, CPS Investigation - General Instructions and Checklist

Verbal follow-up with mandated reporter for the purpose of obtaining additional information or seeking clarification/verification of information is no longer required. Caseworkers may contact the mandated reporter for additional information or to begin the investigation, to complete commencement.

4) Threatened Harm

PSM 713-08, Special Investigative Situations and PSM 713-11, Assessments

Current threatened harm has been removed from policy. Policy also requires a threatened harm assessment. The threatened harm assessment has been broken down into five major areas:

- Severity of past behavior.
- Length of time since past incident.
- Evaluation of services.
- Benefit from services.
- Vulnerability of child.

5) Safety Assessment

PSM 713-11, Assessments^[GJ(1)]

Policy regarding Safety Assessment was moved from PSM 713-01, CPS Investigation - General Instructions and Checklist. The Safety Assessment must be completed at or near the end of the

investigation, when sufficient evidence and information has been collected to accurately complete the tool.

Reason: CSA recommendation as a result of Operation Excellence, a response to the OAG CPS Investigation audit findings.

7) FANS/CANS

PSM 713-11, Assessments

Policy regarding FANS/CANS were moved from PSM 713-12, Family and Child Assessments of Needs and Strengths.

FANS/CANS are not required to be completed during the investigation period.

Policy regarding CANS contains thorough definitions and descriptions for all assessment items.

8) Supervisory Oversight

PSM 713-14, Supervisory Oversight

Policy item was created to detail supervisor responsibilities for investigation oversight and approval. The policy describes requirements for the Supervisor Control Protocol and the supervisor checklist.

9) Obsoleted Policy Items

PSM 712-9, Notification to Mandated Reporters

PSM 713-03, Face-to-Face Contact

PSM 713-09, Completion of Field Investigation

PSM 713-10, CPS Investigation Report

PSM 713-12, Family and Child Assessments of Needs and Strengths

EFFECTIVE

March 1, 2019.

Subject(s)

1) Face-to-Face Contact with Other Children

PSM 713-01, CPS Investigations - General Instructions and Checklist

Caseworkers must make face-to-face contact with the following other (non-victim children) including:

- All children who reside or visit the home where the alleged abuse/neglect occurred.
- Children of the alleged perpetrator.
- Children who reside or visit the home of the alleged perpetrator.

All children requiring contact in an investigation must be added as investigative persons to the case within MiSACWIS.

2) Interviews with Adults

PSM 713-01, CPS Investigations - General Instructions and Checklist

Caseworkers are not required to make face-to-face contact with uninvolved putative parents.

Caseworkers should also collect information on previous names/aliases during interviews with adults.

Removed requirement to inquire on medication prescribed.

3) Alleged Perpetrator Refuses to Participate

PSM 713-01, CPS Investigations - General Instructions and Checklist

In instances in which a child is at imminent risk and the alleged perpetrator is not willing to cooperate, caseworkers may consider safety planning with a non-offending parent or caregiver or filing a petition to request removal of the perpetrator from the home.

4) Photographs

PSM 713-01, CPS Investigations - General Instructions and Checklist

Requirement to request permission from a parent or caregiver prior to taking a photograph was removed.

5) Case Conference

PSM 713-01, CPS Investigations - General Instructions and Checklist

Case conferences must occur between the assigned caseworker and supervisor at least once in every investigation. If an extension is requested, a case conference must also be held during each extension.

Reason: CPS Program Office Recommendation

6) Maltreatment in Care

PSM 714-5, Maltreatment in Care

PSM 714-5 has been added to the Protective Services Manual.

PSM 716-9, New Complaint when a Child is in Foster Care, has been removed from the manual.

EFFECTIVE

August 1, 2019.

Subject(s)

1) Contact with Other Children

PSM 713-01, CPS Investigation - General Instructions and Checklist

When barriers exist to making contact with other (non-victim) children caseworkers are able to complete a collateral contact to gain information about the child's wellbeing instead of making face-to-face contact.

2) Contact with Adults

PSM 713-01, CPS Investigation - General Instructions and Checklist

Eliminated face-to-face contact with parents who are not involved in the care of the child(ren), adults residing in the home, or legal parents of other (non-victim) children. Telephone contact is allowable and acceptable with these individuals.

3) Adult Interview Requirements

PSM 713-01, CPS Investigation - General Instructions and Checklist

Reduced interview requirements for adults but provides a comprehensive description of intent and direction for interviews. Caseworkers will have discretion to determine what interview questions are appropriate to meet the objective of the contact as outlined in policy.

4) Vulnerable Children

PSM 713-04, Medical Examination and Assessment

Expands allowance for collateral contacts for children identified as vulnerable children and eliminates medical exams as a requirement when specific information cannot be obtained.

September 1, 2019.

Subject(s)

**1) PSM 713-01,
CPS Investigation -
General
Instructions**

Visual Assessment

Amended to require parental consent and only one adult to be present (may be the consenting parent) to view buttocks/genitalia on children under the age of 6.

Investigation Checklist

References regarding completion of investigation checklist were removed. The Supervisory Control Protocol (SCP) will satisfy the requirement by Child Protection Law for the investigation checklist.

Interview Requirements

Caseworkers only need to inquire of out of state residency for alleged perpetrators within the previous 10 years. Other case members do not require out of state inquiry.

Parents Who Are Incarcerated

To promote engagement with parents who are incarcerated, requirements were removed regarding collection of specific information collected including:

- Prisoner or jail identification number.
- Prison or jail facility.
- The charge or conviction offense.
- The parole or release eligibility date.

History/Trends

Assessment of history/trends is required for investigation persons including:

- Legal and putative parent(s) involved in the care of the alleged child victim(s).
- Legal guardian(s) of the alleged child victim(s).
- Alleged and/or confirmed perpetrator(s).
- Alleged and/or confirmed child victim(s).

Caseworkers are only required to seek out of state history for alleged perpetrators who have resided out of the state within the

previous 10 years. All other case members do not require out of state inquiry.

Extension Request

Updated information regarding an extension request outside of allowable circumstances to direct that the request be sent to the Children's Services Agency executive director or designee, instead of deputy director of field operations.

2) PSM 713-14, Supervisory Oversight

Supervisor Checklist

Requirements and reference to the supervisor checklist in MiSACWIS were removed. The Supervisory Control Protocol (SCP) fulfills the legal requirement to complete an investigation checklist.

3) PSM 714-01, Post-Investigative Services

Location of Visits

References to requirements regarding location of visits, specifically that majority of visits or final visit must occur in the home were removed.

Safe Sleep

Ongoing caseworkers should discuss safe sleep practice with parents of newborn children as needed and assist with obtaining items as needed. Removed requirements to educate and observe safe sleep at every visit.

Overall Editing, Refinement and Hyperlinks

Minor clarification and reorganization of sections within the policy item. Added hyperlinks.

4) PSM 716-07, Complaints Involving Substances

Verification of Medication

Removed requirement to contact medical professionals to verify medication.

Medical Marijuana

Removed section regarding medical marijuana from policy due to legal recreational use of marijuana allowable by state law.

Overall Editing and Refinement

Minor clarification and reorganization of sections within the policy item as well as overall editing.

EFFECTIVE

Subject(s)

1) Prison Rape Elimination Act (PREA)

Under PREA there may be instances when a juvenile justice facility will conduct an investigation for which there is CPS-MIC involvement. Coordination in investigations and sharing of reports may occur.

2) Visual Assessment

Caseworkers may request to view buttocks or genitalia up to the age of 6 with parent or Michigan Children's Institute (MCI) superintendent permission. An adult (which may be the child's parent or foster parent) must be present for the observation involving buttocks or genitalia.

3). Item Correction

Corrected minor wording error in case closure for Child Care Licensed Program (CCLP) and camp investigations.

EFFECTIVE

October 1, 2019.

Subject(s)

PSM 713-01, CPS Investigation - General Instructions

History/Trends

Caseworkers may use central registry clearance results obtained as part of a preliminary investigation within the history/trends.

EFFECTIVE

December 1, 2019.

Subject(s)

PSM 713-14, Supervisory Oversight

Supervisory Control Protocol (SCP) Variance

Added guidance for local offices to establish a written procedure to assure timely completion of SCP in circumstances when a supervisor is not available for more than three days.

EFFECTIVE

December 1, 2019.

Subject(s)

1) PSM 713-08, Special Investigative Situations

DHS-3, Sibling Placement Evaluation

Caseworkers only need to complete the DHS-3, Sibling Placement Evaluation, for the following:

- The caseworker is filing a petition and is requesting a removal, but one or more child(ren) will remain in the home.
- A new child is born into a home where one or more siblings are currently in foster care and the new child will remain in the home.

Requirements were removed regarding completion of the Sibling Placement Evaluation for the following:

- When siblings are/were permanent wards as a result of CA/N court action and the caseworker is not filing a petition.
- When the caseworker has recommended removal of all the children, but the court did not order removal of all the children

Voluntary Foster Care

Added information from PSM 716-03, Voluntary Foster Care.

Accept and Link

Removed certain accept and link requirements to coincide with previous policy changes.

2) PSM 715-2, Court Involvement and Placement of Children

Title Change

Policy renamed from Removal and Placement of Children to Court Involvement and Placement of Children. Clarified and reorganized sections within the policy.

3) PSM 716-3, Voluntary Foster Care

Obsolete

PSM 716-3, Voluntary Foster Care, is obsolete. This information is now in PSM 713-08, Special Investigative Situations.

**4) PSM 716-4,
Complaints
Involving a Known
Perpetrator Moving
in with a New
Family**

Obsolete

PSM 716-4, Complaints Involving a Known Perpetrator Moving in with a New Family, is obsolete. This information is now in PSM 713-08, Special Investigative Situations.

EFFECTIVE

December 1, 2019.

Subject(s)

PSM 714-4, CPS Updated Services Plan And Case Closure.

Time Frame for Completion

Requirements of USP reports changed to being required 60 days after disposition for all investigations.

COMMUNITY RESOURCE

EFFECTIVE

January 1, 2019.

Subject(s)

Community Resource Policy Manual Update

The following items in the Community Resource Manual (CRM) have been updated to reflect changes in form names, web-based tools, and in terminology such as Main to Sigma:

- CRM 200, Forms Used by Community Resource Program.
- CRM 300, Volunteer Services - Web-based Monthly Activity Reporting System.
- CRM 402, ICHAT - Internet Criminal History Access Tool.
- CRM 403, Intake Interview Guidelines.
- CRM 500, Best Practices.

EFFECTIVE

March 1, 2019.

Subject(s)

Volunteers may be reimbursed for meals and lodging when performing services authorized by MDHHS staff that requires them to be away from home during regular meal hours based on current [employee travel regulations](#) if travel commences prior to 5:30 pm and extends beyond 8:00 pm.

CONTRACT POLICY

EFFECTIVE

February 1, 2019.

Subject(s)

Several Contract Policy Manual (CPM) sections have been revised. Revisions specific to each section are provided below. Throughout the sections, the following revisions are common:

- Office of Contracts and Purchasing, OCP, Bureau of Purchasing, and BOP were replaced by Bureau of Grants and Purchasing or BGP.
- SIGMA terminology was incorporated (e.g., replacing agreement request form with RQN, replacing DHS-138-CPS with CSRQ, or replacing Buy4Michigan with SIGMA).

The following CPM sections have been revised:

CPM 100

Links to the BGP website in the introduction and Forms section were fixed.

CPM 101

Only the common revisions described above.

CPM 102

The link to the CS 138 Requests website in the introduction was fixed and renamed to Personal Services Review website.

An amendment to a personal services request cannot be used to both increase the amount and increase the time period by one year or more.

In the Services Outside Civil Service Jurisdiction section, the link to the MCSC website was fixed.

CPM 107

The exceptions to competitive bidding were removed from the introduction. The Bureau of Grants and Purchasing complies with the Department of Technology, Management and Budget's Michigan Procurement Policy Manual. All exceptions to competitive bidding can be found there.

CPM 109

Only the common revisions described above.

CPM 202

The BGP analyst/buyer now forwards contracts to the MDHHS authorized signatory.

CPM 204

Only the common revisions described above.

CPM 205

The DTMB website link in the introduction was fixed, and correct names were provided for the three forms listed below that link.

The threshold amounts for State Administrative Board approval were corrected.

CPM 209

Medical supplies and medicines prescribed by an attending physician were removed from the examples of allowable uses of specific assistance funds.

CPM 300

The BGP analyst/buyer now forwards amendments to the MDHHS authorized signatory.

CPM 301

Only the common revisions described above.

CPM 302

Only the common revisions described above.

CPM 305

The termination letter process was deleted. The instructions needed by a contract administrator to begin the termination process are on the CM-0005, Agreement Termination Request.

CPM 500

Only the common revisions described above.

The following CPM Sections have been deleted:

CPM 201

EFFECTIVE

July 1, 2019.

Subject(s)

Contract Policy Manual Item 205 has been revised. The following sentence was deleted.

The start date for any contract or grant requiring State Administrative Board (SAB) approval cannot precede the date of the first SAB meeting at which approval can be obtained.

EFFECTIVE

August 1, 2019.

Subject(s)

Contract Policy Manual (CPM) 205, State Administrative Board Approval

The threshold at which contracts and amendments must be approved by the State Administrative Board decreased to \$250,000. Also, references to grant approvals and the DTMB-3527, Grant Abstract, were deleted from the introduction.

GRANTS

EFFECTIVE

October 1, 2019.

Subject(s)

The initial version of the Michigan Department of Health and Human Services (MDHHS) Grants Policy Manual (GPM) is now published with the following items:

GPM 100

This item contains general information about MDHHS outgoing grant agreements.

GPM 110

This item contains the roles of program office, Bureau of Grants and Purchasing, Bureau of Budget, and Bureau of Finance and Accounting staff related to outgoing grant management, and the responsibilities that may go along with those roles.

GPM 120

This item contains MDHHS policy for requesting and approving outgoing grants.

GPM 130

This item contains MDHHS policy for selecting grantees.

GPM 140

This item contains MDHHS policy for allowable grantee costs.

GPM 150

This item contains MDHHS policy for executing grant agreements.

GPM 155

This item contains MDHHS policy for amending outgoing grant agreements.

GPM 160

This item contains MDHHS policy for terminating grant agreements.

GPM 170

The purpose of this policy is to establish a procedure for the MI E-Grants MDHHS system administrators to use the system impersonation functionality.

JUVENILE JUSTICE FIELD SERVICES

EFFECTIVE

May 1, 2019.

Subject(s)

JJ2 285, Suspected Abuse & Neglect

Reporting procedures for juvenile justice specialists are in [APR 200, Mandated Reporter - Child](#) and [APR 201, Mandated Reporter - Adult](#).

Clarifications are provided on how to report allegations of police abuse and misconduct related to a youth under MDHHS care and supervision.

Updates to the legal base to include:

- 34 USC 12601(a), Cause of action.
- 42 USC 2000d, Prohibition against exclusion from participation in, denial of benefits of, and discrimination under federally assisted programs on ground of race, color, or national origin, et seq.
- 18 USC 242, Deprivation of rights under color of law.
- 34 USC 10228(c), Discrimination prohibited; notice of non-compliance; suspension and restoration of payments; hearing; civil action by Attorney General; private action, attorney fees, intervention by Attorney General.
- Child Protection Law, 1975 PA 238, MCL 722.623.

EFFECTIVE

November 1, 2019.

Subject(s)

JJ4 410, Placement Selection and Standards

JJ4 410, Placement Selection and Standards will now include a new section "Post Jurisdictional Services" addressing Independent Living services, Young Adult Voluntary Foster Care (YAVFC) and Job Corps.

Updates to Legal Base include:

- Social Security Act, 42 USC 675(1)(D).
- Social Security Act, 42 USC 675(8)(B)(ii)-(iv).
- Young Adult Voluntary Foster Care Act, 2011 PA 225, MCL 400.641 et seq.
- Licensing Rules for Child Placing Agencies, Mich Admin Code, R 400.12418 - R 400.12420.

JJ2 221, Young Adult Voluntary Foster Care for Juvenile Justice

This policy item is obsolete as YAVFC information has been moved to JJ4 410, Placement Selection and Standards.

JJ4 440, Independent Living

This policy item is obsolete as Independent Living information has been moved to JJ4 410, Placement Selection and Standards.

EFFECTIVE

December 1, 2019.

Subject(s)

JJ6 640, Purchase of Family Based Services.

This policy item is obsolete. Historical policy is available under the prior versions for State of Michigan (SOM) employees and through the Michigan History Center Archives for the general public. SOM users change the Effective Date in the Open/Jump/Search menu to view items historically.

EFFECTIVE

December 1, 2019.

Subject(s)

JJ4 470, Detention Alternatives, Detention and Jail Requirements.

This policy item has been updated to include transportation exclusions and non-reimbursable costs for Regional Detention Support Services (RDSS). Updates also includes procedures

limiting when a juvenile charged and detained for a status offense can be placed in a secure detention facility.

Updates were made to the legal base to include:

- Juvenile Justice Delinquency and Prevention Act of 1974, 34 USC 11133, Sec 223(23)(a)-(d).
- Prison Rape Elimination Act National Standards for Prisons and Jails, 28 CFR 115.14.
- The Code of Criminal Procedure, 1927 PA 175, as amended, MCL 764.27A et seq.
- Public Health & Welfare Act, State Plan, 42 USC 5633 (11)(A) et seq.
- Gun Control Act of 1968, 18 USC 922(x)(2)-(6).
- The Probate Code, 1939 PA 288, MCL 712A.18 et seq.
- The Probate Code, 1939 PA 288, MCL 712A.15(5).
- The Probate Code, 1939 PA 288, 712A.16(1).
- Michigan Court Rules, 3.935 (D)(1)(a)-(g).

JUVENILE JUSTICE RESIDENTIAL

EFFECTIVE

March 1, 2019.

Subject(s)

JR1 100, Screening & Ongoing Checks for Staff

JR1 100, Screening, Hiring and Employment is renamed, JR1 100, Screening & Ongoing Checks for Staff. This item has been revised to remove LEIN information and provides clarification for state run and private, contracted juvenile justice residential facilities on screening and ongoing checks for staff. This item was updated to include job posting requirements for state run juvenile justice facilities, pre-employment screening and ongoing background checks, timeframes of completion and where to document the results of these checks.

This item was updated to include Prison Rape Elimination Act of 2003 (PREA) requirements, licensing rule requirements and federal and state law requirements for state run and private, contracted juvenile justice residential treatment facilities.

Added the definition for staff, which includes not only facility staff but volunteers, contractors and sub-contractors.

This item updates the legal basis to include:

- Dru Sjodin National Sex Offender Public Database Act of 2005, Section 3(a)(1)(2).
- Prison Rape Elimination Act National Standards, Hiring and Promotion Decisions, 28 CFR 115.317(a)-(h).
- Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.119.
- Child Protection Law, 1975 PA 238, as amended, MCL 722.627j.
- Sex Offenders Registration Act, 1994 PA 295, as amended, MCL 28.721a et seq.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4101(ii).
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4112-400.4114.
- Licensing Rules for Child Caring Institutions, Mich Admin Code, R 400.4139.

JR1 101, Volunteer Qualification and Supervision

Incorporated volunteer qualification requirements into JR1 100, Screening and Ongoing Checks for Staff. JR1 101 is obsolete.

Historical versions are still available by changing the effective date.

JR1 102, Communicable Disease Testing

Tuberculosis testing requirements for staff have been incorporated into JR1 100, Screening and Ongoing Checks for Staff. Child Caring Institutions are not required to conduct Hepatitis testing. JR1 102 is being obsoleted.

Historical versions are still available by changing the effective date.

EFFECTIVE

May 1, 2019.

Subject(s)

JR5 512, Suspected Abuse and Neglect

JR5 512, Suspected Abuse and neglect, was updated to link [APR 200 Mandated Reporter-Child](#) and [APR 201 Mandated Reporter-Adult](#) for reporting requirements and procedures.

Updates were made to the legal base to include:

Child Protection Law, 1975 PA 238, MCL 722.622 et seq.

EFFECTIVE

October 1, 2019.

Subject(s)

JR2 200, Juvenile Justice Assignment Unit and Admissions

This item was updated to include the requirement to provide the youth's parent(s)/legal guardian(s) and referral sources the facility's policies and procedures regarding restraint upon a youth's admission to a state run and private, contracted juvenile justice residential treatment facility.

Legal base was updated to include:

The Child Care Organizations Act, 1973 PA 116, as amended, MCL 722.112d(5)(a)-(d).

Form

MDHHS-5605, Juvenile Justice Residential Youth Orientation Checklist.

EFFECTIVE

November 1, 2019.

Subject(s)

JR2 202, Residential Screening and Assessments

This item was updated to include Prison Rape Elimination Act (PREA) standards which require facility staff to schedule a follow up with a medical and/or mental health practitioner within 14 days if the results of the PREA screening indicate that the youth has experienced prior sexual victimization or has previously perpetrated sexual abuse.

Legal base was updated to include:

Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.381(a) & (b).

Reason: PREA juvenile standards

JR5 540, Youth to Staff Ratio

This item was updated to include Prison Rape Elimination Act (PREA) standards which require facility staff to allow youth to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

This item was also updated to include Prison Rape Elimination Act (PREA) standards which require facility staff of the opposite gender to announce their presence when entering a youth housing unit.

Legal base was updated to include:

Prison Rape Elimination Act National Standards, Subpart D- Standards for Juvenile Facilities, 28 CFR 115.315(d).

EFFECTIVE

November 1, 2019.

Subject(s)

JR2 202, Residential Screening and Assessments, and JR5 540, Youth to Staff Ratio

JR2 202, Residential Screening and Assessments, and JR5 540, Youth to Staff Ratio, published in the JRB 2019-004 policy bulletin is recinded.

NATIVE AMERICAN AFFAIRS

EFFECTIVE

March 1, 2019.

Subject(s)

Updated title of MDHHS-5598 form (all).

Added reference to CPS Release of Information Guide - Tribal and CPS Investigation Flow Chart resources (NAA 233).

REFERENCE MANUALS

EFFECTIVE

January 1, 2019.

Subject(s)

RFS 205, Children's Foster Care Payment Schedule, and RFS 206, Independent Living Payment Schedule, have been updated.

EFFECTIVE

January 1, 2019.

Subject(s)

The following items were updated with 2019 dead-lines, pay dates and payment levels.

- RFS 106, State SSI Payment Payroll Deadline Schedule (SSI Programs A, B and E) (FIS/ES and Services).
- RFS 305, Bridges Cash and FAP Transaction Deadlines and Issuance Schedules.
- RFT 235, SDA Payment Rates for Special Living Arrangements.
- RFT 245, Special Protected Income Levels.
- RFT 247, SSI-Related MA Allocation and Deeming Allowances.
- RFT 248, SSI Payment Levels.

EFFECTIVE

January 1, 2019.

Subject(s)

Medical authorization payment information for Child Support and Employment Related disability has been removed; see [BAM 115, Application Processing](#), and [BAM 435, Provider Management](#).

EFFECTIVE

January 1, 2019.

Subject(s)

RFS 107, Home Help Payment and Authorization Schedule.

Individual Home Help caregivers are required to submit an Electronic Services Verification (ESV) or Paper Services Verification (PSV) into the Community Health Automated Medicaid Processing System (CHAMPS) to receive payment. Receipt of

payment is based on the date an ESV is submitted in CHAMPS or a PSV is received by MDHHS.

Tasks can be entered and submitted in CHAMPS for ESVs the day services are provided or entered and submitted for the entire month on the last day of the month. PSVs must be received by MDHHS starting the first day of the following month services were provided. PSVs for future months are not acceptable.

EFFECTIVE

January 1, 2019.

Subject(s)

Monthly Special Protected Income Levels for SSI living in the household of another is \$772.

EFFECTIVE

March 1, 2019.

Subject(s)

Narrative Text Removed

**Narrative Text
Removed**

RFT 270

The narrative text has been removed from reference table RFT 270. This information either already exists in the Bridges Eligibility Manuals (BEM) or has been added with this release.

The information removed from RFT includes the details of income eligibility (found in BEM 703, BEM 706), family contributions (found in BEM 703, BEM 706) and child care fees (found in BEM 706).

Note: New payment information was added to BEM 706 with the March 2019 update related to Block Payment Rates.

EFFECTIVE

April 1, 2019.

Subject(s)

AD Care and Medicare Savings Program (MSP) income limits

RFT 242

Effective April 1, 2019 the MSP and AD Care income limits will increase.

EFFECTIVE

April 1, 2019.

Subject(s)

RFT 242, Medicare Savings Program limits

The 2019 income limits for the Medicare Savings Program published with a typographical error. The correct lower income for the limited-coverage QMB (SLM) is \$1061.01.

EFFECTIVE

October 1, 2019.

Subject(s)

Annual Federal cost of living changes for the Food Assistance Program (FAP)

RFT 250, 255, 260

Bridges is updated to support the annual cost-of-living updates for the FAP standards. The update will appear in Bridges budgets with the effective date of October 1, 2019.

The Food and Nutrition Service (FNS) has determined the monthly FAP issuances are increased for all group sizes. The maximum shelter deductions increased from \$552 to \$569. Additionally, FNS has determined the heat and utility standard used in calculating FAP benefits has decreased from \$543 to \$518. The telephone standard has decreased and the remaining standards increased. The FAP standard deduction for all group sizes has increased.

Note: The FAP monthly minimum issuance amount for group sizes 1 and 2 has increased from \$15 to \$16.

EFFECTIVE

November 1, 2019.

Subject(s)

RFS 205, Children's Foster Care Payment Schedule, and RFS 206, Independent Living Payment Schedule, have been updated for the period September, 2019 - December, 2020.

EFFECTIVE

November 1, 2019.

Subject(s)

RFS 107, Home Help Provider Payment and Authorization Schedule.

Individual Home Help caregivers are required to submit an Electronic Services Verification (ESV) or Paper Services Verification (PSV) into the Community Health Automated Medicaid Processing System (CHAMPS) to receive payment. Receipt of payment is based on the date an ESV is submitted in CHAMPS or a PSV is received by MDHHS.

Tasks can be entered and submitted in CHAMPS for ESVs the day services are provided or entered and submitted for the entire month on the last day of the month. PSVs must be received by The Michigan Department of Health and Human Services (MDHHS) starting the first day of the following month services were provided. PSVs for future months are not acceptable.

SERVICES REQUIREMENTS

EFFECTIVE

February 1, 2019.

Subject(s)

SRM 110, Obligation to Report Suspected Abuse and Neglect

SRM 110 addresses the requirements for reporting suspected child abuse and neglect and suspected abuse, neglect, and maltreatment of adults by mandated reporters. This item replaces FOM 722, DHS Employee Obligation to Report Suspected Abuse and Neglect.

EFFECTIVE

February 1, 2019.

Subject(s)

SRM-133, Response to the Office of the Family Advocate

SRM-133, Response to the Office of the Family Advocate has been updated to reflect bureau and department name changes and MiSACWIS.

EFFECTIVE

February 1, 2019.

Subject(s)

1) LEIN UPDATES

SRM 700, Law Enforcement Information Network (LEIN)

- Required Request for Children's Protective Services (CPS) to include updated required LEIN clearances.
- Changed the word LEIN check to be consistent with the used term LEIN clearance.
- Requesting a LEIN Record to include specific requirements for MiSACWIS case file users.
- Required Request for Foster Care (FC) and Juvenile Justice (JJ), to include outlining policy requirements, clarification on specific persons with whom a LEIN clearance is required and removal of running a LEIN clearance on minors.

**2) REIMBURSEMENT
PROCEDURE
CLARIFICATION**

SRM 401, Effective Communication for Persons who are Deaf, Deafblind, or Hard of Hearing

SRM 402, Limited English Proficiency and Bilingual Interpreter Services

Minor clarification regarding the reimbursement procedures for interpreter services.

EFFECTIVE

April 1, 2019.

Subject(s)

SRM-132, Response to the Office of Children's Ombudsman

SRM-132, Response to the Office of Children's Ombudsman, has been updated to reflect bureau and department name changes and MiSACWIS.

EFFECTIVE

September 1, 2019.

Subject(s)

Services General Requirement (SRM) 700, Law Enforcement Information Network (LEIN)

The following changes were made to *Required LEIN Request for Children's Protective Services (CPS)*:

The requirement for CPS staff to document verified criminal history information in the social work contacts has been removed.

Consolidated documentation of the following must be entered in the disposition tab in MiSACWIS:

- Names of individuals with whom a LEIN clearance was requested.
- Source of secondary verification (such as ICHAT, etc.).
- A description of the verified information as it relates to the investigation or child safety, if applicable.

EFFECTIVE

October 1, 2019.

Subject(s)

Child Care Fund Handbook Published Policies and Procedures Effective State Fiscal Year 2020

This document comprises the Child Care Fund Handbook and is the published policies and procedures authority referred to in the Michigan administrative rules, Mich Admin Code 400.2001(m).

This Child Care Fund (CCF) Handbook is a reflection of Michigan statute, administrative rules, Michigan Department of Health and Human Services policy, Michigan Supreme Court's Juvenile Court Standards and Administrative Guidelines, Michigan Department of Treasury's Accounting Procedures for Local Units of Government, and Michigan case law, which provide the program authority for administering the CCF program.

Updates include:

- Added new in-home care (IHC) criteria specifically for Court Appointment Special Advocate (CASA) programs.
- Removed language prohibiting payment to unlicensed relatives.
- Added information related to documenting personnel time and expenditures.

- Updated information related to on-site monitoring reviews.
- Updated forms/documents required to submit a completed Annual Plan & Budget.
- Clarified language in advance of State Pays First (SPF), effective 10/01/2019.

STATE EMERGENCY RELIEF

EFFECTIVE

February 1, 2019.

Subject(s)

1) Application Procedures

ERM 103

Note regarding the DHS-0170, Appointment Notice, has been added back to policy.

2) Energy Services

ERM 301

State Emergency Relief (SER) may be used to assist a household who is enrolled in the shut-off protection plan (SPP) as long as all other eligibility requirements are met.

"Provider's electronic interface data, located on the PDF of an online application." has been removed as a verification of required payments since the interface no longer gathers or displays the information on the PDF.

The following language has been removed from the 'Accessing Client Account Information' section of policy as a result of changes to the ISD interface with Consumers Energy, DTE and SEMCO: "In addition, if the past due, shutoff or restore service amount is verified on the self-service application, this can also be used in lieu of an actual bill." The interface with energy providers no longer contain this information.

3) Burials

Added a missing bullet to the list of person "Who May Apply" for burial assistance.

4) Payments

ERM 401

Reference to BAM 435, Provider Management, has been added to policy.

EFFECTIVE

March 1, 2019.

Subject(s)

1) Application Procedures

Completion of the interview guide is no longer required. However, the form is still available in Bridges for the purposes of documenting the interview.

2) Budget Procedures

MEAP grantees may use MEAP funds to assist with asset copayments.

3) Energy Services

MEAP grantees may use MEAP funds to assist with asset copayments.

4) Payments

The email address used to request refunds from DTE has been updated.

EFFECTIVE

June 1, 2019.

Subject(s)

1) Assets

ERM 205, Assets

The SER group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$500. Exclude the first \$500 of an SER group's cash assets.

2) Budget Procedures

ERM 208, Budget Procedures

Reference to asset test changed from \$50 to \$500

3) Emergency Services Funding

ERM 209, Emergency Services Funding

Asset copayments have been removed from the list of costs not covered by ES funds.

4) Burials

ERM 306, Burials

Allow a \$500 cash asset exclusion if there is a surviving group member.

An example has been updated, eliminating the reference to an asset copy.

Reference to an outdated phone number and policy item has been removed.

EFFECTIVE

October 1, 2019.

Subject(s)

ERM 100, SER Quick Reference Charts, and ERM 208, Budget Procedures

The LIHEAP income limits for energy services has changed. The new amounts:

House Hold (HH) Size	150 % (monthly)
1	\$1,561
2	\$2,113
3	\$2,666
4	\$3,218
5	\$3,771
6	\$4,323
7	\$4,876
8	\$5,428

For additional members add \$552.

EFFECTIVE

November 1, 2019.

Subject(s)

1) Assets

ERM 205, Assets

The State Emergency Relief (SER) group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$15,000. Exclude the first \$15,000 of a SER group's cash assets.

For SER Burials: Allow a \$15,000 cash asset exclusion if there is a surviving group member.

The client's statement (written or verbal) is the only verification needed for assets, unless the self-attestation is questionable. If questionable, obtain verification of all countable assets at application.

Note: Verbal attestation must be documented in the case record.

ERM 208, Budget Procedures

In most cases cash assets in excess of \$15,000 result in an asset copayment. An asset copay cannot be reduced or waived.

2) Miscellaneous

ERM 202, Residence, Age, and Citizenship

Added BEM 223 as a reference under *Verification Requirements*.

ERM 206, Income

DHS references changed to Michigan Department of Health and Human Services (MDHHS).

The client must make a reasonable effort to obtain required verifications. The specialist must assist if the applicant needs and requests help. If neither the client nor the specialist can obtain the verifications despite a reasonable effort, use the best available information. If no evidence is available, the specialist must use their best judgment.

ERM 209, Emergency Services Funding

Follow the local office business process for review of ES authorization prior to submitting documentation to MDHHS Accounting for final payment. The MDHHS Accounting email is InvoiceMDHHS@michigan.gov. Each ES authorization requires the completion of the MDHHS-5602, Payment Request, and must have the signature of the worker, supervisor or manager.

ERM 301, Energy Services

Removed the following language since the information is no longer displayed on the PDF of the MI Bridges application:

If the energy provider has verified the account and shutoff status information electronically for a MI Bridges online application, no other verification is needed.

UPPCO has been added as an energy provider offering an Affordable Payment Plan (APP). Households that are currently enrolled in an APP are not eligible for SER energy services for the service covered by the APP.

URL links related to MEAP and MPSC have been updated.

ERM 303, Relocation Services

Court costs and fees included in a judgment is an allowable cost for a rent to prevent eviction request

ERM 306, Burials

Fixed *approval with repay* bullet.

ERM 401, Payments

When an overissuance is found, it is the responsibility of the specialist to determine the amount and send communication to the provider to obtain a refund. The specialist must provide a copy of the letter and supporting documentation of the overissuance to the Collections Unit Mailbox at MDHHS-Collections-Unit@michigan.gov.

Reference to Metered Fuel changed to Natural Gas, Wood/Other, All-Electric and Non-Heat Electricity

EFFECTIVE

November 1, 2019.

Subject(s)

ERM 205, 208, 306

Asset Limit is reverted back to prior limits.

EFFECTIVE

November 1, 2019.

Subject(s)

ERM 205, Assets

Verify the ownership and equity value of all non-excluded assets. Do not verify the value of assets that are not available.

EFFECTIVE

December 1, 2019.

Subject(s)

1) Assets

ERM 205, Assets

The State Emergency Relief (SER) group must use countable cash assets to assist in resolving their emergency. The protected cash asset limit is \$15,000. Exclude the first \$15,000 of a SER group's cash assets.

For SER Burials: Allow a \$15,000 cash asset exclusion if there is a surviving group member.

The client's statement (written or verbal) is the only verification needed for assets, unless the self-attestation is questionable. If questionable, obtain verification of all countable assets at application.

Note: Verbal attestation must be documented in the case record.

ERM 208, Budget Procedures

In most cases cash assets in excess of \$15,000 result in an asset copayment. An asset copay cannot be reduced or waived.

ERM 306, Burials

Allow a \$15,000 cash asset exclusion if there is a surviving group member.

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IV-D MEMORANDUM 2019-001

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: January 17, 2019

SUBJECT: Contract Performance Standards (CPS) Training Measures Updates

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum provides updates to the Contract Performance Standards (CPS) Training Measures, including an outline of the criteria the OCS Training Services Section (Training Services) staff will use to determine which training opportunities will count toward fulfilling the CPS Training Measures.

Some information on the CPS Training Measures is already included in Section 1.25, "Contracts," of the *Michigan IV-D Child Support Manual*. In the future, OCS will update Section 1.25 with the information from this memorandum, along with information about reports that will be available in the Learning Management System (LMS).

DISCUSSION:

A. Background

In 2016, OCS introduced CPS into the five-year Cooperative Reimbursement Program (CRP) contract with IV-D partner offices. Additional communications followed to provide information and status updates to Michigan IV-D staff.¹

The CRP contract established seven CPS Work Measures involving the Michigan Child Support Enforcement System (MiCSES) as well as two Training Measures – one for MiCSES training and one for Customer Service training.² The CPS Steering Committee further refined the Training Measures, and then Training Services defined criteria for each of the Training Measures. This was supported by the CPS Steering Committee and the Program Leadership Group.

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>

¹ Ref: [IV-D Memorandum 2018-002, Contract Performance Standards \(CPS\) Evaluation Process](#); [IV-D Memorandum 2018-009, Contract Performance Standards \(CPS\) Hard Launch, Implementation, Business Objects Reports, and Contest](#); and [IV-D Memorandum 2018-014, Contract Performance Standards \(CPS\) Updates for October 1, 2018](#).

² Ref: [Section 1.25, "Contracts," of the Michigan IV-D Child Support Manual](#).

For each Training Measure (MiCSES and Customer Service), IV-D staff from each FOC and PA office are expected to attend one hour of training every two years.³ The CRP contract breaks this measurement down into a one-year and a two-year measurement: each office is expected to train at least 40 percent of its staff in MiCSES and Customer Service annually, and 100 percent are expected to be trained every two years. Both the one-year and two-year measures will be evaluated each year.

A staff member must have been employed during the *entire* reporting period for a lack of training to count against the office's percentage; however, if a staff member who has *not* been employed for the entire reporting period *does* receive training, it will be counted.

Fiscal year (FY) 2019 is the initial *baseline* year for the CPS Training Measures.⁴ All training recorded in the LMS between October 1, 2018 and September 30, 2019 that meets the training criteria will count toward an office's baseline year for the one-year measure. FY 2020 will be the first *measurement* year, with each office expected to have at least 40 percent of its staff trained for one hour in MiCSES, and at least 40 percent of its staff trained for one hour in Customer Service, between October 1, 2019 and September 30, 2020.

The baseline period for the first two-year training standard will run from October 1, 2018 through September 30, 2020. The first reporting period for the two-year standard will run from October 1, 2019 through September 30, 2021.

B. CPS Training Measures

1. MiCSES Training

"MiCSES Training" is intended to improve IV-D workers' familiarity not only with MiCSES but with Business Objects, Query Interstate Cases for Kids (QUICK), Electronic Document Exchange (EDE), the Central Paternity Registry (CPR)/Birth Registry System (BRS), MiChildSupport, or other statewide systems used regularly by IV-D workers. OCS and the CPS Steering Committee strongly encourage offices to use OCS-provided or OCS-approved training options. These may include:

- OCS in-person training;
- Some OCS web-based trainings;
- Some OCS webinars;
- Certain conference sessions identified by Training Services (e.g., Michigan Family Support Council, Prosecuting Attorneys Association of Michigan, Friend of the Court Association, etc.); and
- User group sessions identified by Training Services.

Staff members with MiCSES access are expected to take MiCSES or other system training. These staff members include occasional MiCSES users such as part-time staff, referees, etc.

2. Customer Service Training

The Customer Service Training Measure is intended to help positively shift the public's perception of Michigan's IV-D program. Customer service training need not specifically address child support in order to comply with the CPS Training Measures.

All workers for whom the office receives any IV-D funding within the reporting period are expected to take customer service training.

³ Ref: Sections B(1) and B(2) of this memorandum for details regarding which staff must take which training.

⁴ If an office does not meet a threshold in a particular reporting year, its measure for the reporting year will be compared against its measure for the previous year ("baseline" year) to determine if there has been sufficient improvement. Ref: Section 1.25 of the *Michigan IV-D Child Support Manual* for a discussion of "baseline year."
MDHHS Office of Child Support - IV-D Memorandums 2019

OCS currently has limited customer service training offerings available. OCS maintains a list of approved external customer service training resources on the [mi-support Available Training](#) page. Training Services will add new resources to this page as they are made aware of them. Offices are not required to use OCS customer service training options but may provide their own customer service training or use training from another source (e.g., divisions of the State Court Administrative Office, etc.). To ensure that non-OCS training can be taken for CPS Training Measures credit, office staff must obtain advance approval from Training Services.⁵

In addition to the courses listed on the Available Training page, other examples of courses that may meet the CPS Customer Service Training Measure requirement include:

- General customer service skills (specific to child support or otherwise);
- Handling difficult situations (e.g., domestic violence);
- Cultural competency;
- Implicit bias;
- Procedural justice;
- Motivational interviewing;
- Management training (if it has a component of interpersonal relationships – not simply project planning methodology); and
- Leadership training.

C. CPS Training Criteria

Training Services defines training as an event with learning objectives and an expected behavior change. For example, training for a IV-D system must include a demonstration of the system to guide the audience through the expected behavior change. This differs from communication activities that are intended to bring awareness to an issue or an upcoming change.

Certain events may be eligible for partial credit. For example, a user group meeting may have one presentation on the agenda that qualifies as a learning event, whereas the rest of the meeting agenda may not meet the criteria.

Training Services will determine in advance whether a training event/offering will be available for CPS credit, and will update the description of each event/offering in the LMS with one of the following:

- CPS Credit: MiCSES;
- CPS Credit: Customer Service; or
- CPS Credit: None.

Workers may search the LMS by these phrases to easily view all trainings in the LMS catalog that count toward the CPS Training Measures.

Training Services has provided the following examples to illustrate when a training opportunity will be determined eligible for CPS credit.

⁵ Ref: Section D(2), “Non-OCS Training,” in this memorandum for more information.
MDHHS Office of Child Support - IV-D Memorandums 2019

Training Opportunity	Does It Count?	Reasoning
MiCSES In-Person Training	Yes	It has: <ul style="list-style-type: none"> • Specific learning objectives; • Instruction on the system(s); and • Expected behavior change as a result of learning new or updated system skills.
Web-based Training	Maybe	Training must meet the stated criteria. IV-D staff will read the course description in the LMS to determine if a particular web-based training counts for MiCSES training or Customer Service training.
Conference Sessions / User Group Present-ations / Webinars	Maybe	Training must meet the stated criteria. Conference organizers, user group coordinators, and/or presenters who wish to offer CPS Training Measures credit must contact Training Services in advance for approval. ⁶
Office-Sponsored Training	Maybe	Training must meet the stated criteria. Offices are first encouraged to pursue an OCS-approved training option; however, if the appropriate training is not available at the right time, offices may choose to develop a targeted training session to improve system skills or customer service skills. The training must have specific learning objectives and a timed outline or agenda of topics covered. Office staff will contact Training Services in advance for approval. ⁷
Child Support Updates Call ⁸	Maybe	<p>In general, the Child Support Updates call is intended to create awareness about upcoming events so IV-D workers will have advance notice.</p> <p>Some agenda items may qualify for CPS Training Measures credit if the discussion meets the training criteria (e.g., learning objectives, demonstration of the system, expected behavior change).</p> <p>The timing of the Child Support Updates call relative to the system release date will be the most likely factor used to determine whether the agenda item may be used for training purposes. For instance, OCS may build awareness three months before a release, but may deliver training on the Child Support Updates call only if it is within a couple weeks of the release. This encourages better retention of the material being shared.</p>
Annual Confidentiality/Security Web-based Training	No	There is a separate, non-CPS requirement for IV-D staff to take this training.

⁶ Ref: Section D(2) in this memorandum.

⁷ Ref: Section D(2) in this memorandum.

⁸ Ref: [Child Support Updates Call documentation](#) on mi-support.

Training Opportunity	Does It Count?	Reasoning
Joint Application Design (JAD) Meeting	No	The purpose of the meeting is to work through business needs and functional changes to the system. While some system knowledge is shared in these meetings, there are no learning objectives and no expected behavior changes intended from the meeting participation.

D. Documenting Training in the LMS

IV-D staff will receive credit for a training opportunity **only if it is documented in the LMS**. This means that it will appear on the staff member's LMS transcript after (s)he has taken the training.

1. OCS Training

IV-D staff can register for the following OCS training opportunities added to the LMS catalog by Training Services:

- In-person training;
- Webinars;
- Child Support Updates calls; and
- Web-based training.

As stated earlier, the contract requires one hour of training for each Training Measure. Consequently, it is important for Training Services to correctly calculate the duration of training events.

a. In-Person Training, Webinars, and Child Support Updates Calls

These will be counted based on the amount of time the training event is expected to last, rounded up to the nearest 10-minute increment. For example, a 17-minute user group session will be counted as 20 minutes.

b. Web-Based Training

To determine the amount of time expected for a web-based training (“training hours” in the LMS), Training Services will evaluate the average time it takes for two or three external reviewers to read each page and interact with each activity. Training Services will then round this up to the nearest 10-minute increment.

For example, if the average time to navigate through a web-based training is 18 minutes, it will be counted as 20 minutes of training credit. If the average time is 51 minutes, it will be rounded up to 60 minutes of training credit.

The LMS is able to track the amount of time an individual spends within a web-based training. Training Services recognizes that some individuals are able to work through web-based training more quickly than others; in order to receive credit for completing the course, the IV-D worker must spend at least 30 percent of the expected training time on the course, as measured by the LMS.

2. Non-OCS Training

a. Training Not Eligible for CPS Training Credit

A IV-D office may use the LMS to track training other than courses taken for CPS Training Measures credit. To do this, the office will select the “General” competency when adding the training to the LMS. Training Services does not need to approve this training.

b. Training Eligible for CPS Training Credit

Non-OCS training intended for CPS credit as approved by Training Services can be added to the LMS. However, the method in which the training is added varies, depending on its availability to all IV-D staff.

1) Training Offered to IV-D Staff in Multiple Offices

Training Services will add certain approved external training events to the LMS catalog to ease in registering IV-D staff for non-OCS training opportunities. A conference organizer, presenter, or user group coordinator may email Training Services at DIT-MiCSES-TrainingRegistration@michigan.gov to request that an event be added to the LMS catalog. Training Services must be notified in advance of the event:

- At least one month prior to a conference event or other specialized training; or
- At least two weeks prior to a user group presentation.

Once added, the external training event will be open to IV-D staff in multiple offices.

Training Services will create an entry in the LMS catalog and tell the conference organizer, presenter, or user group coordinator how to direct attendees to register. Training Services will ask the conference organizer, presenter, or user group coordinator to record attendance. In addition, Training Services may ask for a copy of a sign-in sheet to verify attendance.

2) Training Offered to IV-D Staff in an Individual Office

a) Training Services Approval

If a IV-D office wants a training offered to its staff to be eligible for CPS credit, an office representative will contact Training Services for approval. OCS recommends that an office take this approval step prior to purchasing any external training.

IV-D office staff will request approval of the agenda or course outline by emailing DIT-MiCSES-TrainingRegistration@michigan.gov. They will include the following in the email:

- Name of the course;
- Source (who is offering the course – agency, website, internally developed by the office, subscription training service, etc.); and
- The agenda, outline, or learning objectives.

Training Services will reply within three business days with approval or comments.

b) Entry of the Training in the LMS

It is not possible for Training Services to add a training event to the LMS catalog if it is available to IV-D staff in only one office. Consequently, after the external training occurs, each person in the office who completed the training must enter it into the LMS and upload a copy of the training agenda or course outline.⁹

When the user enters the training into the LMS, (s)he will select the “Customer Service” or “MiCSES” competencies, and this will trigger Training Services to review the training.¹⁰ After Training Services reviews, the training will appear on that person’s transcript so (s)he and the office will receive CPS credit.

E. Next Steps – LMS Reports

Training Services expects to complete work on LMS reports by the end of FY 2019. These reports will allow offices to check their progress on meeting the CPS Training Measures. OCS plans to incorporate the information from this IV-D Memorandum into Section 1.25 of the *Michigan IV-D Child Support Manual* at that time, along with information about the LMS reports.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. If your office has not yet begun tracking training in the LMS, please begin to do so. You may record any training events that occurred on or after October 1, 2018, even if they happened prior to the publication of this memorandum.

REVIEW PARTICIPANTS:

CPS Steering Committee
Performance Management Workgroup
Program Leadership Group

CONTACT PERSON:

Kirsten Thompson
OCS Training Services Section Manager
(517) 241-9197
thompsonk19@michigan.gov

ATTACHMENTS:

None

EPF/JJV

⁹ Ref: the [LMS – Learning Management System Learner Role Job Aid](#) for more information.

¹⁰ Training Services will review the added external trainings every two weeks.

IV-D MEMORANDUM 2019-002

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: February 25, 2019

SUBJECT: Behavioral Interventions in Child Support

ACTION DUE: None

UPDATE(S):

Manual

Form(s)

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum provides information about the use of behavioral interventions in the child support program. It discusses the formation of the Michigan IV-D Behavioral Interventions Workgroup (BI Workgroup) and the group's goals and objectives, as well as an update on the group's latest activities.

This memorandum is informational only and does not introduce any new statewide policy or procedure.

DISCUSSION:

A. Background

The federal Office of Child Support Enforcement (OCSE) awarded five-year Behavioral Interventions for Child Support Services (BICS) demonstration grants to eight child support agencies in 2014 to test how behavioral economics principles can improve child support program processes and outcomes.

Behavioral economics applies psychological insights into human behavior to explain decision-making processes. Individuals often make decisions that are not in their own best interests because they are confused, overwhelmed, or not fully considering the long-term results of their choices. Behavioral interventions seek to use knowledge of human behavior to "nudge" individuals toward making a more beneficial choice. To read more about this field of study, IV-D staff may look to the following books:

- *Predictably Irrational: The Hidden Forces That Shape Our Decisions* by Dan Ariely;
- *Nudge: Improving Decisions About Health, Wealth, and Happiness* by Richard Thaler and Cass Sunstein; or
- *Sway: The Irresistible Pull of Irrational Behavior* by Ori Brafman.

The BICS demonstration project aims to apply behavioral insights to child support contexts to increase program efficiency, develop promising behavioral interventions, and build a culture of regular, rapid-cycle evaluation designed to identify cost-effective improvements in the child support program.

For states and tribal child support programs that are not within the BICS demonstration grant, OCSE has established a cohort of BICS Peer Learning Sites to develop, adapt, implement and evaluate behavioral interventions to improve their own program operations. Michigan's child support program is among the Peer Learning Sites. Each site is developing, implementing and evaluating a behavioral intervention within its child support program. OCSE's BICS Project Support Team (BPST) has provided training and technical assistance to the Peer Learning Sites. The BPST consists of the OCSE Project Offices and the BICS Evaluation Grant staff. OCSE has also paired Peer Learning Sites with BICS grantees for support and mentorship.¹¹

IV-D staff may refer to the [MDRC¹² website](#) to read more about BICS.

Michigan created the BI Workgroup in the summer of 2018, and the Program Leadership Group approved its charter on August 27, 2018. Julie Vandenoorn from OCS and Carol Bealor, the Cass County Friend of the Court, are the group's co-leads. The BI Workgroup has representatives from the State Court Administrative Office (SCAO) and the Friend of the Court (FOC) offices in Calhoun, Kent, Oakland, Muskegon, Washtenaw, and Van Buren Counties. It also has representatives from the OCS Operations Division, OCS Policy Section, OCS Training Services Section, and OCS Planning, Evaluation and Analysis Section.

B. BI Workgroup Goals and Process

The BI Workgroup's goal is to learn about behavioral interventions that have been previously used in child support programs. The group is applying that knowledge to a problem of interest within Michigan's child support program by designing an intervention, and will follow the intervention through the behavioral diagnosis and design process established by the BPST. The BI Workgroup's charter specifies that the group will focus on small, easily achievable intervention activities that will require little-to-no system changes.

The BI Workgroup's charter also explains the steps in the workgroup's process. The workgroup will do the following:

1. Define a Problem of Interest

Engage in an intensive process of identifying, understanding, and defining problem areas in child support operations, and select a problem of interest for testing.

2. Diagnose the Bottlenecks¹³

Use behavior mapping to fully diagnose the problem and identify where behavioral bottlenecks are likely to impact the efficiency and effectiveness of current processes.

3. Design an Intervention and Evaluation

¹¹ Michigan's grantee mentor sites are Ohio and Vermont.

¹² MDRC is a nonprofit, nonpartisan education and social policy research organization.

¹³ A "bottleneck" is a step in a process where limited capacity in that step slows or impedes the entire process.

- Identify desired outcomes that are measurable and meaningful;
- Apply behavioral science and tools to design the intervention; and
- Develop an evaluation plan for the intervention that includes:
 - The outcomes of interest;
 - The evaluation methodology;
 - The timeframes for tracking implementation;
 - The data needed to track the outcomes; and
 - The plan for data collection.

4. Implement the Intervention

Support and monitor implementation of the intervention as designed.

5. Evaluate the Intervention

Gather and analyze data from the test of the intervention, and report on that analysis.

The BI Workgroup expects to complete its behavioral intervention project as a BICS Peer Learning Site by September 30, 2019. The group's charter indicates that after Michigan's term as a BICS Peer Learning Site concludes, the workgroup will determine whether to continue behavioral intervention work in Michigan without the ongoing assistance of the BPST.

C. Michigan's Intervention

The BI Workgroup brainstormed several different problem areas within the child support program before identifying an issue in the review and modification process. The group worked through steps 1 through 3 in the process outlined in Section B of this memorandum with guidance and input from the BPST.

1. Problem Statement

Custodial parties (CPs) and non-custodial parents (NCPs) do not participate in the review and modification process. The participation problem is two-fold:

- Some CPs and NCPs do not participate at all (e.g., they do not return the case questionnaire¹⁴ and documentation necessary for the review); and
- Some CPs and NCPs *do* return the case questionnaire and/or supporting documentation but do not provide enough information for the child support program to complete an accurate review.

The lack of participation by CPs and NCPs in the review and modification process may result in terminated reviews (wasted staff time and effort), additional effort by staff to discover relevant information, support amounts that do not reflect the parties' actual circumstances and ability to pay, and/or additional time and effort spent when parties object to a recommended order developed without their participation.

¹⁴ The *Friend of the Court – Case Questionnaire* is the Michigan Child Support Enforcement System (MiCSES) RNMFOC39.

2. Diagnosis of Bottlenecks

The BI Workgroup studied the current review and modification process. This included a review of all policy, system documentation, and related forms, as well as stakeholder interviews with review and modification staff, CPs, and NCPs. The workgroup assumed that the case questionnaire's length and complexity was the biggest bottleneck in the review and modification process. However, the diagnosis process revealed several bottlenecks:

- a) Cognitive Overload – The case questionnaire is lengthy and asks for a lot of information.
- b) Hassle Factors – The CP or NCP may not find worth in completing the case questionnaire and gathering supporting material if (s)he does not interpret the “payoff” of the modification as significant. In addition, CPs and NCPs must complete income information even if they provide paystubs and tax returns. They also must provide information on themselves, the other party, and the children, even when the IV-D program already has this information.
- c) The Ostrich Effect – Some CPs and NCPs may not open the *Notice of Support Review*¹⁵ and case questionnaire because they try to avoid all communications from the FOC.
- d) Procrastination – The CP or NCP delays completing and/or returning the case questionnaire.
- e) Status Quo Bias – CPs or NCPs may not want to bother with a review if they are happy with the present circumstances. Specifically, the stakeholder interviews revealed situations where an individual lost a job and requested a review, but was already employed again by the time the review began. Rather than withdraw the review request, the individual ignored the review.
- f) Choice Overload – This bottleneck is unique because it involves FOC staff rather than CPs and NCPs. IV-D staff have too many review termination reasons to choose from in MiCSES. Many FOC staff choose the “other” termination reason code, which does not describe the actual reason for the termination. Consequently, the workgroup was unable to obtain accurate data on review terminations.

One of the most serious bottlenecks the BI Workgroup identified is the hassle factor caused by the absence of an online case questionnaire. Due to the workgroup's system constraints (the charter calls for “little-to-no system enhancements”), it was impossible to address this bottleneck. Instead, the BI Workgroup has indicated to the Program Leadership Group its support of an option to complete the case questionnaire online, whether this is done through the Michigan Legal Help Self-Help tool, through the MiChildSupport Portal, or by some other means.

3. Intervention Activities

The BI Workgroup has designed an intervention that will involve the seven counties represented on the workgroup. The intervention is tentatively scheduled to begin the week of March 4, 2019. The process of

¹⁵ The *Notice of Support Review* is the MiCSES RNMRVWNOT.

adding new modification reviews to the intervention will run through approximately June 28, 2019, with analysis of the intervention to begin on or around September 1, 2019.¹⁶

The intervention will target both CPs and NCPs participating in court-ordered reviews, party-requested reviews, and FOC-initiated reviews.¹⁷ The intervention will exclude automatic three-year public assistance reviews, as well as IV-D cases where non-assistance CPs and NCPs receive a three-year eligibility notice¹⁸ but do not respond.

In each office, FOC staff will conduct approximately 60 percent of reviews normally; that is, office staff will follow their standard business practice.¹⁹ Approximately 40 percent of the reviews in each office will be randomly assigned to an intervention group.

There will be two intervention groups: Group 1 and Group 2.

a. Interview Option

- Group 1 participants will have the opportunity for a telephone or in-person interview instead of completing the case questionnaire. Taking the case questionnaire out of the process intends to address the cognitive overload and hassle factors involved with the questionnaire. The BI Workgroup expects these interviews will take a significant amount of time; therefore, offices will determine how many reviews to assign to each intervention group based on their office preference and staffing availability. Some offices will not assign any reviews to Group 1.
- Group 2 participants will not have the option for an interview.

b. Postcard

For both Groups 1 and 2, FOC staff will manually send the CP and NCP a postcard approximately five days before sending the revised *Notice of Support Review*. Reference Exhibit 2019-002E1 for an example of the postcard. Behaviorally, the postcard will help address the ostrich effect because the CP or NCP will not need to open a piece of mail to know that a review will be happening. The illustration of children on the postcard will also help prime the recipient's identity as a parent. Ideally, the CP or NCP will decide that responding to the review notice will be in their child(ren)'s best interest.

Before designing the postcard, the BI Workgroup discussed privacy and confidentiality concerns and reviewed postcards sent by child support agencies in other states. The BPST indicated that decisions around postcards, privacy and confidentiality have been left to individual state and tribal IV-D programs.

¹⁶ According to 45 Code of Federal Regulations (CFR) 303.8(e) and Michigan Compiled Law (MCL) 552.517(3), the review and modification process may take up to 180 days to complete; however, approximately 75 percent of Michigan's reviews are completed within 120 days.

¹⁷ Ref: [Section 3.45, "Review and Modification," of the Michigan IV-D Child Support Manual](#) for more information.

¹⁸ The eligibility notice is the *Review and Modification Eligibility Notification*, which is the MiCSES RNMEIIGLTR.

¹⁹ This group of reviews will be known as the "control group." Ref: Section D of this memorandum for more information.

OCS Policy Section staff determined that sending this postcard with a CP's or NCP's name and address and no other identifying or sensitive information would comply with Michigan's policy as defined in [Section 1.10, "Confidentiality/Security," of the Michigan IV-D Child Support Manual](#). The information on the postcard will not be more sensitive than that on a traditional envelope with the return address of the FOC.

c. Revised *Notice of Support Review* and Frequently Asked Questions (FAQs)

The BI workgroup will develop a revised *Notice of Support Review* that uses friendlier, simpler language and icons to draw attention to important information. To help address cognitive overload, it will include instructions that allow the recipient to skip over sections of the case questionnaire under specific circumstances.

To help address procrastination, the revised notice will include a **date certain** as the deadline for the CP or NCP to return the material or contact the office, as appropriate.

The back of the revised notice will contain a list of Frequently Asked Questions (FAQs) that include different ways to return the case questionnaire to the FOC office. There also will be an FAQ that explains the process for withdrawing a review request if the individual requesting the review no longer wants it.

The revised *Notice of Support Review* is not in MiCSES; FOC staff in each office will use desktop applications to mail merge and print the notice before manually sending it.

There will be two versions of the revised *Notice of Support Review*. FOC staff will manually send the appropriate version of the notice based on whether the recipient is in Group 1 or Group 2:

- The version sent to Group 1 will give the option to provide information either by completing the case questionnaire or by making an in-person or telephone appointment for an interview with a staff member (Ref: Exhibit 2019-002E2); and
- The version sent to Group 2 will not provide an option for an in-person or telephone appointment. The notice will ask the recipient to complete and return the case questionnaire (Ref: Exhibit 2019-002E3).

The case questionnaire and the childcare verification that are normally sent with the *Notice of Support Review* will be included in their original formats. FOC staff will send these materials in a larger-than-usual envelope that CPs or NCPs may use to gather their tax returns, paystubs, etc. Behaviorally, this may help address the hassle factor the recipient experiences in organizing paperwork. It will also help differentiate the material from other FOC mailings.

d. Interviews or Receipt of Case Questionnaires

FOC staff will interview participants as scheduled, or receive completed case questionnaires and other documentation. FOC staff will complete the rest of the review process according to their normal office practice, including following up by email or phone if they need more information from the CP or NCP.

If the CP or NCP does not make an in-person or telephone appointment, or does not return the materials by the due date, FOC staff will email, text or call with a reminder and will offer to extend the deadline.²⁰ (Offering a deadline extension may cause the CP or NCP to feel some goodwill toward the child support program, and they may want to complete the process.)

e. Completion of the Review

FOC staff will complete the rest of the modification process following their usual office practice. Before the intervention, the BI Workgroup will conduct an FOC staff training session that will emphasize the importance of choosing the most accurate reason for a review termination. This will help FOC staff overcome choice overload when entering the reason in MiCSES.

D. Evaluation

1. Assigning Reviews

The BI Workgroup will conduct the review and modification intervention using a modified randomized control trial. In some offices, FOC staff will randomly assign intervention reviews based on the last digit of the IV-D case number associated to the review. In other offices, FOC staff will assign intervention reviews based on the caseloads of the review and modification workers.

Based on typical review and modification activity, the BI Workgroup expects that approximately 705 non-public assistance reviews will open each month within the intervention offices. The workgroup is targeting a sample size of approximately 282 intervention reviews per month over the course of the intervention; the remaining reviews will be in the control group.

2. Outcomes

The primary outcomes of interest are first, whether the intervention will result in more returned case questionnaires, and second, whether the intervention will result in the use of fewer third-party information sources to complete the review. It will also be beneficial to know whether the intervention affects the number of completed (vs. terminated) reviews and the number of objections received.

3. Tracking and Results

²⁰ All communications with CPs and NCPs will follow policy in Section 1.10 of the *Michigan IV-D Child Support Manual*.

Staff in each intervention office will collect information on the review and modification process using an Excel spreadsheet. For each review (control group, Group 1, and Group 2), FOC staff will track:

- a. **Whether the CP returned the case questionnaire or provided case questionnaire information in an interview;**
- b. **Whether the NCP returned the case questionnaire or provided case questionnaire information in an interview;**
- c. **Whether the CP's case questionnaire/interview provided enough information to complete the review without using a third-party information source;**
- d. **Whether the NCP's case questionnaire/interview provided enough information to complete the review without using a third-party information source;**
- e. **The disposition of the review (order entered or reason for termination); and**
- f. **Whether staff received an objection to the outcome of the review (to the recommended order or the termination).**

FOC staff will provide this data to the OCS Planning, Evaluation and Analysis Section, which will analyze the intervention results at both an individual office level as well as across all seven intervention offices. OCS will provide an analysis to the BPST and to the other state and tribal IV-D programs participating in the BICS project.

OCS plans to share the results of the review and modification intervention in a future IV-D Memorandum. Based on results, OCS and program partners may consider statewide implementation of certain components of the intervention.

E. More Information

IV-D staff may find further information on the BI Workgroup, including the roster, charter, and minutes from past meetings, on mi-support.²¹

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Behavioral Interventions Workgroup
Program Leadership Group

²¹ mi-support > Partner Activities menu > PLG, Workgroups, and WITs > [Behavioral Interventions Workgroup](#)

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SUPPORTING REFERENCES:

Federal
45 CFR 303.8(e)

State
MCL 552.517(3)

ATTACHMENTS:

- Exhibit 2019-002E1: Postcard
- Exhibit 2019-002E2: *Notice of Support Review* (version 1)
- Exhibit 2019-002E3: *Notice of Support Review* (version 2)

EPF/JJV

IV-D MEMORANDUM 2019-003

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff
All Michigan State Disbursement Unit (MiSDU) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: March 11, 2019

SUBJECT: U.S. Bank ReliaCard Pre-Acquisition Disclosure and Fee Schedule

ACTION DUE: None

POLICY EFFECTIVE DATE: April 1, 2019

PURPOSE:

New federal regulations require the provision of comprehensive disclosure information to custodial parties (CPs) prior to acquiring the U.S. Bank ReliaCard prepaid debit card.²² Effective April 1, 2019,²³ the Michigan IV-D program will:

- Provide two separate disclosure documents to CPs at the same time;
- Provide the disclosure documents before CPs acquire a U.S. Bank ReliaCard; and
- Provide a statement that the CP does not have to accept the U.S. Bank ReliaCard and has options for receiving child support payments.

DISCUSSION:

On October 5, 2016, the federal Bureau of Consumer Financial Protection issued a new federal regulation for prepaid accounts under Regulation E: The Electronic Fund Transfer Act.²⁴ The new federal regulation, which is commonly referred to as the Prepaid Rule, extends Regulation E coverage to prepaid accounts.²⁵ Prepaid accounts include the U.S. Bank

²² Ref: [Michigan IV-D Action Transmittal \(AT\) 2009-008, Michigan's Electronic Disbursement Process](#), for information on electronic child support payments.

²³ The Bureau of Consumer Financial Protection extended the overall effective date of the federal requirements from April 1, 2018 to April 1, 2019. Ref: The Bureau of Consumer Financial Protection Final Rule, [Rules Concerning Prepaid Accounts Under the Electronic Fund Transfer Act \(Regulation E\) and the Truth in Lending Act \(Regulation Z\)](#).

²⁴ Ref: [15 United State Code \(USC\) 1693](#).

²⁵ 12 Code of Federal Regulations (CFR) 1005.15 is published on [page 84326, Volume 81, Number 225 of the Federal Register](#).

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>

ReliaCard debit card that Michigan's IV-D program uses to electronically disburse child support payments to families. The Prepaid Rule requires the financial institution²⁶ to provide customers comprehensive information regarding prepaid account terms and conditions before they open the account. Therefore, the Michigan IV-D program is required to provide CPs complete disclosure information for the U.S. Bank ReliaCard before they receive the card. This information includes fee schedules, credit protection rights, and instructions for CPs to choose the method in which they will receive child support payments.²⁷

Note: Sending disclosure information before CPs receive the ReliaCard will not affect disbursements to CPs who currently receive payments on the ReliaCard.

U.S. Bank ReliaCard Disclosure Documents²⁸

The Michigan IV-D program will provide CPs with two disclosure documents prepared by U.S. Bank:²⁹

- The Short Form (Pre-Acquisition Disclosure) contains a brief summary of U.S. Bank ReliaCard fees. It also notifies recipients they have two direct deposit options: their personal bank account or the **prepaid** debit card account; and
- The Long Form (Fee Schedule) provides comprehensive fee information and consumer financial protection information.

Delivery of Disclosure Documents

Beginning March 25, 2019, the Michigan IV-D program will provide U.S. Bank ReliaCard disclosure information to CPs *before* they acquire a U.S. Bank ReliaCard. Previously, this information was provided to CPs when they acquired the card. Providing this information in advance will help the CP make an informed financial decision *before* choosing the debit card.

The MiSDU will print the Pre-Acquisition Disclosure and Fee Schedule as a two-sided insert and mail the insert to new customers with their first support payment check. Reference Exhibit 2019-003E1 for a sample of the insert.

Acquiring the U.S. Bank ReliaCard

²⁶ A government agency is considered a financial institution under Regulation E of the Electronic Funds Transfers Act. Ref: 12 CFR 1005.15(a) for more information.

²⁷ Ref: 12 CFR 1005.15 and 12 CFR 1005.18 for specific language that must be included on the disclosures.

²⁸ The content in the disclosure documents is owned by U.S. Bank.

²⁹ There are instances under the Prepaid Rule that allow only the Short Form to be provided; however, because the U.S. Bank ReliaCard is not available for purchase in retail locations, both disclosures must be provided at the same time.

Michigan's IV-D program offers two ways for a CP to acquire a U.S. Bank ReliaCard:

- The MiSDU mails CPs their first support payment by paper check. Included in that mailing is the *Direct Deposit Authorization Form* (DHS-1377) along with instructions indicating that recipients must choose either direct deposit or a debit card for future support payments.³⁰ The MiSDU will also include the disclosure insert in this mailing. To select direct deposit to their checking or savings account, CPs must complete and return the DHS-1377 within 21 days. If customers do not return the DHS-1377, they will automatically receive a U.S. Bank ReliaCard. IV-D staff should encourage new CPs to wait for their first paper check from the MiSDU to ensure they receive the disclosure.
- CPs who currently receive child support funds electronically disbursed to their personal bank account have the option to switch to a U.S. Bank ReliaCard by completing and returning the *Debit Card Authorization form* (DHS-1371). When CPs request the DHS-1371, MiSDU staff will attach the disclosure document to the form. The disclosure will also be available on the MiSDU website at misdu.com.

Note: If the DHS-1371 is available for public access in local offices, IV-D staff **must** print the disclosure document and attach it to the DHS-1371.

The DHS-1377 and DHS-1371 disclosure forms are not stored in MiCSES.

Additional Information

IV-D staff and CPs may direct their disclosure-related questions to the MiSDU. Additional financial questions may need to be referred to U.S. Bank.

Current ReliaCard customers can visit www.USBankReliaCard.com or call U.S. Bank Customer Service at 855-233-8374 for specific account questions.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Financials Work Improvement Team
Program Leadership Group
MiSDU

CONTACT PERSON:

Kerrie Uphaus

³⁰ Ref: Michigan Compiled Law (MCL) 400.236 for more information on requirements about changing child support payments from paper checks to electronic disbursement.

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CC:

None

SUPPORTING REFERENCES:

Federal
12 CFR 1005.15
12 CFR 1005.18
15 USC 1693

State
MCL 400.236

ATTACHMENT:

Exhibit 2019-003E1: U.S. Bank ReliaCard Disclosure Insert

EPF/KLU

IV-D MEMORANDUM 2019-004

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff

FROM: Erin P. Frisch, Director
Office of Child Support (OCS)

DATE: March 4, 2019

SUBJECT: Review and Modification of Orders for Incarcerated Non-Custodial
Parents (NCPs) and Updated Federal Guidelines for Order
Establishment and Modification

UPDATE(S): Manual Form(s)**RESPONSE DUE:** None**POLICY EFFECTIVE DATE:** March 11, 2019**PURPOSE:**

This IV-D Memorandum announces policy required to comply with a federal regulation³¹ regarding the review and modification of child support orders for incarcerated NCPs. Effective March 11, 2019, IV-D workers³² will be required to initiate a full review³³ within 44 days³⁴ of the IV-D program learning that an NCP has been or will be incarcerated for more than 180 days. OCS has revised policy in Section 3.45, "Review and Modification," of the *Michigan IV-D Child Support Manual* to include this requirement.

OCS created the policy in cooperation with the State Court Administrative Office (SCAO) and program partners. IV-D workers will follow the policy introduced in this memorandum and will also follow the guidance in [SCAO Administrative Memorandum \(ADM\) 2018-01, Adjusting Current Support Due to Incapacitation](#)³⁵ on initiating reviews for NCPs who will be incarcerated for more than 180 days.

This IV-D Memorandum also introduces a new Business Objects report, the *Review and Modification – Incarcerated NCPs Report (RV-200)*,³⁶ which will be implemented with the Michigan Child Support Enforcement System (MiCSES) 10.0.3 Interim Release on March 8, 2019. OCS developed the RV-200 to assist IV-D workers in identifying NCPs who require a review. It includes incarceration dates, statuses, case information, and whether a review needs to be initiated or completed. OCS has incorporated information about this report into Section 3.45 of the *Michigan IV-D Child Support Manual*.

³¹ 45 Code of Federal Regulations (CFR) 303.8(b)(2)

³² Although FOC staff are generally responsible for review and modification of child support orders, the term "IV-D worker" is used in this memorandum because this responsibility is part of a federal IV-D requirement.

³³ Ref: Subsection 7 of [Section 3.45, "Review and Modification" of the Michigan IV-D Child Support Manual](#) for information on conducting a full review.

³⁴ Ref: Section B(2) of this memorandum for information on how the 44 days is calculated.

³⁵ SCAO intends to update this policy in the future to complement this memorandum.

³⁶ Ref: [Business Objects Report Description: Review and Modification – Incarcerated NCPs \(RV-200\)](#).

Lastly, this IV-D Memorandum announces updates to a federal regulation³⁷ to include additional requirements for IV-D agencies when establishing or modifying child support orders. OCS policy does not require additional revisions because Michigan is in compliance with these federal requirements.

Within Section 3.45, significant changes to the policy since its last publication are indicated by a change bar in the right margin. Content that has been reorganized or reformatted since its last publication is not identified with a change bar.

DISCUSSION:

45 CFR 303.8 requires states to initiate a review of a child support order when the IV-D program learns that an NCP will be incarcerated for more than 180 days. This federal regulation was amended by the final rule: *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*.³⁸ The Michigan IV-D program will implement policy to comply with this regulation on March 11, 2019.

Federal regulation³⁹ provides states three options for responding when the IV-D program learns that an NCP will be incarcerated for more than 180 days:

- **Option 1:** Initiating a review and modifying the order, if appropriate;
- **Option 2:** Providing notice to the parties of the right to request a review; or
- **Option 3:** Having a law or rule that requires the IV-D program to modify a child support obligation upon an NCP's incarceration by operation of law.⁴⁰

A. Options Selected

After considering the three options, OCS and the Program Leadership Group (PLG) decided on a long-term solution and an interim solution.

1. Long-Term Solution

The PLG chose Option 3, which involves abating a child support order by operation of law upon an NCP's incarceration. This long-term solution is optimal; however, it will require Michigan to pass legislation and make substantial system updates. The time required to accomplish this would not allow the IV-D program to meet the regulation

³⁷ 45 CFR 303.4(b)

³⁸ The final rule is published on [page 93492, Volume 81, Number 244 of the Federal Register](#). The federal Office of Child Support Enforcement (OCSE) announced the final rule in [Action Transmittal \(AT\)-16-06](#) on December 20, 2016.

³⁹ 45 CFR 303.8(b)(2) and (b)(7)(ii)

⁴⁰ "By operation of law" in this context means that the law will authorize the IV-D program to abate an NCP's support obligation upon specific conditions being met. The monthly support payment will be adjusted to zero without the need for a request by a party or the initiation of a review.

effective date of April 1, 2019. Therefore, until OCS can implement the long-term solution, it will apply an interim solution.

2. Interim Solution

The PLG chose Option 1: Initiating a review after learning that an NCP will be incarcerated for more than 180 days and modifying the order, if appropriate. The interim solution will not require significant system updates. Reviews will be initiated manually rather than automatically. In addition, the interim solution will have the following advantages:

- It will prevent MiCSES rework when the long-term solution is implemented;
- The cost to implement it will be minimal;
- It will ensure that Michigan is complying with its State Plan;⁴¹ and
- It will be consistent with current practice since many FOCs currently initiate reviews for incarcerated NCPs.

The PLG did not choose Option 2 because research has shown that parties are not likely to respond to a notice.⁴² Therefore, not many reviews would result from sending notices, and arrearages would continue to accrue while the NCP is incarcerated with no ability to pay.

B. Initiating Reviews for Incarcerated NCPs

1. Benefits of Initiating Reviews

Initiating reviews soon after the IV-D program learns that an NCP will be incarcerated for more than 180 days will assist the IV-D program in meeting its strategic goal of improving customer service. Often, incarcerated NCPs have no assets and little or no income to pay child support. When incarcerated for an extended period, an NCP may accumulate significant child support debt if the child support obligation continues charging. The NCP will not likely be able to pay the accumulated arrears upon release.

Reviewing the NCP's order(s) and, if appropriate, modifying the order(s) for the duration of the incarceration will reduce the amount of arrears the NCP will have to pay upon release. This may result in a more manageable child support payment, and it may also increase collections.

2. Timeframe for Initiating Reviews

⁴¹ States are required to submit State Plans confirming that they are complying with federal IV-D program requirements. The requirement for submission of a State Plan and plan amendments for the child support program is found in sections 452, 454, and 466 of the Social Security Act.

⁴² This was one of the lessons learned during the Michigan Prisoner Support Adjustment Project. For more information, reference the project's [final report](#) published in June 2006.

The federal regulation requires that the IV-D program initiate a review after learning that an NCP will be incarcerated for more than 180 days. The regulation does not specify how soon a review must be initiated after learning of the NCP's incarceration. Federal and state law prohibit retroactive modification of an order.⁴³ Therefore, initiating and completing a review as soon as possible will reduce the accumulation of arrears.

After consulting program partners, OCS determined that within 14 days of generating the RV-200 report, IV-D workers will be required to initiate a review⁴⁴ for those NCPs who meet the criteria.⁴⁵ IV-D workers will be required to generate the RV-200 at least once every 30 days effective March 11, 2019. This ensures that all required reviews will be initiated within 44 days of the IV-D program learning⁴⁶ of the NCP's incarceration. The 44-day timeframe includes 30 days to generate the RV-200 and 14 days to initiate the reviews that appear on the report. This timeframe takes into consideration the FOC's existing review and modification workload and the importance of initiating a review as soon as possible.

C. Review and Modification – Incarcerated NCPs Report (RV-200)

1. Overview

The RV-200 compiles incarceration data from the MDOC, SVES⁴⁷ and the MiCSES DEMO screen. The report logic uses the incarceration data as well as information from the *Review and Modification* (REVMOD) activity chain and other MiCSES screens to determine whether a review is required. The information considered when determining whether a review is required includes:

- Length of incarceration and incarceration release dates;
- Case status and support order amount;
- Child(ren)'s emancipation date(s); and
- Whether a review has been initiated or completed during the NCP's incarceration.

2. Generating the RV-200

⁴³ 45 CFR 302.70(9); Michigan Compiled Law (MCL) 552.603(2)

⁴⁴ The IV-D worker will complete a full review of the order as described in Section 3.45 of the *Michigan IV-D Child Support Manual*.

⁴⁵ IV-D workers will learn of an NCP's incarceration from the RV-200. The RV-200 will compile incarceration data from the Michigan Department of Corrections (MDOC), the State Verification Exchange System (SVES), and the MiCSES *Member Demographics* (DEMO) screen. Ref: Section C of this memorandum for more information about the RV-200.

⁴⁶ The IV-D program learns of the NCP's incarceration when MiCSES receives the incarceration data.

⁴⁷ Ref: [MiCSES Report Description: SVES – State Verification Exchange System Reports](#) for more information about SVES reports.

IV-D workers are required to generate the RV-200 for incarceration records received on and after March 11, 2019. Therefore, when a IV-D worker generates the RV-200 for the first time, (s)he will enter March 11, 2019 as the “From” date and the date the report is being generated for the “To” date. More detailed information about generating the RV-200 is included in Section 3.45 of the *Michigan IV-D Child Support Manual*. System documentation will provide IV-D workers with information on how to retrieve and read data from the RV-200.⁴⁸

3. Using the RV-200 to Identify the Need for Reviews

A IV-D worker will know that MiCSES has received data about an NCP’s incarceration if it appears on the RV-200. The code (“Y,” “C,” or “N”) in the report’s Required Review column indicates whether a review of the NCP’s order is required. This column will identify:

- NCPs with orders that require a review (“Y”);
- Orders with open reviews that require completion (“C”);⁴⁹ and
- NCPs who are currently incarcerated but for whom there is not enough information to determine whether a review is required (“N”).

“N” records on the RV-200 identify NCPs who are or were incarcerated but do not meet all the conditions for a required review, or whose incarceration data is insufficient to determine the length of incarceration. The IV-D worker may evaluate these records and investigate further but is not required to do so. After doing research, the IV-D worker may determine that a review is necessary and may initiate a review and modification when appropriate.

Currently, Michigan law requires the FOC to initiate a review within 14 days of receiving information that an NCP has been incarcerated or has been released from incarceration after being sentenced to a term of more than one year. The RV-200 will identify NCPs who were incarcerated for 365 days or more and who were released or will be released within 90 days of the date MiCSES received the incarceration record. These NCPs will appear on the RV-200 report as requiring reviews.

Note: A small number of NCPs who should appear on the RV-200 will not appear on the report because of the way MDOC sends information on release dates.⁵⁰ OCS has entered a Help Desk ticket⁵¹ to address this issue and display these NCPs on the RV-200. IV-D workers may see incarceration data on other Business Objects

⁴⁸ Ref: *Business Objects Report Description: Review and Modification – Incarcerated NCPs (RV-200)*.

⁴⁹ IV-D workers may have already initiated a review based on incarceration information received from sources other than the RV-200 report.

⁵⁰ MDOC sends both a minimum release date and a released date. Currently, the RV-200 does not consider the released date when determining whether the NCP is entitled to a review.

⁵¹ Help Desk ticket 544955

reports⁵² that indicates an NCP is entitled to a review pursuant to the federal regulation or under state law. If a IV-D worker learns that an NCP meets the criteria for a review under the federal regulation or state law, (s)he must initiate a review.

4. Incarceration Records Received Prior to March 11, 2019

IV-D workers may generate the RV-200 to retrieve and evaluate all the incarceration records MiCSES has ever received⁵³ to determine whether reviews are required under the federal regulation. It is not required that IV-D workers generate this historical data.

Information about incarcerated NCPs that MiCSES received prior to March 11, 2019 will not appear in the RV-200 unless the report is generated with a “From” date that is prior to March 11, 2019. However, these NCPs may benefit from a review and modification since this historical data may include records for NCPs who have been incarcerated more than 365 days. IV-D workers are required under Michigan law to initiate a review for these NCPs.⁵⁴

To help IV-D workers determine the amount of historical data that may be generated if they run the report, spreadsheets will be available on mi-support’s [Document Distribution Center](#)⁵⁵ on March 11, 2019. The spreadsheets will include the total number of “Y” (required review), “C” (complete review), and “N” (IV-D worker may determine if a review is appropriate) records by county for each year prior to March 2019. IV-D workers can manage the number of historical records generated by selecting “To” and “From” dates that cover a specific period of time.

D. Policy Updates to Section 3.45, “Review and Modification”

OCS updated Section 3.45 to include the federal requirement to initiate reviews for NCPs incarcerated for more than 180 days, information about the RV-200, and the actions required to comply with the federal regulation. The revisions to Section 3.45 also include:

- A clarification that zero support orders with no medical or childcare expenses are deviations from the Michigan Child Support Formula;
- A reference to intergovernmental policy for how to determine Continuing, Exclusive Jurisdiction (CEJ) and the requirement for IV-D workers to determine the appropriate state to conduct the review;
- Added and updated legal citations and subsection references;

⁵² Ref: [Business Objects Report Description: Proactive Locate – Incarceration \(LC-011\)](#); [Business Objects Report Description: Member Income and Location Report \(LC-001\) \(MILR\)](#); and [Business Objects Report Description: Income and Location Report \(LC-002\) \(ILR\)](#).

⁵³ MiCSES has MDOC data dating back to 1999 and SVES data since 2004.

⁵⁴ Ref: MCL 552.517(1)(f)(iv)(B).

⁵⁵ Ref: [MiCSES Customer Information Guide: mi-support Document Distribution Center](#).

- Changing the term “IV-D worker” to “FOC worker” where applicable;
- Minor wording changes;
- Removal of outdated material; and
- Updated footnotes and policy references.

E. Added Federal Requirements for Establishing and Modifying Child Support Orders

Federal regulation⁵⁶ has been revised to include additional requirements for IV-D agencies when establishing or modifying child support orders. The regulation requires IV-D programs to establish and modify child support orders using laws, processes and legal procedures that include, at a minimum, all of the following:

- Using interviews, investigations, case conferences, parent interviews and other investigative procedures to develop a factual basis for the support obligation;
- *Gathering information* about the earnings and income of the NCP and, when actual data is not available or insufficient, gather information about the NCP’s specific circumstances and factors, including employment and earnings history, job skills, criminal records, etc.⁵⁷
- *Basing the support obligation* or recommended obligation on the earnings and income of the NCP, and if actual data is not available or insufficient, then basing support on available information about the specific circumstances of the NCP; and
- Documenting the basis for the support obligation or recommendation in the case record.

Michigan IV-D policy already addresses these requirements in *Michigan IV-D Child Support Manual* Section 4.20, “Support Recommendations and Order Entry,” and Section 3.45, “Review and Modification,” and in the 2017 MCSF Manual. Therefore, these revisions to the federal regulations do not require additional updates to the *Michigan IV-D Child Support Manual*.

NECESSARY ACTION:

Review Section 3.45 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual. Discard the previously published version of Section 3.45 (published March 6, 2017).

Begin generating and taking appropriate action on the RV-200 at least once every 30 days effective March 11, 2019.

⁵⁶ 45 CFR 303.4(b)

⁵⁷ 2017 *Michigan Child Support Formula (MCSF) Manual* Section 2.01(G)(2) provides relevant factors to consider when imputing an income.

REVIEW PARTICIPANTS:

Enforcement Work Improvement Team
Program Leadership Group

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CC:

All OCS staff

SUPPORTING REFERENCES:

Federal

Sections 452, 454, and 466 of the Social Security Act
45 CFR 302.56(c)(iii)
45 CFR 302.70(9)
45 CFR 303.4(b)
45 CFR 303.8(b)(2) and (b)(7)(ii)

OCSE AT-16-06

State

MCL 552.517(1)(f)(iv)(B)
MCL 552.603(2)

SCAO ADM 2018-01

ATTACHMENT:

Section 3.45: Review and Modification

EPF/VPW

IV-D MEMORANDUM 2019-005

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: March 11, 2019

SUBJECT: Updates to *Michigan IV-D Child Support Manual* Section 1.35,
"MiChildSupport Portal" Regarding the MiCase *Ask a Question*
Feature

UPDATE(S): Manual Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces updates to *Michigan IV-D Child Support Manual* Section 1.35, "MiChildSupport Portal" regarding the *Ask a Question* feature in MiCase. OCS will modify this feature to allow FOC and PA staff to initiate a question to a MiCase user.⁵⁸

Section 1.35 includes updated information about the *Ask a Question* feature. Change bars in the right margin of the manual section identify new or updated policy since its last publication. Content that has been moved or reformatted is not identified with a change bar.

The updated *Ask a Question* feature will be implemented with the MiChildSupport release on March 20, 2019.

DISCUSSION:**FOC and PA Staff Initiating a Question**

The MiChildSupport Workgroup recommended enhancements to the *Ask a Question* feature to allow FOC and PA staff to securely initiate questions to MiCase users. Current functionality allows FOC and PA staff to respond to user questions, but they do not have the ability to initiate communication with users. With the enhancements, FOC and PA staff will be able to contact MiCase users directly through the *Ask a Question* feature, and users will be able to respond. The feature will also allow MiCase users to send documents to FOC and PA staff.

There will be no changes to current *Ask a Question* functionality that allows MiCase users to initiate a question.

Section 1.35 has been updated with new information about the *Ask a Question* feature. In addition, it clarifies that FOC and PA staff cannot use communication through MiCase to determine that a CP or NCP is not cooperating with a requested action.

Opting In to the *Ask a Question* Feature

⁵⁸ FOC and PA staff may initiate questions to registered MiCase users who have provided a phone number and/or an email address. In the registration process, MiCase informs users they may receive messages from their caseworker, but they may opt out from receiving these messages at any time.

To be offered the *Ask a Question* feature, counties must opt in to it.⁵⁹ By default, counties are considered opted out of the *Ask a Question* feature in the MiChildSupport Portal. Section 1.35 includes instructions for opting in to the *Ask a Question* feature and suggested protocols to ensure that participation in this feature is successful.⁶⁰

Available Training

OCS Training Services will update the *MiChildSupport Ask a Question Webinar* and will send an email notification when it is available.

NECESSARY ACTION:

Review Section 1.35 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual. Discard the previously published version of Section 1.35 (published August 20, 2018).

REVIEW PARTICIPANTS:

Financial Work Improvement Team
Program Leadership Group

CONTACT PERSON:

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CC:

None

ATTACHMENT:

Section 1.35: MiChildSupport Portal

EPF/KLU

⁵⁹ IV-D county offices that have opted in to this feature are responsible for addressing all user questions that come in from MiCase users.

⁶⁰ Ref: [Section 1.35, Subsection 2.2, "Access to the MiChildSupport Portal Customer Communication Page Through MiCSES."](#)

IV-D MEMORANDUM 2019-006

TO: All Friend of the Court (FOC) Staff

FROM: Erin P. Frisch, Director
Office of Child Support (OCS)

DATE: March 18, 2019

UPDATE(S):

Manual

Form(s)

SUBJECT: Federal Regulations Regarding Civil Contempt (Show Cause)

ACTION DUE: None

POLICY EFFECTIVE DATE: March 25, 2019

PURPOSE:

This IV-D Memorandum introduces new policy about civil contempt as an enforcement remedy for non-compliant non-custodial parents (NCPs). This policy, which was prompted by revised federal regulations,⁶¹ is the first in a series of OCS policy publications intended to:

- Provide guidance to IV-D staff on civil contempt processes;
- Improve successful outcomes for the families that the Michigan Child Support Program serves;
- Provide systematic tools that will assist IV-D staff in gathering information about the NCP's ability to pay; and
- Implement policy and procedures that will support the federal regulation.

In June 2019, OCS intends to publish *Michigan IV-D Child Support Manual* Section 6.39, "Show Cause." This publication will correspond to the first phase of system support in the Michigan Child Support Enforcement System (MiCSES) 10.1 Release (June 14, 2019). OCS also intends to provide policy for additional phased-in system support in future releases.

These initiatives are a joint effort by OCS, the State Court Administrative Office (SCAO), the Enforcement Work Improvement Team, and the Civil Contempt Workgroup.⁶² The Program Leadership Group endorses these initiatives. The partners' goals are to:

- Build enhanced system support;
- Improve the civil contempt process and the proceedings by making it easier for IV-D staff to identify and document NCPs who are most appropriate for show cause actions; and
- Ensure the information needed by the court is available in advance of a hearing.

⁶¹ Ref: 45 Code of Federal Regulations (CFR) 303.6.

⁶² The Civil Contempt Workgroup consists of representatives from the Friend of the Court Association (FOCA), SCAO – Friend of the Court Bureau (FOCB), and OCS.

DISCUSSION:**A. Background and Legal Authority**

On December 20, 2016, the federal Office of Child Support Enforcement (OCSE) published the *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs* final rule in the *Federal Register*.⁶³ This rule amended 45 CFR 303.6 to require the state IV-D agency to provide guidance to IV-D staff for using civil contempt to enforce child support orders. Specifically, the rule states that guidance provided by the IV-D agency (OCS) must include requirements that IV-D staff:

- “Screen the case for information regarding the noncustodial parent’s ability to pay or otherwise comply with the order;
- Provide the court with such information regarding the noncustodial parent’s ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the noncustodial parent’s ability to pay the purge amount or comply with the purge conditions;⁶⁴ and
- Provide clear notice to the noncustodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.”

OCSE revised the regulation to ensure:

- Compliance with the U.S. Supreme Court decision in *Turner v. Rogers*, 564 U.S. ___, 131 S. Ct. 2507 (2011);
- Child support case outcomes are just and comply with due process; and
- Enforcement proceedings are cost-effective and in the best interest of the child.⁶⁵

The Michigan Child Support Program and the courts have been enforcing child support through civil contempt actions in a manner consistent with this regulation and will continue to do so.⁶⁶ The main difference between Michigan’s current practice and the regulation is the timing of “ability to pay” screening and who is responsible for screening. The court’s responsibility for determining the parent’s “ability to pay” has been long-standing in

⁶³ Ref: federal [OCSE Action Transmittal \(AT\)-16-06, Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs](#); [OCSE AT-12-01, Turner v. Rogers Guidance](#); and [OCSE Information Memorandum \(IM\)-12-01, Alternatives to Incarceration](#).

⁶⁴ A purge amount is the amount of money the individual must pay toward arrearages to avoid being incarcerated for contempt of the support order. Purge conditions are the conditions the NCP must comply with to avoid being incarcerated for contempt of the support order.

⁶⁵ Ref: [OCSE Final Rule Fact Sheet: Civil Contempt – Ensuring Noncustodial Parents Have the Ability to Pay](#).

⁶⁶ Ref: SCAO document: [Contempt Actions for Child Support Nonpayment](#).

Michigan law. The regulation does not change the court's responsibility; however, it does introduce a new responsibility for IV-D staff to screen for ability to pay.

Michigan law requires the FOC to initiate enforcement through one or more measures provided in the Support and Parenting Time Enforcement Act (SPTEA). The SPTEA requires enforcement when "the arrearage under the support order is equal to or greater than the monthly amount of support payable under the support order."⁶⁷ The SPTEA provides that the FOC office or the recipient of child support may pursue a civil contempt action if:

- The NCP is not paying support per the court's order, or the NCP refuses to obey and perform the order; and
- An order of income withholding is inapplicable or unsuccessful.⁶⁸

The SPTEA authorizes but does not require civil contempt as an enforcement action. Michigan Court Rules (MCR) provide the procedure for pursuing civil contempt.⁶⁹ Additionally, Michigan law provides for many possible outcomes for civil contempt of a support order. Incarceration is one of the possible outcomes, and Michigan law provides that the court enter an order of commitment (incarceration) only as a last resort.⁷⁰

B. Purpose of Case Screening

The primary purpose of case screening is to obtain and evaluate "ability to pay" information in order to promote better outcomes for families⁷¹ in the IV-D program when enforcement is necessary. As stated above, a civil contempt action can lead to many possible outcomes, one of which is incarceration. Because civil contempt can lead to an individual's deprivation of liberty through incarceration, it is important for IV-D staff to initially assess the NCP's ability to pay support or ability to comply with the order. Case screening is also imperative in contempt hearings for due process because an individual's ability to pay his/her support obligation and/or a purge amount upon incarceration is a vital matter.⁷²

C. Case-Screening Process

Case screening is an evaluation process and decision point for IV-D staff to choose whether to initiate a civil contempt action or to consider an alternate course of action. IV-D staff screening cases assists the court in determining the payer's ability to pay and ensuring

⁶⁷ Michigan Compiled Law (MCL) 552.511(1)(a)

⁶⁸ MCL 552.631(1)

⁶⁹ Ref: MCR 3.208, MCR 3.213, and MCR 3.221.

⁷⁰ MCL 552.633, MCL 552.637

⁷¹ Ref: Elizabeth G. Patterson, *Civil Contempt & the Indigent Child Support Obligor: The Silent Return of Debtor's Prison*, 18 *Cornell Journal of Law & Public Policy* 95, 126 (2008) (*Civil Contempt*), available at: <http://www.lawschool.cornell.edu/research/jlpp/upload/patterson.pdf>.

⁷² Ref: [OCSE Final Rule Fact Sheet: Civil Contempt – Ensuring Noncustodial Parents Have the Ability to Pay](#).

due process is provided. IV-D staff will not use the screening process to make a **final determination/finding** of the NCP's ability to pay. Further, the results of the screening will not prevent IV-D staff from initiating or require them to initiate a civil contempt action. If IV-D staff choose to initiate a civil contempt action based on the **initial evaluation** of the NCP's ability to pay, the court will make the **final determination** of the NCP's ability to pay and whether (s)he is in contempt.

Screening must be completed by IV-D staff, and the FOC office will determine which staff will screen NCPs for their office. If an NCP has multiple cases eligible for enforcement in multiple counties, IV-D staff in each county's FOC office will screen the cases in their own county. One county's evaluation will not necessarily apply to other counties' cases and will not require or prevent civil contempt actions in the other county(ies).

1. Timing

IV-D staff must screen the NCP's ability to pay **before initiating** a civil contempt action and starting the *Show Cause/Bench Warrant (SCBW)* activity chain on the *Enforcement Processor (ENFP)* screen. The screening must also occur **before**:

- Scheduling a show cause hearing with a referee or the court; and
- Sending the *Notice of Contempt Hearing for Failure to Pay Support (FEN14L/FEN140/FOC2b)* to the parties, or sending the *Motion and Order to Show Cause for Contempt – Support (FEN14L/FEN140/FOC2)* to the court and the parties.

2. Screening Factors

IV-D staff may consider reviewing the following factors in their assessment of the NCP's ability to pay:

- a. The NCP's payment history;**
- b. Income withholding activity;**
- c. Review and modification activity;**
- d. The NCP's receipt of Supplemental Security Income or Social Security Disability Income;**
- e. The NCP's incarceration status;**
- f. The NCP's receipt of workers' compensation; and**
- g. The NCP's receipt of public assistance (if the information is readily available).**

One screening factor alone may suggest the NCP has an ability or inability to pay; however, IV-D staff should assess a combination of factors that contribute to the NCP's overall ability to pay. IV-D staff are not required to perform an exhaustive investigation

to discover any missing factor(s) that is not readily available through MiCSES or another source.

D. Notice to the NCP

The federal regulation requires the IV-D program to provide notice to the NCP when (s)he is subject to a civil contempt action.⁷³ The *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b)⁷⁴ and the *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2) include language to inform the NCP that his/her ability to pay is a critical issue for the civil contempt proceeding.⁷⁵ This language allows the NCP to come prepared to the hearing with information relevant to his/her ability to pay support or comply with the order; a well-prepared NCP can help increase the accuracy of the court's determination and promote fairness.

E. Providing Information to the Court

IV-D staff must provide the court information about the NCP's ability to pay, which may assist the court in making its determination and findings. OCS defers to IV-D staff in the FOC offices regarding how to provide information to the court. The communication method is based on the nature of the case, the local office's practice, and the court's preference.

IV-D staff can provide the information to the court verbally or through documentation, and/or the parties can provide the information through their own testimony. OCS recommends that, at a minimum, IV-D staff provide the court with relevant information obtained from the case screening and/or the relevant factors that IV-D staff relied on for the decision to bring the action. SCAO recommends use of a report because "the most effective, efficient, and protective of procedural justice is to use a report and avoid appearance of advocacy."⁷⁶ FOC offices may develop a report or use their existing report for this purpose; however, the Civil Contempt Workgroup, OCS, and SCAO have been working on a model report for use in the future to gather "ability to pay" information and/or to provide information to the court.

IV-D staff must not provide the *Court Order Information Report* (CCRT) to the court because it contains confidential information and is intended only for IV-D staff use. It may also contain federal tax information (FTI) that is subject to protection.⁷⁷ IV-D staff may

⁷³ 45 CFR 303.6(c)(4)

⁷⁴ Ref: [SCAO FO CB Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#), August 13, 2018.

⁷⁵ This language was added to the form in MiCSES on August 23, 2018. Ref: the [August 16, 2018 email notification: Updated Enforcement Templates Releasing to Production 8/23/2018](#) and [SCAO FO CB Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#).

⁷⁶ Ref: [SCAO FO CB Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#).

⁷⁷ Ref: [Michigan IV-D Child Support Manual Section 1.10, "Confidentiality/Security."](#) for more policy information about FTI and confidentiality.

generate the CCRT report only to support their preparation, involvement, testimony, etc. for the court.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Enforcement Work Improvement Team
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CC:

All Prosecuting Attorney Staff
All OCS Staff

SUPPORTING REFERENCES:

Federal
45 CFR 303.6
45 CFR 303.6(c)(4)

OCSE AT-16-06
OCSE AT-12-01
OCSE IM-12-01

State
MCL 552.511(1)(a)
MCL 552.631(1)
MCL 552.633
MCL 552.637
MCR 3.208
MCR 3.213
MCR 3.221

ATTACHMENT(S):

None

EPF/CPT

IV-D MEMORANDUM 2019-007

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: March 25, 2019

SUBJECT: Agency Placement Referrals for Relative Unlicensed Providers and
Court Action Referrals (CARs) for Unlicensed Providers

UPDATE(S):

Manual

Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: April 1, 2019

PURPOSE:

This IV-D Memorandum announces that the Michigan Department of Health and Human Services (MDHHS) Child Welfare Program will be making foster care maintenance payments to *relative* unlicensed providers beginning April 1, 2019. This memorandum discusses the following:

- Agency placement funding for relative unlicensed providers;
- Michigan Statewide Automated Child Welfare Information System (MiSACWIS) referrals for children placed with relative unlicensed providers;
- FOC staff manual actions for working relative unlicensed provider agency placement IV-D cases;
- IV-D staff manual actions for working IV-D cases where the relative unlicensed provider is also the custodial party (CP) receiving cash assistance through the Family Independence Program (FIP) on behalf of a child; and
- Policy regarding CARs on agency placement referrals that also have a separate FIP referral with no existing child support order.

OCS will incorporate the policy from this IV-D Memorandum into pertinent sections of the *Michigan IV-D Child Support Manual* in a future publication.

DISCUSSION:

A. Updates to Agency Placement Referrals for Relative Unlicensed Providers

1. Overview

The Michigan Child Welfare Program has announced⁷⁸ that unlicensed relatives⁷⁹ who have placement of temporary abuse/neglect wards supervised by MDHHS will be eligible to receive state-funded⁸⁰ foster care maintenance payments beginning on April 1, 2019. Once a foster care maintenance payment begins on behalf of the child, relative unlicensed providers will no longer be eligible to receive child support redirected from a IV-D case(s).⁸¹

On April 1, 2019, MiSACWIS will begin sending state-funded referrals and referral updates for relative unlicensed providers to the Michigan Child Support Enforcement System (MiCSES).⁸² Additionally, relative unlicensed providers will no longer be eligible to receive FIP assistance. IV-A staff will review a list of relative unlicensed providers from the child welfare program and will end-date FIP assistance on behalf of the child as of March 31, 2019.

2. Initial Referrals for Children Placed With a Relative Unlicensed Provider on or After April 1, 2019

When MDHHS places a child with a relative unlicensed provider on or after April 1, 2019, the provider will be eligible for foster care maintenance payments beginning on the placement effective date. MiSACWIS will send a new agency placement referral to MiCSES following funding approval by the child welfare worker.

3. Referral Updates and FOC Staff Actions for Children Placed With Relative Unlicensed Providers Prior to April 1, 2019

a. Referral Updates

Over the next several months, child welfare staff will approve foster care maintenance payment funding in MiSACWIS for all relative unlicensed providers who had a child placed with them prior to April 1, 2019. As current relative unlicensed providers are approved by child welfare staff, MiSACWIS will send referral updates to MiCSES. These MiSACWIS referral updates will have a retroactive *Pay To* effective date in MiCSES as of April 1, 2019. The MiCSES project

⁷⁸ Ref: MDHHS issued Communication Issuance 19-008, *Payments to Unlicensed Relatives* on January 22, 2019.

⁷⁹ An unlicensed caregiver is not currently licensed by the State of Michigan to provide for the care of a child receiving Foster Care or Juvenile Justice (FC/JJ) services and is often a relative. Ref: [Section 2.85, "Agency Placement – Case Initiation," of the Michigan IV-D Child Support Manual](#) for more information.

⁸⁰ The funding source is general fund (GF). Ref: [Section 5.85, "Agency Placement – Financial," of the Michigan IV-D Child Support Manual](#) for more information on funding sources.

⁸¹ Michigan Compiled Law (MCL) 552.605d requires that when a court orders a child to be placed with MDHHS and maintenance payments are made for that child from state funds, child support payments must be assigned to the state.

⁸² These referrals will be handled the same as other agency placement referrals. Ref: [Section 2.85 of the Michigan IV-D Child Support Manual](#) and [Section 3.85, "Agency Placement – Case Management," of the Michigan IV-D Child Support Manual](#) for information regarding agency placement referrals.

team estimates there are 519 agency placement IV-D cases with relative unlicensed providers in MiCSES that may potentially receive referral updates from MiSACWIS.

IV-A staff will review a list of relative unlicensed providers from the child welfare program and will end-date FIP assistance as of March 31, 2019. The automated MiCSES un-assignment process will update the IV-D case member's assistance status on the IV-D case(s) where the provider and the child both receive FIP benefits.⁸³

b. FOC Staff Actions

This guidance is familiar to FOC staff, but because of the unique nature of the large transition MDHHS is making, OCS is restating instructions specific to processing retroactive MiSACWIS referrals for ease of use.

1) Agency Placement Referral Update Alert in MiCSES

A referral update from MiSACWIS will trigger MiCSES to generate the AGP_CHANGE alert.⁸⁴ This alert notifies FOC staff that an agency placement IV-D case(s) requires manual intervention to change the recipient of support. Over the next several months, FOC staff will initially see an increase in their AGP_CHANGE alerts.⁸⁵ The alert will contain the agency placement IV-D case with the *Pay To* indicator of STATE and the *Pay To* effective date of April 1, 2019.⁸⁶

2) Changing the Recipient of Support on the Agency Placement IV-D Case

When child support becomes assigned to the state, IV-D staff must end the redirection⁸⁷ of support to the relative unlicensed provider on the agency placement IV-D case. Otherwise, MiCSES will continue to redirect support to the relative unlicensed provider. FOC staff will end the redirection to ensure current charges are payable to the state.⁸⁸ FOC staff must not end redirection or start assignment until the child welfare worker updates the funding source and a referral update has been received from MiSACWIS. FOC staff will modify existing obligations on the *Obligation Maintenance* (OBLG) screen.

⁸³ Ref: Section 5.85 of the *Michigan IV-D Child Support Manual* and [Section 5.15, "Assignment of Support \(Certification/Decertification\)," of the Michigan IV-D Child Support Manual](#) for detailed information on assignment.

⁸⁴ Ref: Section 3.85 of the *Michigan IV-D Child Support Manual* and the job aid [MiSACWIS Alerts in MiCSES](#) for more information regarding agency placement alerts.

⁸⁵ Ref: [MiCSES Customer Information Guide: MiSACWIS Referrals](#).

⁸⁶ The *Pay To* indicator is on the *SACWIS Case Information* (SCWS) screen and the *Member Assistance History* (MAHI) screen in MiCSES. Ref: [MiCSES Screen Description: SCWS – SACWIS Case Information](#) and [MiCSES Screen Description: MAHI – Member Assistance History](#).

⁸⁷ This occurs through either an administrative or judicial redirection. Ref: Section 5.85 of the *Michigan IV-D Child Support Manual* for more information regarding the redirection of support.

⁸⁸ The MiSACWIS referral for a state-funded placement will display on the MAHI and SCWS screens in MiCSES with a *Pay To* of STATE, and a IV-E eligibility indicator of "NO."

To ensure the correct recipient of support is on the agency placement IV-D case, FOC staff will:

- a) End the obligation on the provider placement (WF) debt type⁸⁹ effective March 31, 2019; and
- b) Restart the obligation on the assignable child support (CS) debt type effective April 1, 2019 with accrual in the foster care (IVEF) category.⁹⁰

Ending the obligation on the WF debt type effective March 31, 2019 may create an overpayment in the Never Assigned Arrears (NAA) category. Restarting the obligation on the CS debt type effective April 1, 2019 will create an arrears balance in the IVEF category. To prevent future payments from inappropriately disbursing to IVEF, FOC staff will offset the negative balance in NAA on the WF account and credit the arrears balance in IVEF for the same amount using the *Obligation Arrears Adjustment (OBAA)* screen in MiCSES.⁹¹

Due to the retroactive update, the relative unlicensed provider may receive an overpayment of child support.⁹² FOC staff must not attempt to recover any overpayments of support from the relative unlicensed provider.⁹³

Note: Because a child in agency placement is categorically eligible for Foster Care Dependent Ward (FCDW) Medicaid and eligibility of this benefit is presumed, the medical support (MS) obligation will remain assigned, and the unpaid medical support will stay in the MEDI arrears category.

3) Ending Charges on the Bridges-Referred FIP IV-D Case

Because relative unlicensed providers will no longer receive FIP as of March 31, 2019, FOC staff must ensure the monthly support obligation is no longer charging on a Bridges-referred IV-D case where the relative provider is the CP. Otherwise, the CP will receive child support payments on the Bridges-referred IV-D case.

Currently, there is no alert in MiCSES to notify FOC staff when FIP assignment ends. Therefore, FOC staff must rely upon the AGP_CHANGE alert as a

⁸⁹ Ref: [Section 5.10, "Debt Types," of the Michigan IV-D Child Support Manual.](#)

⁹⁰ The monthly support obligation for state-funded placements accrues in the IVEF category. Ref: Section 5.85 in the *Michigan IV-D Child Support Manual* for more information on state-funded placements and assignable arrears.

⁹¹ Ref: [MiCSES Screen Description: OBAA – Obligation Arrears Adjustment](#) for information on the OBAA screen.

⁹² Ref: Section 5.85 of the *Michigan IV-D Child Support Manual* for more information on retroactive child support referrals

⁹³ OCS discussed with the child welfare program that relative unlicensed providers are responsible for reporting child support and foster care maintenance payments received in the same month(s) to child welfare staff. Child welfare staff will determine any repayment of overlapping benefits.

reminder to search for any Bridges-referred FIP case(s) associated to the relative unlicensed provider and child(ren). FOC staff may use the IV-D case member information from the agency placement case to identify the relevant Bridges-referred FIP case(s).

To ensure the monthly support obligation is no longer charging on a Bridges-referred IV-D case, FOC staff will:

- a) Stop charges on the IV-D case where the CP is the provider; and
- b) Move the charges to the agency placement IV-D case.

If no action is taken on the IV-D case, the Bridges assistance status update in MiCSES will unassign the CS obligation payable to IV-A and assign it back to the CP. This will result in the CP receiving support that is due to the state for foster care reimbursement.

4. Relative Unlicensed Provider Impacts

Child welfare staff will notify relative unlicensed providers that the redirection of child support and/or their FIP benefits will end. However, IV-D staff may receive questions from relative unlicensed providers about their child support ending. Because IV-D staff do not determine or adjust foster care maintenance payments, they will advise relative providers to contact their child welfare worker.

Child welfare program staff will also notify child welfare staff that relative unlicensed providers need to contact the FOC if they continue to receive child support payments after the receipt of their first foster care maintenance payment.

B. Children in a Non-Funded Placement With a Non-Relative Unlicensed Provider (Unlicensed Provider)

MiCSES will continue to receive referrals from MiSACWIS for non-funded placements for unlicensed providers with a *Pay To* of PROVIDER. IV-D staff will refer to the *Pay To* indicator when determining funded or non-funded placements rather than relative or non-relative providers.

C. IV-D Staff Actions When Agency Placement Is With an Unlicensed Provider Receiving FIP Benefits and There Is No Existing Child Support Order

Children in a non-funded agency placement may still receive FIP benefits through MDHHS. In this instance, MiCSES will receive two separate referrals: a referral from MiSACWIS due to the unlicensed provider agency placement, and a referral from Bridges due to the

provider and child receiving FIP.⁹⁴ PA staff have received multiple CARs with the same case members – one for the agency placement IV-D case and one for the FIP IV-D case. PA staff have asked for policy to address which CAR is appropriate to process when there is no existing child support order.

Because FIP assignment takes priority over the agency placement redirection of support to the provider, IV-D staff must take the appropriate steps to ensure assignment of support is applied to the FIP IV-D case. However, PA staff may have received a CAR for the agency placement case and begun actions to establish an order. The following information provides direction for IV-D staff on processing CARs when MiCSES receives the two separate referrals as described above. Once a child support order is established for either the agency placement IV-D case or the FIP referral, FOC staff must take the appropriate steps to ensure assignment on the FIP IV-D case.

1. Required Support Specialist (SS) Actions

If there is no existing child support order and no existing CAR on the agency placement IV-D case, the SS will send a CAR on the FIP referral⁹⁵ to establish an order. To ensure proper jurisdiction, the SS must send the referral to the county that has jurisdiction over the neglect/abuse (N/A) case. The SS will not send a subsequent CAR for the agency placement referral. Instead, the SS will close the subsequent IV-D case with the reason code “MZ – Case Merged/Opened in Error.” The SS will enter a note on the *Notes Processor* (NOTE) screen explaining why the IV-D case closed.

If there is an existing CAR for the agency placement IV-D case, the SS will not send a subsequent CAR on the FIP referral. The PA may have initiated establishment on the agency placement IV-D case. Therefore, the SS will not ask the PA to stop initiation. The SS will close the FIP IV-D case with the reason code “MZ – Case Merged/Opened in Error.” The SS will enter a note on the NOTE screen explaining why the IV-D case closed.

2. Recommended PA Staff Actions When the SS Generates More Than One CAR

The PA should receive a CAR for the FIP referral only when there is no existing child support order. However, if the PA receives a CAR for the agency placement IV-D case **and** for the FIP referral, the PA can process the first CAR received from the SS. This allows for order establishment for either the agency placement IV-D case or the FIP referral. After an order is entered, and the case is assigned to the FOC office, FOC staff will take the appropriate steps to ensure assignment on the FIP referral. The PA can close the subsequent IV-D case with the reason code “MZ – Case Merged/Opened in Error.” The PA worker will enter a note on the NOTE screen explaining why the IV-D case was closed.

D. Future Policy, Training and Technical Communication Document Updates

⁹⁴ Ref: Sections 2.85 and 5.85 of the *Michigan IV-D Child Support Manual* for more information on agency placement referrals and FIP referrals.

⁹⁵ Ref: Sections 5.10 and 5.85 of the *Michigan IV-D Child Support Manual* for more information on assignment priority over redirection.

In the future, OCS will incorporate the policy from this IV-D Memorandum into pertinent sections of the *Michigan IV-D Child Support Manual*. The training and technical communication teams will also update their materials as resources are available.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Financials Work Improvement Team
Program Leadership Group

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CC:

None

SUPPORTING REFERENCES:

Federal
None

State
MCL 552.605d

ATTACHMENT(S):

None

EPF/JLA

IV-D MEMORANDUM 2019-008

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: May 6, 2019

SUBJECT: Data Warehouse Self-Service Reporting (SSR), Statewide
Implementation, and Training

UPDATE(S):

Manual

Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum provides information regarding Self-Service Reporting (SSR) in Business Objects. It provides a background of the project, its development process, training considerations, and implementation procedures.

The SSR project officially began in October 2018 with a planning phase, followed by a pilot for several FOC offices starting in January 2019. OCS decided to focus its first SSR efforts on enforcement and financials reporting for FOC users. Piloting SSR among a broad group of FOC offices has provided the program with a better idea of how SSR will work for the entire child support program.

Statewide SSR implementation for FOC users is scheduled to begin on May 16, 2019, and continue through September 2019. As SSR implementation progresses, OCS will assess the users' needs and will be in a better position to determine use of SSR for PA and OCS staff, and for more expansive data topics going forward.

Use of SSR is optional; OCS does not require users or offices to access SSR.

DISCUSSION:**A. Background**

IV-D staff often request queries from the Michigan Child Support Enforcement System (MiCSES) Data Warehouse to gather data they need to perform research and create work lists. The MiCSES Data Warehouse team prepares the requested queries and provides the results on the mi-support Document Distribution Center.⁹⁶ In an effort to make this process more convenient and efficient, OCS and the MiCSES Data Warehouse team began investigating ways for IV-D staff to run queries themselves. In 2016, the MiCSES Data Warehouse team developed an SSR proof of concept⁹⁷ using the Web Intelligence (WebI, pronounced “Webby”) application available in Business Objects. The purpose of SSR is to:

- 1. Empower IV-D staff to create, customize and share reports securely through Business Objects using MiCSES data available in the Data Warehouse;⁹⁸ and**
- 2. Allow IV-D staff to bypass the [ad-hoc query request process](#) in many cases and obtain data within minutes.**

Upon successful completion of the proof of concept, the MiCSES Data Warehouse SSR team explored what Michigan’s IV-D program needed most from SSR. They discovered a need for work lists that FOC staff can use to identify cases needing action. Therefore, SSR is primarily focused on FOC enforcement and financials reporting at this time.

The SSR efforts meet the Michigan Child Support Program’s 2018-2020 Strategic Plan strategies to “increase access to data and information through self-service reports” and to “ensure staff have the data tools and information necessary to be successful.” These strategies were identified as methods the program would use to improve child support services.

B. SSR Development – the Agile Method

The SSR team is using the Agile software development method.⁹⁹ The Agile method allows for changing requirements as the development happens and focuses on creating working functionality in short time periods called “sprints.” The SSR team has defined a sprint to be an approximately two-week time period.

⁹⁶ Ref: the [Central Ad Hoc Query Request Process](#) on mi-support for more information.

⁹⁷ “Proof of concept” is evidence, typically derived from an experiment or pilot project, which demonstrates that a design concept or proposal is feasible.

⁹⁸ Ref: [Section 1.10, “Confidentiality/Security,” of the Michigan IV-D Child Support Manual](#) for information on the secure handling of data.

⁹⁹ For more information about the Agile method, reference the website “Agile In a Nutshell” at <http://www.agilenutshell.com/>.

Business Objects uses a collection of data elements created by the SSR team to represent MiCSES data. This collection of data elements (e.g., docket number, case number, names, etc.) is called the SSR “universe.” With each sprint, the SSR team adds new data elements to the SSR universe within Webl.

The SSR team adds the data elements in order of priority as decided by the product owner (the OCS liaison between the users/partners and the SSR team) with input from the users/partners. At the completion of a sprint, the SSR team presents the new functionality to the users and other stakeholders. The new functionality is released to production after every other sprint, on a four-week schedule. The new data elements are then available to SSR users so they can create new reports or modify existing reports.

Regular sprints are scheduled through mid-September, and the project is scheduled to conclude on September 30, 2019.

C. Pre-Pilot and Pilot

The SSR pre-pilot period began in October 2018, followed by sprints one, two and three. During this pre-pilot period, the OCS Training Services Section also began the development of SSR training materials.

In January 2019, the SSR team started the pilot by releasing SSR into Business Objects production for FOC pilot users. This first release contained all functionality and data elements built into the SSR universe during the first three sprints. The Training Services Section presented the initial SSR training to the pilot users.

Pilot users were selected from FOC offices in eleven Michigan counties: Benzie, Calhoun, Chippewa, Crawford, Kalkaska, Kent, Muskegon, Oakland, Otsego, Ottawa, and St. Clair. In addition, one user from the State Court Administrative Office (SCAO) participated in the pilot.

FOC pilot participants explored the SSR universe in their local offices, created reports, and experimented with building queries. The Training Services Section, the product owner, and the SSR team communicated regularly with pilot users to gather feedback, identify training needs, and collect new ideas and requests for future sprints.

During the pilot, sprints were completed in two-week increments, and the SSR team released new data elements and functionality into production approximately every four weeks.

D. SSR Benefits and Suggested Users

By allowing users to run their own reports, SSR will make it easier for FOC staff to gather the data they need to perform their work. In addition, SSR may allow FOC offices to better organize their efforts in obtaining reports. For example, offices should identify specific staff who have the aptitude and time available to create reports that the entire office can use.

The SSR tool is not necessarily intuitive; it requires staff to be trained and to use it regularly to become proficient and productive. FOC staff who plan to use SSR must take training to learn it (Ref: Section E of this memorandum). OCS encourages training participants to obtain approval from their office management first before registering for training.

During the statewide implementation through September 2019, those who register for training as explained in Section E below will be granted SSR access in Business Objects *without* the need to complete a *IV-D Program Request for Computer Access* (DHS-393) or a *IV-D Program Request for Changing Computer Access* (DHS-395) to gain SSR access.

E. Statewide Implementation and Training for FOC Users

Statewide implementation and training for FOC users who are interested in SSR will begin in May 2019. The Training Services Section will offer multiple Virtual Instructor-Led Trainings via the [Learning Management System \(LMS\)](#) between May and September 2019. OCS will provide dates and links for these trainings via email notifications and on mi-support.

Note: Users **must** have a Business Objects login at the time of training so they can access the SSR environment and follow along with the trainers (Ref: Section F of this memorandum for more information).

To register for SSR training, FOC staff will log into the LMS. A limited number of attendees may participate in each training, so the enrollment process is on a first-come, first-served basis.

FOC staff will participate in the instructor-led training on their assigned day/time. During the week following their training, participants are encouraged to use SSR, along with the written training materials, to create reports, making sure to capture any questions or additional training needs. Then one week after each training, Training Services will host a follow-up Question and Answer session. Users may wish to participate in this session to ask questions and provide feedback based on their one-week use of SSR.

FOC users are strongly encouraged to use SSR regularly and provide feedback regarding training needs and performance by emailing the Help Desk at DIT-MiCSES-Helpdesk@michigan.gov.

F. Post-Implementation and Training

After September 30, 2019, staff who have a Business Objects login and need SSR access must complete a DHS-393 or a DHS-395 and submit it to the MiCSES Help Desk.

Note: Staff should have office management approval before requesting access.

- On the DHS-393, staff will select “Data Warehouse/Business Objects View” and “Other,” and write in “SSR.”
- On the DHS-395, staff will select “Data Warehouse/Business Objects” and write in “SSR” next to “Data Warehouse/Business Objects.”

Staff who do not have a Business Objects login and need SSR access must complete and submit a DHS-393 to obtain both a Business Objects login and SSR access.

A recording of a live training will be available on the LMS for reference. In addition, live virtual trainings will be scheduled on an as-needed basis, and can be requested in the LMS.

G. Enhancements After September 30, 2019

After September 30, 2019, users wishing to request fixes or enhancements to SSR – including adding data elements specific to PA and OCS users and fixes to existing SSR fields – will enter a ticket with the MiCSES Help Desk. These tickets will be prioritized with other MiCSES and Data Warehouse tickets.

Outstanding enforcement/financials functionality requests that were not included in SSR development before September 30, 2019 will be given a ticket number and prioritized with all other Help Desk tickets.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Performance Management Workgroup
Program Leadership Group

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ATTACHMENT(S):

None

EPF/ACG

IV-D MEMORANDUM 2019-009

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff
All Michigan State Disbursement Unit (MiSDU) Staff
Michigan New Hires Operation Center Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: May 31, 2019

SUBJECT: OCS Forms With Updated Michigan Department of Health and Human Services (MDHHS) Letterhead and Modified Formatting for Customers With Disabilities

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces OCS's revision of 14 non-MiCSES-generated¹⁰⁰ forms that contain MDHHS letterhead. On 12 of these forms, OCS has updated the letterhead to reflect the new Michigan governor and the new MDHHS director, who began their terms in January 2019. On two of the forms, OCS has removed the MDHHS letterhead. In addition, OCS has updated all of these forms to meet usability standards for people with disabilities.

DISCUSSION:**A. MDHHS Letterhead Updates****1. Forms Updated With New MDHHS Letterhead**

OCS has updated the MDHHS letterhead on the following forms:

- DHS-318: *Emergency Notice of Withdrawal of Passport Denial;*
- DHS-660: *Letter to Financial Institution Regarding Out-of-State Lien;*
- DHS-681/FEN681: *Request to Discharge State-Owed Debt;*
- DHS-682/FEN682: *Request for "Matching" Payment;*

¹⁰⁰ MiCSES is the Michigan Child Support Enforcement System.

UPDATE(S): <input type="checkbox"/> Manual <input checked="" type="checkbox"/> Form(s)

- DHS-683/FEN683: *Notice of Discharge of State-Owed Debt*;
- DHS-1014: *New Hire Reporting Proactive Compliance Letter*;
- DHS-1017: *New Hire Report Rejection Letter*;
- DHS-1018: *New Hire Reporting/Quarterly Wage Match Compliance Letter*;
- DHS-1082: *Notice of Referral for Tribal Child Support Services*;
- DHS-1202: *Application Status Letter*;
- DHS-1300: *Returned NMSNs to FOC Staff letter*; and
- DHS-1425: *Instructions for Withholding and Remitting Support From Employee/Obligor Lump-Sum Payments*.

Note: The DHS-681, DHS-682, and DHS-683 are also available as MiCSES-generated forms (FEN681, FEN682, FEN683). These MiCSES versions of the forms have system-generated letterhead and do not need letterhead revisions. In addition, the FEN681, FEN682, and FEN683 have not been reformatted for customers with disabilities. The MiCSES forms were last revised in June 2015 (they have a revision date of 6/2015 in the footer), while the DHS forms have a revision date of 5/19.

2. Forms With MDHHS Letterhead Removed

To reduce the number of forms that need updating every time there is a change in the governor and/or the MDHHS director, OCS decided to remove the letterhead from the following forms rather than update it:

- DHS-510: *Special Instruction Payment Coupon*; and
- DHS-1081: *Request for Verification of Tribal Membership and Territorial Jurisdiction*.

In place of the letterhead, "Michigan Department of Health and Human Services" appears under the title of each form.

B. Improvements to Forms for Customers With Disabilities

MDHHS is in the process of enhancing its forms to better serve customers with disabilities. There will not be an effort to update all forms with these changes at one time; instead, MDHHS will make these changes along with other updates whenever a form is due for

revision. In redesigning the forms, MDHHS will follow the standards in the DTMB¹⁰¹ document *Accessibility Training for Electronic Information*, issued November 3, 2017.

The most significant change in the forms is the enlargement of the text. All text is at least 12-point size. Form titles are slightly larger. Other changes to the forms to make them more usable for customers with disabilities include the following:

- Removal of italics for ease of reading;
- Increased space for entering responses; and
- Replacing parentheses with hyphens in phone and fax numbers; for example, changing (866) 540-0008 to 866-540-0008.

In addition, underlines were removed from hyperlinks to meet MDHHS style guidelines.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. Staff from the MiSDU, OCS Central Operations, NMSN Processing Unit, and Michigan New Hires Operation Center must discard any forms with the previous MDHHS letterhead and begin using the updated forms.

REVIEW PARTICIPANTS:

Program Leadership Group

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CC:

None

ATTACHMENTS:

- DHS-318: *Emergency Notice of Withdrawal of Passport Denial*
- DHS-510: *Special Instruction Payment Coupon*
- DHS-660: *Letter to Financial Institution Regarding Out-of-State Lien*
- DHS-681/FEN681: *Request to Discharge State-Owed Debt*

¹⁰¹ DTMB is the Department of Technology, Management and Budget.

- DHS-682/FEN682: *Request for “Matching” Payment*
- DHS-683/FEN683: *Notice of Discharge of State-Owed Debt*
- DHS-1014: *New Hire Reporting Proactive Compliance Letter*
- DHS-1017: *New Hire Report Rejection Letter*
- DHS-1018: *New Hire Reporting/Quarterly Wage Match Compliance Letter*
- DHS-1081: *Request for Verification of Tribal Membership and Territorial Jurisdiction*
- DHS-1082: *Notice of Referral for Tribal Child Support Services*
- DHS-1202: *Application Status Letter*
- DHS-1300: *Returned NMSNs to FOC Staff letter*
- DHS-1425: *Instructions for Withholding and Remitting Support From
Employee/Obligor Lump-Sum Payments*

EPF/SLM

IV-D MEMORANDUM 2019-010

TO: All Friend of the Court (FOC) Staff

FROM: Erin P. Frisch, Director
Office of Child Support (OCS)

DATE: June 10, 2019

UPDATE(S):

Manual

Form(s)

SUBJECT: Introduction of *Michigan IV-D Child Support Manual* Section 6.39, "Civil Contempt (Show Cause)," and Improvements to the Civil Contempt (Show Cause) Processes

ACTION DUE: Define County Form Options on June 17, 2019¹⁰²

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum introduces Section 6.39, "Civil Contempt (Show Cause)," of the *Michigan IV-D Child Support Manual*. Section 6.39 incorporates policy from the recently published IV-D Memorandum 2019-006, *Federal Regulations Regarding Civil Contempt (Show Cause)*, as well as new policy. It provides guidance about civil contempt as an enforcement remedy for non-compliant non-custodial parents (NCPs). Section 6.39 is intended to:

- Assist IV-D staff in civil contempt processes;
- Improve successful outcomes for families served by the Michigan Child Support Program; and
- Explain systematic tools that will help IV-D staff screen cases and gather information about the NCP's ability to pay.

With the Michigan Child Support Enforcement System (MiCSES) 10.1 Release (June 14, 2019), OCS will implement system support for screening cases through the new *Civil Contempt Ability to Pay Screening (CAPS)* screen.¹⁰³ IV-D staff will use the CAPS screen to screen a case when contemplating a civil contempt action. In addition, OCS will implement the new *Ability to Pay Worksheet* (FEN14X and FEN14Y) to help IV-D staff gather information from NCPs about their ability to pay support.

Information about the CAPS screen and the *Ability to Pay Worksheet* is included in Section 6.39. Change bars in the right margin of the manual section identify this information and any new or updated policy since the publication of IV-D Memorandum 2019-006. Policy from IV-D Memorandum 2019-006 is not identified with a change bar.

With the publication of this policy, IV-D Memorandum 2019-006 is obsolete. Also, this policy obsoletes IV-D Memorandum 2010-003, **REVISED:** *Repeal of the Child Support Bench Warrant*

¹⁰² Ref: Section C(2) of this memorandum for information on setting county form options.

¹⁰³ Ref: [CAPS screen documentation](#) on mi-support.

Enforcement Fund (BWEF) and Completion of Requirements Under the BWEF Memorandums of Understanding (MOUs) because it is no longer applicable.

Finally, this IV-D Memorandum announces an updated table of contents for the *Michigan IV-D Child Support Manual*. The title of Section 6.39 has been changed to “Civil Contempt (Show Cause),” and asterisks have been added to the end of the section title to indicate the availability of this new manual section. Additionally, the sections in Chapter 8, “Reports” have been revised in preparation for upcoming changes to reports organization on mi-support. These changes, which will make it easier to find report information on mi-support, will be announced in the near future.

DISCUSSION:

A. Overview and Background

As previously announced in IV-D Memorandum 2019-006, federal regulation¹⁰⁴ requires the state IV-D agency (OCS) to provide guidance to IV-D staff for using civil contempt to enforce child support orders.¹⁰⁵ Specifically, the regulation requires the IV-D agency to include guidance that IV-D staff will:

- “Screen the case for information regarding the noncustodial parent’s ability to pay or otherwise comply with the order;
- Provide the court with such information regarding the noncustodial parent’s ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the noncustodial parent’s ability to pay the purge amount or comply with the purge conditions;¹⁰⁶ and
- Provide clear notice to the noncustodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.”¹⁰⁷

The MiCSES 10.1 Release will provide the first phase of system support for Michigan’s policy to comply with the federal regulation and improve its civil contempt processes. OCS developed the CAPS screen and the *Ability to Pay Worksheet* to provide the following benefits:

- Improved efficiency for IV-D staff performing case screening;

¹⁰⁴ 45 Code of Federal Regulations (CFR) 303.6

¹⁰⁵ Ref: federal [Office of Child Support Enforcement \(OCSE\) Action Transmittal \(AT\)-16-06, Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs; OCSE AT-12-01, Turner v. Rogers Guidance; and OCSE Information Memorandum \(IM\)-12-01, Alternatives to Incarceration.](#)

¹⁰⁶ Purge conditions are the conditions the individual must meet to avoid the sentence of a finding of contempt. A purge condition may be an amount that must be paid.

¹⁰⁷ Ref: Section 6.39, Subsection 2 for more information about the federal regulation and Michigan law related to enforcement and civil contempt.

- More accurate evaluation of an NCP's ability to pay – IV-D staff are more likely to find relevant information from data gathered in one location rather than several locations;
- Improved communication to encourage the NCP and custodial party (CP) to provide “ability to pay” information; and
- Improved data collection/recording for future analysis, program development, policy revisions, system enhancements, and planning.

OCS intends to provide policy for additional phased-in system support in future releases.

B. CAPS Screen and Screening Cases

The CAPS screen will provide a single source of aggregated MiCSES and Data Warehouse information that is relevant for civil contempt screening. At the request of the Program Leadership Group (PLG), the Enforcement Work Improvement Team (ENF WIT) identified and recommended a list of factors IV-D staff will review when screening cases. The Civil Contempt Workgroup then agreed upon six screening factors. The CAPS screen will display the screening factors at the top of the *Tiles Pane* by default.¹⁰⁸ IV-D staff will, at a minimum, review the six factors when screening cases for the NCP's ability to pay. These factors are:

- The NCP's payment history;
- Income withholding activity;
- Review and modification activity;
- The NCP's receipt of Supplemental Security Income or Social Security Disability;
- The NCP's incarceration status; and
- The NCP's receipt of workers' compensation.

The NCP's receipt of public assistance is a recommended screening factor, and IV-D staff will screen this factor when it becomes available on the CAPS screen.¹⁰⁹ IV-D staff will use the public assistance data on the CAPS screen only for the purpose of screening cases. This data will not be intended to replace, supplement, or be used as a comparison with the assistance information found on the *Member Assistance History* (MAHI) screen, Data Warehouse, and/or Business Objects reports.

With the MiCSES 10.1 Release (June 14, 2019), IV-D staff will follow the screening policy when they consider pursuing civil contempt (show cause) for a case in which a *Show Cause/Bench Warrant* (SCBW) activity has **not** already been started. IV-D staff will not be required to screen cases for which an SCBW activity was started before the MiCSES 10.1 Release.

¹⁰⁸ Ref: CAPS screen documentation on mi-support

¹⁰⁹ The NCP's public assistance information will be added to the CAPS screen in a future release. OCS will notify IV-D staff via a Help Desk notification when this occurs.

This policy and the implementation of the CAPS screen reflect the PLG's support of the solution suggested by the Friend of the Court Association (FOCA) to translate the Kent County FOC's Case Tracker II system into a MiCSES screen to be used by IV-D staff for case screening. The translation into MiCSES does not include all the features of the Case Tracker II system and is limited to data available in MiCSES and the MiCSES Data Warehouse.¹¹⁰

C. *Ability to Pay Worksheet*

The Civil Contempt Workgroup developed the new *Ability to Pay Worksheet* as a tool with flexible options¹¹¹ to help IV-D staff gather information about the NCP's ability to pay.

The worksheet has two versions – one for the CP (FEN14X) and one for the NCP (FEN14Y). It includes questions pertaining to the relevant screening factors as well as additional questions intended to uncover an NCP's resources and barriers.

1. Inclusion With the FEN140

The *Ability to Pay Worksheet* obsoletes and replaces Attachment A of:

- The *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b); and
- The *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2).¹¹²

While Attachment A was included with the local copy (FEN14L) of the FEN140, the *Ability to Pay Worksheet* will not be included with the FEN14L.

FOC offices will have the option to include the worksheet with the NCP's and/or CP's copy of the FEN140 (Ref: Section C[2], below). FOC offices also may generate the worksheet by itself for the NCP and/or CP from the *Enforcement Forms Matrix* (ENFM) screen.

2. Required FOC Action: Define Worksheet Options in MiCSES

On **Monday, June 17, 2019**, immediately after the MiCSES 10.1 Release weekend, each FOC office will define its options for the payer/NCP (FEN14Y) and payee/CP

¹¹⁰ NCP public assistance information will be taken from the Bridges Data Warehouse when it is added to the CAPS screen.

¹¹¹ Ref: Section C(2) in this memorandum for details about setting the form options.

¹¹² Language regarding an NCP's ability to pay being a critical issue for the civil contempt proceeding was added to the FEN14L/FEN140 in MiCSES on August 23, 2018. Ref: the [August 16, 2018 email notification: Updated Enforcement Templates Releasing to Production 8/23/2018](#) and [State Court Administrative Office \(SCAO\) Friend of the Court Bureau \(FOCB\) Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#).

(FEN14X) versions of the *Ability to Pay Worksheet* through the *County Profile Editor* (FCPE) screen. The FOC office will set the following options:

- The language to include on the FEN14Y to instruct the payer how to return the worksheet;
- The language to include on the FEN14X to instruct the payee how to return the worksheet;
- Whether the FEN14Y will be included with the payer's copy of the FEN140; and
- Whether the FEN14X will be included with the payee's copy of the FEN140.

If the FOC office leaves the FEN14X and FEN14Y set to the MiCSES 10.1 Release default options, the following will occur:

- Neither version will be automatically included with the FEN140; and
- Neither version will have specific return instructions selected if the form is manually generated. Instead, the form will include both sets of return instructions. It will state: "Please complete this form and bring it to your hearing. Return it to the Friend of the Court within 14 days." This wording may be confusing to the form recipient.

After an FOC office initially sets these options following the MiCSES 10.1 Release, it will have the ability to change the choices for these options later, as needed.

D. Policy in Section 6.39

In addition to policy introduced in IV-D Memorandum 2019-006, Section 6.39 includes the following new and revised policy:

1. New Policy

- IV-D staff will use the CAPS screen to screen cases for the NCP's ability to pay;**
- IV-D staff may use the new FEN14X and FEN14Y forms to gather information from the NCP and the CP regarding the NCP's ability to pay;**
- IV-D staff will note on the CAPS screen whether an NCP/docket has been screened and whether they intend to proceed with a civil contempt action;**
- There are new procedures for starting and proceeding with a civil contempt action. IV-D staff cannot start the SCBW activity on the *Enforcement Processor* (ENFP) screen if the case has not been marked on the CAPS screen as screened with the intent to proceed; and**

- e. **IV-D staff will rescreen the NCP/docket if the SCBW activity has not been started within 180 days of screening or after the SCBW activity has been concluded and closed.**

2. Revised Policy

IV-D Memorandum 2019-006 **recommended** that IV-D staff review six factors when screening cases for the NCP's ability to pay. However, with the publication of Section 6.39 and the implementation of the CAPS screen, IV-D staff will now review these factors.¹¹³ The extensive, robust functionality of the CAPS screen will make it easier for FOC staff to review the factors because it will aggregate the screening information in a single location.

E. Contract Performance Standards¹¹⁴

At this time, completing case screening will not be counted as timely enforcement for Contract Performance Standards – regardless of whether there is an intent to proceed with a civil contempt action. Joint Application Design (JAD) participants requested the completion of screening to be counted as a timely enforcement action, and OCS has entered a MiCSES Help Desk ticket to determine how this action may be counted.¹¹⁵ The SCBW activity is counted as a resolution to the Timely Enforcement standard when the activity chain has been started on the ENFP screen.

NECESSARY ACTION:

Define your county's options for the FEN14X and FEN14Y on the FCPE screen.

Review Section 6.39 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual.

This IV-D Memorandum replaces and obsoletes the following:

- IV-D Memorandum 2019-006; and
- IV-D Memorandum 2010-003 and its attached exhibits:
 - Exhibit 2010-003E1, Child Support Bench Warrant Enforcement Fund Data Collection – Schedule A;
 - Exhibit 2010-003E2, Examples of How the Bench Warrant Enforcement Fund (BWEF) May and May Not Be Used;
 - Exhibit 2010-003E3, PIQ-81-02, Fee for Service in Sheriff's Agreements; and

¹¹³ Ref: Section B of this memorandum for a list of the factors.

¹¹⁴ Ref: [Section 1.25, "Contracts," of the Michigan IV-D Child Support Manual](#) for more information about Contract Performance Standards.

¹¹⁵ Ref: Help Desk ticket 541361.

- Exhibit 2010-003E4, PIQ-81-13, Eligibility for FFP – Inclusion of Deputy Sheriff in the Unit Cost Rate Computation in South Carolina.

REVIEW PARTICIPANTS:

ENF WIT
PLG

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CC:

All Prosecuting Attorney Staff
All OCS Staff

SUPPORTING REFERENCES:

Federal
45 CFR 303.6

OCSE AT-16-06
OCSE AT-12-01
OCSE IM-12-01

State
None

ATTACHMENTS:

Section 6.39: Civil Contempt (Show Cause)
FEN14X: *Ability to Pay Worksheet – Payee*
FEN14Y: *Ability to Pay Worksheet – Payer*

Michigan IV-D Child Support Manual: Introduction and Table of Contents

EPF/CPT

IV-D MEMORANDUM 2019-011

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff
Michigan State Disbursement Unit (MiSDU) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: June 24, 2019

SUBJECT: Updates to the *Notice Regarding Electronic Payments* (FEN805)

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

OCS announces minor updates to the *Notice Regarding Electronic Payments* (FEN805). The updated FEN805 will be implemented in the Michigan Child Support Enforcement System (MiCSES) with the 10.1.1 Release on June 28, 2019.

DISCUSSION:

A. Introduction

MiCSES does not allow a customer to receive payments in multiple bank (credit union or other financial institution) accounts. When it discovers multiple accounts for one individual, MiCSES decides which account to retain. It then generates and sends the FEN805 to notify customers that their electronic payments will be sent to only one account.¹¹⁶

If customers do not wish for their payments to be sent to that account, they may complete the *Direct Deposit Authorization* form included with the FEN805 and mail it to the address on the form.

B. Changes to the FEN805

1. The following changes were made to the mailer page and the return address of the letter:

- a. Updated the P.O. box for the MiSDU from 30355 to 30354; and**
- b. Updated the Zip code for the MiSDU from 48909-7855 to 48909-7854.**

¹¹⁶ Ref: [Michigan IV-D Action Transmittal 2009-005, Member Merge](#), for more information.

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input checked="" type="checkbox"/> Form(s)</p>
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2. **The following changes were made to the letter's instructions for customers with questions:**
 - a. **Added the phone number for the statewide FOC Interactive Voice Response (IVR) (24-Hour Case Information Access Line); and**
 - b. **Removed directions for finding individual county FOC IVR numbers.¹¹⁷**

 3. **The following minor changes were also made to the letter:**
 - a. **Changed the header to reflect the current governor and director of the Michigan Department of Health and Human Services (MDHHS);**
 - b. **Updated the MDHHS nondiscrimination statement; and**
 - c. **Updated the mailing address and website in the footer.**

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Program Leadership Group

CONTACT PERSON:

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OCS Editor
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Martins3@michigan.gov

ATTACHMENT:

FEN805: *Notice Regarding Electronic Payments*

EPF/SLM

¹¹⁷ The statewide FOC IVR number replaced the FOC IVR numbers for individual counties. For information on the implementation of the statewide FOC IVR, reference [IV-D Memorandum 2016-025, New FOC Interactive Voice Response \(IVR\) System](#).

IV-D MEMORANDUM 2019-012

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: July 10, 2019

SUBJECT: IV-D Confidentiality, Family Violence, and the *Case Inventory Addendum*

UPDATE(S): Manual Form(s)**ACTION DUE:** None**POLICY EFFECTIVE DATE:** Upon receipt**PURPOSE:**

This IV-D Memorandum states how IV-D confidentiality and family violence rules apply to the use of IV-D information when IV-D staff complete the *Case Inventory Addendum* (MC21) in IV-D domestic relations cases.

DISCUSSION:

The Michigan Supreme Court recently amended the Michigan Court Rules (MCRs) to prepare for the State Court Administrative Office's (SCAO's) statewide e-filing project.¹¹⁸ The amendments were effective on September 1, 2018. One amendment requires a filing party in a domestic relations case to disclose any known pending or resolved family division case "that involves family members of the person(s) named in the case initiation document."¹¹⁹ Filers must disclose those cases on the MC21. For each known case, the filer must disclose on the MC21 information that includes court case name, court case number, and whether an order exists that addresses child support, custody, and/or parenting time.

The MC21 allows a filing party to provide information that will help the court administer family division cases involving the family or individual family members. The SCAO Friend of the Court Bureau (FOCB) will soon publish a memorandum outlining what case information will allow the court to serve families effectively. The memorandum states the purposes for which the information is necessary and gives discretion to the filer to provide more or less information to accomplish those purposes.

A filer must serve the MC21 on the other party along with the summons and complaint. As a result, IV-D staff have raised concerns about confidentiality and disclosure of information to another party using the MC21. They have also asked OCS what IV-D information (including information from MiCSES¹²⁰) may be included on the form to comply with state and federal confidentiality laws and the *Michigan IV-D Child Support Manual*.

A. The MC21 and IV-D Confidentiality Policy

¹¹⁸ Michigan Supreme Court Administrative Order No. 2002-37 (2018)

¹¹⁹ MCR 3.206(A)(3)

¹²⁰ MiCSES is the Michigan Child Support Enforcement System.

Court case information is public; however, once IV-D staff enter it into the IV-D case file and MiCSES, it is considered IV-D information and is subject to IV-D safeguarding and disclosure rules. IV-D agencies must “protect [IV-D information] to the greatest extent possible and use [it] only where necessary for authorized purposes.”¹²¹ Among those authorized purposes is disclosure of IV-D information (except federal tax information) to courts for IV-D program purposes.¹²² For example, IV-D staff may complete the MC21 using IV-D information and file it with a court in order to advance a court case on behalf of the IV-D program. However, **IV-D staff** must not disclose IV-D information merely because the information is otherwise public.

Federal and state law require OCS to have in effect safeguards that are designed to protect the privacy interests of the parties.¹²³ OCS policy therefore prohibits IV-D workers from disclosing case information to a party who is not involved in that case:

After verifying the CP’s/NCP’s¹²⁴ identity, IV-D staff must release only information directly related to the party’s own case. For example, *IV-D staff may not disclose to a CP information regarding any other cases in which the NCP is a member, or even the existence of those cases* (emphasis added).¹²⁵

Disclosure to one party of the other party’s IV-D court cases in which the one party is not involved raises privacy concerns. For example, if IV-D staff file court cases on the CP’s behalf that may have led to a series of excluded fathers, disclosure of this information could result in harm and harassment to the CP. It may be necessary for IV-D staff to include such cases on the MC21, though they would not otherwise disclose such personal IV-D information in the normal course of business.

OCS recommends IV-D staff work with their court to create best practices for the MC21 that balance parties’ privacy with the court’s need for information. Doing so will help protect parties’ privacy, provide courts with the most relevant information, and reduce the time and effort it takes IV-D staff to prepare the MC21.

However, in cases where family violence is an issue, federal rules demand a stricter approach as discussed below.

B. The MC21 and IV-D Family Violence Restrictions

Federal regulation and state law restrict disclosure of information in IV-D cases involving family violence. According to federal regulations, state IV-D agencies must prohibit “the release of information when the State has reasonable evidence of domestic violence or child abuse against a party or a child and that the disclosure of such information could be harmful to the party or the child.”¹²⁶ State law also prohibits OCS from releasing information concerning an adult responsible for a child to another adult responsible for the child “if the office has reason to believe that release of the information may result in physical or emotional harm to that adult or the child.”¹²⁷

¹²¹ 73 Federal Register (FR) 56426

¹²² 45 Code of Federal Regulations (CFR) 303.21(d); 73 FR 56435. Federal regulations also allow for disclosure by county court clerks of documents filed with the court that have not been sealed and are open to inspection by the public.

¹²³ 42 United States Code (USC) 454(26); Michigan Compiled Law (MCL) 400.233(m)

¹²⁴ The CP is the custodial party; the NCP is the non-custodial parent.

¹²⁵ Ref: [Section 1.10, “Confidentiality/Security,” of the Michigan IV-D Child Support Manual.](#)

¹²⁶ 45 CFR 303.21(e)

¹²⁷ MCL 400.235(2)

Each state has discretion to establish standards or criteria as to when the release of information about an adult or child may result in physical or emotional harm.¹²⁸ OCS believes that disclosure of all of a family violence survivor's court cases administered by the IV-D program creates a risk of harm or harassment to the survivor.

A person who makes a claim of violence with supporting documentation is marked in MiCSES with a Family Violence Indicator (FVI) and family violence (FV) code that cause MiCSES to suppress sensitive information on documents provided to the other party or found in open child support court records.¹²⁹

4. IV-D Staff Disclosure of Court Case Information for IV-D Cases With Members Marked With an FVI

When IV-D staff complete an MC21 for a IV-D case and one or more of the IV-D case's members is marked with an information-suppressing FVI and FV code or the case has good cause granted,¹³⁰ (s)he may disclose from the IV-D record's court case information pertaining **only to**:

- a. Other IV-D cases that involve both of the parties;**
- b. Agency placement cases brought on behalf of the child against either party to that IV-D case; and**
- c. Third-party custodian cases brought on behalf of the child against either party to the IV-D case.**

5. Developing Best Practices for Excusing Disclosure of a Party's Cases When (S)he Is Marked With an FVI

IV-D staff should work with their court to develop best practices for the MC21 that would excuse disclosure of a party's cases when (s)he is marked with an FVI. To help with these discussions, IV-D workers may reference one or all of the following:

- a. 45 CFR 303.21(e), which requires IV-D agencies to “prohibit the release of information when the State has reasonable evidence of domestic violence or**

¹²⁸ Ref: federal [Office of Child Support Enforcement \(OCSE\) Action Transmittal \(AT\)-98-27, PRWORA Requiring the Placement of a Family Violence Indicator.](#)

¹²⁹ Ref: [Section 1.15, “Family Violence,” of the Michigan IV-D Child Support Manual, Subsection 2, “Family Violence and the IV-D Program.”](#)

¹³⁰ Indicated by the good cause status “D – Good Cause Granted, Continue Action” on the *Case Member Details* (CASE) screen. For purposes of this policy, IV-D staff will assume that a good-cause finding indicates that a risk of harm to a child, parent, or caretaker exists. If the IV-D case is marked with the status “E – Good Cause Granted, End Action,” IV-D staff would not take action to establish a court order and consequently, the MC21 would not be created. Ref: [Subsection 3.8.3, “Actions on Good Cause Granted, End Action,” of Section 2.15, “Cooperation/Noncooperation/Good Cause,” of the Michigan IV-D Child Support Manual.](#)

child abuse against a party or a child and that the disclosure of such information could be harmful to the party or the child”;

- b. MCL 400.233(m), which requires “safeguards against...disclosure of case record information that are designed to protect the privacy rights of the parties” as required by Title IV-D of the Social Security Act; and/or**
- c. MCL 400.235(2), which prohibits OCS from releasing “information concerning an adult responsible for a child to another adult responsible for the child if the office has reason to believe that release of information may result in physical or emotional harm to that adult or to the child.”**

C. MiCSES Functionality to Populate the MiCSES Version of the MC21 (the 1100)

The MiCSES version of the MC21, the 1100, was released in MiCSES in September 2018. Currently, MiCSES does not automatically populate the 1100 with case information. OCS recognizes that it can take IV-D staff significant time and effort to manually complete the 1100. A ticket to introduce MiCSES functionality to populate the 1100 is targeted for a future MiCSES release. Any functionality that will populate the 1100 must meet IV-D policy requirements and allow IV-D staff the ability to edit the form to tailor it to a court's unique requirements. However, OCS expects that IV-D staff will comply with the requirements of Section B(1) above when they complete the form.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Establishment Work Improvement Team
Program Leadership Group
SCAO FO CB

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SUPPORTING REFERENCES:

Federal
45 CFR 303.21(d) and (e)

73 FR 56426
73 FR 56435
75 FR 81898
42 USC 454(26)

OCSE AT-98-27

State
MCL 400.233(m)
MCL 400.235(2)
MCR 3.206(A)(3)

ATTACHMENT(S):

None

EPF/KZM

IV-D MEMORANDUM 2019-013

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: July 31, 2019

SUBJECT: Professional License Data Updates

ACTION DUE: None

UPDATE(S): Manual Form(s)

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces the continued migration¹³¹ of professional license data to the Michigan Professional Licensing User System (MiPLUS), which is the new licensing system for the Department of Licensing and Regulatory Affairs (LARA). This IV-D Memorandum describes the impact of the migration to IV-D workers. It also explains how to look up new and updated license data¹³² that is no longer available on the Michigan Child Support Enforcement System (MiCSES) and Business Objects reports.

Additionally, this IV-D Memorandum notifies IV-D workers about duplicate license data in MiCSES and provides a resource for determining which license information is the most current.

DISCUSSION:

LARA began migrating professional license data from the existing L2K system to MiPLUS in June 2016 and will continue migrating the license data in batches until April 2021. When LARA migrates license data to MiPLUS, MiCSES and the Data Warehouse will not receive new license data or updated information about existing license data for those license types that have migrated. New and updated license data for licenses that have migrated will not appear on the MiCSES *Member Licenses* screen (MLIC)¹³³ or be available in the following reports:

- *Member Income and Location Report* (LC-001) (MILR);
- *Income and Location Report* (LC-002) (ILR);
- *Proactive Locate – Licensing* (LC-012); and
- *Proactive Locate – Locate Sources* (LC-014).

¹³¹ The initial migration of license data was announced in June 2017. Ref: the June 26, 2017 email notification [Issue Identified: EMS/Nursing Professional License Data](#).

¹³² IV-D workers can use professional and other license data for establishing income/employment potential, for enforcement, and for locating parents.

¹³³ Ref: [MiCSES Screen Description: MLIC – Member Licenses](#).

Staff at OCS, MiCSES and LARA are working together to determine how MiCSES can receive new and updated licensing data from MiPLUS.¹³⁴

License Types That Have Migrated to MiPLUS

The table below identifies all the license types that have migrated to MiPLUS as of May 2019.

A - K	L - O	P - Z
Barbers	LPN	Paramedic
Behavioral Analyst	Medical First Responder	Pharmacy
Cosmetology	Medicine	Physicians Assistants
Dentistry	Midwifery	Podiatric Medicine and Surgery
EMT	Nurse Anesthetist	RN
IC EMT	Nurse Midwife	RN Provisional
IC Medical First Responder	Nurse Practitioner	RN Temporary
IC Paramedic	Optometry	Specialist A EMT
IC Specialist A EMT	Osteopathic Medicine and Surgery	Veterinary Medicine

Websites for License Data

Until MiCSES begins receiving new and updated license data from MiPLUS, IV-D workers can search for professional license information using the websites listed in [Exhibit 2019-013E1](#). The exhibit provides a list of all license types, including those that have not yet migrated, along with the websites that IV-D workers can use to search for license data.

Duplicate License Data

Before migrating certain licenses to MiPLUS, LARA updated the license numbers. In early 2019, LARA submitted a file to MiCSES that included both the old and new license numbers. This resulted in MiCSES and the Business Objects reports having duplicate license information – two identical licenses with different license numbers.¹³⁵ When IV-D workers search the MLIC screen or Business Objects reports for these licenses, MiCSES and the reports will display two different license numbers that have the same issue date, expiration date, and license type.

The correct license number may be useful in confirming license existence and for including the number on license suspension forms, as appropriate.

LARA has provided an Excel spreadsheet that IV-D workers can use to identify which of the two license numbers is current and valid. The spreadsheet displays the following information:

- Name (Last, First, Middle);
- Social Security Number (SSN);
- Date of Birth (DOB);
- License Type;
- License Type Code;
- Old L2K License Number;

¹³⁴ OCS will notify IV-D workers when this issue is resolved and MiCSES is updated with current license data for all professional licenses.

¹³⁵ Ticket number 550249 has been entered to remove the duplicate license data in MiCSES.

- New MiPLUS License Number; and
- Status of License at time of conversion from L2K to MiPLUS.

The spreadsheet contains confidential information; it will be available on the mi-support Document Distribution Center on July 31, 2019.¹³⁶ The password to open the spreadsheet will be emailed to the designated confidential contacts in each county on the same day.¹³⁷

Example:

Jane Doe, a dentist, was issued a professional license number of 12345678 in the L2K system on 1/12/2011, with an expiration date of 1/12/2021. When a IV-D worker searches for Jane on the MLIC screen, MiCSES shows that Jane has two dentistry licenses, the original L2K license number 12345678 and the updated MiPLUS license number 43215678. Both show an issue date of 1/12/2011 and an expiration date of 1/12/2021. The IV-D worker will use the LARA spreadsheet to identify which license number is the current MiPLUS license number.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Program Leadership Group

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CC:

MiCSES Help Desk Staff

ATTACHMENT:

Exhibit 2019-013E1: LARA Professional License Data Websites

EPF/ALC

¹³⁶ Ref: [MiCSES Customer Information Guide: mi-support Document Distribution Center.](#)

¹³⁷ Ref: [Section 1.10, "Confidentiality/Security," in the Michigan IV-D Child Support Manual.](#)

IV-D MEMORANDUM 2019-014

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: August 19, 2019

SUBJECT: Increases in the Federal Annual Fee (FED Fee) and the
Disbursement Threshold for Fee Assessment

UPDATE(S): Manual Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: FED fee increases are retroactive to October 1, 2018.

PURPOSE:

This IV-D Memorandum announces revisions to Section 5.70, "Fees (SF/PF, OSR and FFEE)," of the *Michigan IV-D Child Support Manual*. This manual section has been updated to discuss the amendment to Title IV-D of the Social Security Act, Section 454(6)(B)(ii), effective October 1, 2018,¹³⁸ which includes:

- An increase in the federal annual fee (FED fee) to \$35; and
- An increase in the disbursement threshold for fee assessment to \$550.

OCS has updated Section 5.70 to clarify FED fee payment requirements on Food Assistance Program (FAP)-only IV-D cases. OCS has also added clarification about federal reporting of the Attorney General portion of the statutory fee.

Significant changes since the last publication of the manual section are indicated by a change bar in the right margin. Content that has been moved or reformatted since its last publication is not indicated by a change bar.

The changes to the FED fee and disbursement threshold will be implemented in the Michigan Child Support Enforcement System (MiCSES) with the 10.1.3 release on August 23, 2019.

DISCUSSION:**A. Federal Annual Fee (FED Fee) History**

The Deficit Reduction Act of 2005¹³⁹ amended Title IV-D of the Social Security Act, Section 454(6)(B)(ii), to mandate a federal annual fee (FED fee). The federal regulation¹⁴⁰ requires

¹³⁸ Ref: [Bipartisan Budget Act of 2018, SEC. 53117. Modernizing Child Support Enforcement Fees.](#)

¹³⁹ Ref: [Deficit Reduction Act of 2005.](#)

¹⁴⁰ 45 Code of Federal Regulations (CFR) 302.33(e)

state IV-D programs to assess the FED fee in every fiscal year for **each** IV-D case that meets the assessment criteria.¹⁴¹ At the time the law was passed, the FED fee was \$25.

The Michigan Legislature implemented the \$25 annual fee through the passing of Public Act 113 of 2008, Section 461.¹⁴² This, together with federal direction regarding the FED fee, provided for the assessment of the fee and retention from custodial parties (CPs) who had received at least \$500 in child support in the fiscal year.

On April 30, 2008, MiCSES began assessing¹⁴³ the FED fee on IV-D cases based on disbursements dating from April 1, 2008 (the FED fee effective date). Then, beginning in September 2008, through fiscal year 2010, the Michigan child support program retained the FED fee from the individual who received a child support collection (the CP).

As of October 1, 2010, Michigan has not had the authority to retain the FED fee from the CP. The Michigan IV-D program continues to assess the FED fee on all eligible IV-D cases but no longer *collects* the FED fee from the CP. Beginning with fiscal year 2011, the budget for the Michigan Department of Health and Human Services (MDHHS) has included money for payment of assessed FED fees. Therefore, Michigan has been paying the FED fee out of state funds since fiscal year 2011.

B. Increase in the FED Fee and Child Support Disbursement Threshold

1. Legal Background

The Bipartisan Budget Act of 2018 (Public Law [P.L.] 155-123) amended Title IV-D of the Social Security Act, Section 454(6)(B)(ii), with the following changes:

- Increased the FED fee from \$25 to \$35 on IV-D case(s) in which the CP has never received Temporary Assistance for Needy Families (TANF); and
- Increased the annual amount of child support disbursed to the CP during a fiscal year from \$500 to \$550 for fee assessment. This amount is referred to as the “child support disbursement threshold.”

These changes were effective October 1, 2018; however, federal direction allowed a delay for states to determine if legislation was needed to assess and retain the increased fee. MDHHS considered seeking legislation to retain the fee from the CP but

¹⁴¹ Ref: [Subsection 4.1, “FED Fee Assessment and Disbursement,” of Section 5.70 of the Michigan IV-D Child Support Manual](#) for specific assessment criteria.

¹⁴² This Public Act was the budget appropriations for fiscal year 2008.

¹⁴³ Assessing the fee is not the same as retaining or collecting the fee; assessment is the act of imposing or charging the fee to a case. Michigan did not begin retaining the fee from the CP until September 2008; however, the Michigan IV-D program retained fees for all of fiscal year 2008 (October 1, 2007 to September 30, 2008) as well as fiscal years 2009 and 2010.

opted not to; the state will continue paying the fee. Therefore, the increased fee is retroactive to October 1, 2018.

2. MiCSES Updates

OCS will update MiCSES to increase the fee and disbursement threshold amounts in the MiCSES 10.1.3 Release (August 23, 2019).

Because MiCSES is currently assessing the \$25 FED fee amount, fees already assessed for fiscal year 2019¹⁴⁴ will need to be corrected in the system. With the MiCSES release:

- The previously assessed \$25 fees for fiscal year 2019 will be changed to \$35;
- MiCSES will begin assessing the increased fee for the remainder of FY19 and subsequent fiscal years; and
- The disbursement threshold in MiCSES will be changed to \$550.

After the release, existing MiCSES functionality will re-evaluate each IV-D case and determine if the FED fee should remain given the increased disbursement threshold of \$550. For example, if a fee was previously assessed when child support disbursements to the CP reached \$500, yet the disbursement did not reach \$550, MiCSES will remove the FED fee.

Currently there are no forms sent to the CP or non-custodial parent with FED fee information. Additionally, these changes will not affect disbursements to the CP.

C. Updates to Section 5.70

In addition to making appropriate revisions based on the above discussion, OCS has made additional updates to Section 5.70.

1. Assessment of Food Assistance Program (FAP)-Only Cases

Federal regulations require assessment of the FED fee on IV-D cases in which the family is receiving FAP only. However, because Michigan requires current FAP recipients to cooperate with obtaining an order for child support as part of FAP eligibility, the IV-D program must not collect the fee from the CP on these cases. Michigan assesses the fee on FAP-only cases and pays the fee out of state funds. OCS updated Section 5.70 to clarify federal options and added references to federal regulations for assessing and retaining the FED fee on IV-D cases with FAP-only assistance.

¹⁴⁴ The 2019 federal fiscal year began on October 1, 2018.

2. Attorney General Portion of the Statutory Fee

OCS has updated Section 5.70 to clarify that the Attorney General portion of the statutory fee is considered IV-D program income regardless of how the Department of the Attorney General uses the funds.

D. Manual Adjustments to the FED Fee Assessment

In some circumstances, IV-D workers must complete manual FED fee adjustments and recoupments in MiCSES. These processes remain unchanged with the policy revisions. IV-D staff are encouraged to review Subsection 4.3, "Manual Adjustments to the FED Fee Assessment," and Subsection 4.7, "FED Fee Recoupment," in Section 5.70 of the *Michigan IV-D Child Support Manual*. Because Michigan's IV-D program must share fee assessment proceeds with the federal government, incorrect assessment of the fee can result in Michigan inappropriately sending funds to the federal government. For further instructions on this process in MiCSES, IV-D staff may refer to the [MiCSES Quick Reference Guide: FFEE – Manually Assess or Remove a Federal IV-D Fee](#).

NECESSARY ACTION:

Review Section 5.70 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual. Discard the previously published version of Section 5.70 (published August 16, 2011).

REVIEW PARTICIPANTS:

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CC:

None

SUPPORTING REFERENCES:

Federal
45 CFR 302.33(e)
Bipartisan Budget Act of 2018 (P.L. 155-123)

State

Public Act 113 of 2008, Section 461

ATTACHMENT:

Section 5.70: Fees (SF/PF, OSR and FFEE)

EPF/KLU

IV-D MEMORANDUM 2019-015

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 3, 2019

SUBJECT: Changes to the Contract Performance Standards (CPS) Evaluation
Process and Other CPS-Related Updates

UPDATE(S):

Manual

Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces several updates surrounding the Michigan IV-D program's Contract Performance Standards (CPS) effort:

- An update regarding the Locate standard.

Due to discrepancies in available reports, the Locate standard will not be measured in fiscal year (FY) 2019; instead, FY 2019 will serve as the baseline year for Locate.¹⁴⁵

- Updates to the CPS evaluation process.

There are some changes to the CPS evaluation process, including the use of the Electronic Grants Administration and Management System (EGrAMS) to conduct the process.¹⁴⁶ The first iteration of the CPS evaluation process is scheduled for October 2019.

- The introduction of new reports related to the CPS training measures.
- An update regarding changes that will be made to the CPS Business Objects reports in the Michigan Child Support Enforcement System (MiCSES) 10.2 Release on September 20, 2019.

¹⁴⁵ This was originally announced in an OCS email notification on June 28, 2019.

¹⁴⁶ Ref: Section B(1) of this memorandum for more information about EGrAMS.

OCS has revised Section 1.25, "Contracts," of the *Michigan IV-D Child Support Manual* to reflect the updates to the Locate standard, the CPS evaluation process, and the new reports related to the CPS training measures. Also in Section 1.25, OCS has incorporated the content from IV-D Memorandum 2019-001, *Contract Performance Standards (CPS) Training Measures Updates*.

This memorandum announces updates to two exhibits:

- Exhibit 1.25E2, Locate CPS Action Requirement Document (CARD); and
- Exhibit 1.25E8, Cooperative Reimbursement Program (CRP) Contract Performance Standards (CPS) – Annual Evaluation Process Timing.

This memorandum also introduces the following new exhibits:

- Exhibit 1.25E13: *PM-103 Contract Performance Standards Training Measures Report – Annual*;
- Exhibit 1.25E14: *PM-104 Contract Performance Standards Training Measures Report – Biennial*;
- Exhibit 1.25E15: *Performance Management Workgroup (PMW) Review Summary Report*;
- Exhibit 1.25E16: *Response Questionnaire (RQ)*;
- Exhibit 1.25E17: *Corrective Action Plan (CAP)*; and
- Exhibit 1.25E18: *Corrective Action Plan (CAP) Quarterly Update*.

Note: OCS expects Exhibit 1.25E18 will be available sometime the week of September 9. It will be announced in an email notification.

Within Section 1.25 and its exhibits, significant changes to the content since its last publication are indicated by a change bar in the right margin. Information incorporated from IV-D Memorandum 2019-001 appears in Subsection 2.3.2 in the manual section and is not identified with a change bar.

DISCUSSION:

OCS introduced CPS into its Cooperative Reimbursement Program (CRP) agreements in October 2016. Since then, OCS has worked with program partners to create reports that measure CPS progress and help offices track CPS-related work. Most of the standards will be measured for the first time at the conclusion of FY 2019.

A. Locate Standard

1. Locate Standard for FY 2019

As mentioned above, FY 2019 will be the baseline year for the Locate standard, with FY 2020 being the first measurement year. In January 2019, OCS discovered that 75-day Locate needs were appearing on the *PM-102 IV-D Child Support Contract Performance Standard Improvement Report (PM-102)* as 90-day needs. This means that a IV-D case associated to a 75-day need would fail after 75 days, but because it would appear as a 90-day need on the PM-102, the IV-D staff member would think (s)he had more time to make a locate attempt.

Additionally, OCS realized through the course of FY 2019 that messaging around the National Change of Address (NCOA) process as it relates to the Locate standard has not been accurate. Throughout the Joint Application Design (JAD) process and early messaging regarding the CPS Locate standard, OCS advised IV-D staff members that virtually all offices would meet the Locate standard threshold based solely on automatic locate attempts made by the NCOA batch process. This has not proven true.

Due to the discrepancy in the PM-102 during FY 2019 and the inaccurate messaging, OCS and the Program Leadership Group (PLG) have agreed that the Locate standard will not be measured during FY 2019. The issue on the PM-102 will be fixed prior to the end of FY 2019, and OCS will adjust its messaging regarding the role the NCOA batch plays in the locate process.

OCS and the PLG acknowledge that while delaying measurement of the Locate standard by a year is not ideal, the fact that the CPS effort shed light on some shortfalls around the IV-D program's current locate efforts should be considered a success.

OCS encourages offices falling short of 75 percent on the Locate standard for FY 2019 to review their performance and determine whether their office's practices contributed to the failure of cases. If so, the office should adjust those practices going forward in anticipation of FY 2020, the first measurement year.

OCS has updated Subsection 2.8.1 of Section 1.25 to explain that the initial baseline year for the Locate standard will be FY 2019.

2. Locate CPS Action Requirement Document (CARD)

Exhibit 1.25E2, the Locate CARD, has been updated with a footnote clarifying that a non-custodial parent (NCP) need not first be considered "located" prior to being considered "unlocated." This clarification is not related to the issues noted in Section A(1) above.

B. CPS Evaluation Process

The evaluation process outlined in Subsection 2.8.3 of Section 1.25 may be cumbersome. The process was created to give county IV-D staff, OCS contract managers, the Performance Management Workgroup (PMW), the PLG, and the OCS director adequate time to address a significant number of *Response Questionnaires (RQs)* and/or *Corrective Action Plans (CAPs)*.

If each step of the evaluation were to take the full amount of time allotted, it is possible that an office's CAP would not be approved until July or August, leaving just two or three months remaining in the fiscal year for an office to pursue corrective action. Therefore, any office subject to an RQ and thus to a potential CAP should begin its corrective actions well before the approval of the CAP. Doing so will help ensure the office meets the measurement threshold in the year for which the CAP is intended and could help the office avoid a second-year CAP.¹⁴⁷

If there are only a few offices required to complete an RQ and/or a CAP, the OCS contract managers, PMW, and PLG will strive to complete their steps in the evaluation process ahead of schedule.

If OCS needs to adjust any steps in the process, the OCS contract managers will communicate the adjustment directly to the office(s) involved. OCS will monitor the evaluation process closely to identify ways to improve it for the next evaluation cycle.

1. Use of the Electronic Grants Administration and Management System (EGrAMS)¹⁴⁸

EGrAMS is the system that Michigan's IV-D program currently uses to submit and reimburse IV-D expenses and track other contractual obligations between OCS and its partners.

Michigan's IV-D program will also use EGrAMS to conduct the CPS evaluation process. On or near October 1, 2019, a new role, the EGrAMS CPS User, will be available in EGrAMS. The functionality of this role will be automatically assigned to each county office's EGrAMS Project Director.¹⁴⁹ The EGrAMS Project Director may contact the county's assigned OCS contract manager to have the role assigned to additional staff members as needed.

Section 1.25 has been updated to include EGrAMS as the system that OCS contract managers will use to communicate with offices regarding CPS performance. Section 1.25 also indicates that EGrAMS users must not enter or upload any confidential information as defined in [Section 1.10, "Confidentiality/Security," of the Michigan IV-D Child Support Manual](#).

The *EGrAMS User Guide* on mi-support will be updated to include the new user role. In addition, there will be a new training guide specific to the CPS functionality in EGrAMS, and OCS Training Services will schedule two or three webinars to introduce IV-D staff to the new functionality. OCS will announce the *EGrAMS User Guide* updates, the new training guide, and the webinars in an email notification.

Individuals who become new EGrAMS users after the webinars may contact their contract manager with any questions about EGrAMS or the CPS functionality.

¹⁴⁷ Ref: Subsection 2.8.3 of Section 1.25.

¹⁴⁸ Ref: the [EGrAMS User Guide](#) on mi-support.

¹⁴⁹ The Project Director is a role already established within EGrAMS.

2. Additional Evaluation Process Policy Updates

a. Section 1.25

Policy in Section 1.25 has been updated to:

- Explain how OCS will evaluate combined counties and combined circuits;
- Include examples of quarterly goals (necessary when a CAP is required);
- Clarify that each specific action within a CAP must belong to one of the quarterly goals;
- Define “fiscal-year-end CPS reports”;
- Define membership of the PMW Subgroup;
- Explain the role of the OCS Planning, Evaluation and Analysis team in the CPS evaluation process;
- Clarify that a *CAP Quarterly Update* is due only when an office has been working under an approved CAP in a quarter;
- Break out additional steps and add more detail for steps in Subsection 2.8.3 regarding the CPS evaluation process;
- Clarify that CPS are considered “met” or “unmet” rather than “passed” or “failed,” throughout the manual section (these changes are not indicated by change bars);¹⁵⁰ and
- Indicate that once an office’s CAP is approved, the office cannot change its goals or extend the CAP.

b. Exhibits

1) Exhibit 1.25E8, Cooperative Reimbursement Program (CRP) Contract Performance Standards (CPS) – Annual Evaluation Process Timing

OCS has redesigned this exhibit. It is now a table rather than a process flow, allowing for easier reading as well as more detail regarding the entity responsible for the steps in the evaluation process.

2) Exhibit 1.25E15, Performance Management Workgroup (PMW) Review Summary Report

This new exhibit provides an example of the report the PMW will give to OCS and PLG within 31 days of the fiscal year end. If the *PMW Review Summary Report* is changed in the future to meet the needs of the PMW, OCS, and PLG, this exhibit may not be modified to reflect the changes.

3) Exhibit 1.25E16, Response Questionnaire (RQ)

¹⁵⁰ An individual IV-D case may pass or fail; the CPS itself, however, is met or unmet.

EGrAMS users can complete, submit and view a county's RQ within the EGrAMS application. Users can also print the RQ from EGrAMS. Exhibit 1.25E16 provides an example of a printed RQ.

4) Exhibit 1.25E17, Corrective Action Plan (CAP)

EGrAMS users can complete, submit and view a county's CAP within the EGrAMS application. Users can also print the CAP from EGrAMS. Exhibit 1.25E17 provides an example of a CAP.

5) Exhibit 1.25E18, Corrective Action Plan (CAP) Quarterly Update

EGrAMS users can complete, submit and view a county's *CAP Quarterly Update* within the EGrAMS application. Users can also print the *CAP Quarterly Update* from EGrAMS. Exhibit 1.25E18 provides an example of a *CAP Quarterly Update*.

C. CPS Training Measures Reports

Section 1.25 of the *Michigan IV-D Child Support Manual* provides information about the new *CPS Training Measures Reports* PM-103 (Exhibit 1.25E13) and PM-104 (Exhibit 1.25E14). It explains how offices can use these reports to check their progress on the CPS training measures throughout the fiscal year. OCS will compile the reports manually each quarter and then make them available for workers to run in Business Objects.

The fiscal-year-end *CPS Training Measures Reports* will be available each year no later than October 15. Between October 1 and October 10, offices will enter any trainings taken by staff in the last few days of the previous fiscal year.

D. Changes to CPS Business Objects Reports in the MiCSES 10.2 Release

Since the introduction of the CPS reports in Business Objects, users have reported some issues with the accuracy of the reports. The following issues will be resolved in the MiCSES 10.2 Release (September 20, 2019).

Note: These are instances in which the reports were not operating as designed. There are no changes to policy regarding the measurement or reporting of the standards.

The MiCSES 10.2 Release includes a technical fix to the process MiCSES uses to generate the *PM-100 IV-D Child Support Contract Performance Standard Summary Report* (PM-100) and the *PM-101 IV-D Child Support Contract Performance Standard Detail Report* (PM-101) to ensure consistent results in the event a batch is re-run. This fix will make a small change in the way IV-D cases are selected to appear on the CPS reports.

OCS and MiCSES staff have reviewed projected changes to the MiCSES Work Measures based on updates that will occur in the MiCSES 10.2 Release. IV-D staff who have been following their office's progress on the PM-100 throughout the course of the year could see a small number of unanticipated results at the end of FY 2019. OCS has reached out to offices that may be adversely affected.

If an office finds they have not met a standard at the end of the fiscal year and they had expected to meet that standard prior to the corrections to the report, they may indicate that on the *Response Questionnaire*.¹⁵¹

¹⁵¹ Ref: Subsection 2.8.3(B)(9)(d) in Section 1.25.

Any changes will be more significant in offices with a smaller volume of IV-D cases being measured for a standard because a single IV-D case moving from fail to pass (or from pass to fail) has a greater impact on an office with a smaller number of overall IV-D cases. Projections specific to each of the changes are noted below.

1. *PM-102 IV-D Child Support Contract Performance Standard Improvement Report*

There are some IV-D cases (across multiple CPS) that remain on the PM-102 even after the case is worked. These cases later appear on the PM-101 as passing cases. The MiCSES 10.2 Release will correct the PM-102 so IV-D cases will no longer appear on the report once they are resolved.

The release will also correct instances where a IV-D case never appeared on the PM-102 as needing work, but later appeared on the PM-101 as a pass or a fail.

Additionally, the PM-102 has been displaying some 75-day Locate needs as 90-day needs. This means that after 75 days, a user would think there were 1 to 15 days left to work the case, but in reality, the timeframe had already expired and the IV-D case failed. With the MiCSES 10.2 Release, the PM-102 will be corrected so all 75-day Locate needs will appear with 75 days to work rather than 90.

2. Locate

OCS expects that approximately half of offices will see a slight increase in their Locate percentage while the other half will be unchanged or may see a slight decline. Offices with a very low volume of IV-D cases where NCPs needed to be located could see a change that causes an office that was not meeting the 75 percent benchmark through the end of August to meet the benchmark, or conversely, to cause an office that was meeting the benchmark through the end of August to fall short.¹⁵²

3. Court Action Referral (CAR) Processing

When IV-D staff link or transfer a CAR on the same day it was received, it does not properly appear on the CPS reports as passing. The MiCSES 10.2 Release will correct this issue and will prevent CARs from remaining on the PM-102 after they have been worked.

OCS expects that offices will see only minimal changes to the CAR Processing standard with the MiCSES 10.2 Release. The changes should not have any impact on whether or not offices are meeting the 75 percent threshold.

4. Medical Support

¹⁵² The Locate standard will not be measured in FY 2019, but will rather be setting the baseline to measure against in FY 2020.

The PM-100 and the PM-101 are not using the correct logic to determine whether the FOC or the PA should be given credit for a child support order that does or does not include medical support.

After the 10.2 release, the PM-100 and PM-101 will correctly display the Medical Support standard. Cases will be assigned to an office based on the office (PA or FOC) associated to the MiCSES *Resource Master* (RESM) record of the individual who entered to the order by clicking the *To SORD* button on the MiCSES *Order Preparation and Entry* (OPRE) screen.

Prior to the MiCSES 10.2 Release, the PM-100 and PM-101 reports were incorrectly assigning IV-D cases to a county's PA or FOC office based on whether an order was a new order (assigned to the PA) or a modified order (assigned to the FOC). OCS and MiCSES staff previously chose the RESM record as a more accurate determination of which office was responsible for including medical support in the order after receiving partner input regarding the Medical Support standard.

OCS projects that offices will see wholesale changes to the Medical Support standard. Most offices are still expected to meet the 75 percent benchmark for the Medical Support standard; however, some low-volume PA offices may fall short. OCS will contact the potentially affected offices before the end of the fiscal year.

5. Order Establishment

Some IV-D cases with orders that have been properly established on the OPRE screen are not reported as passing on the CPS reports. The MiCSES 10.2 Release will ensure that all properly established orders are included as passing. Three issues will be corrected:

- When there are multiple IV-D cases, dockets, and *Uniform Support Orders*, the IV-D case will no longer appear on the PM-102 after the order is established;
- Orders created the same day that service of process (SOP) occurs for the IV-D case will no longer appear on the PM-102; and
- The PM-101 and PM-102 will properly include all cases as passing when the user enters the appropriate order details in MiCSES.¹⁵³

OCS expects that a little less than half of PA offices will see a slight improvement in their Order Establishment percentage and that one or two offices will see a very slight decline. The changes should not have any impact on whether or not offices are meeting the 75 percent threshold.

6. Service of Process (SOP)

The MiCSES 10.2 Release will correct two SOP issues:

a. IV-D Cases Appearing Inappropriately

¹⁵³ Prior to the MiCSES 10.2 Release, some cases did not pass due to an issue with links between tables that are not visible to MiCSES users. Ref: the [Order Establishment CARD](#) for more information on order details that will cause a IV-D case to pass the Order Establishment standard.

IV-D cases have appeared inappropriately on the PM-101 when there are multiple CARs associated to the case and at least one of those CARs was referred to the PA with fewer than 75 days remaining to work. With the MiCSES 10.2 Release, those cases will no longer fail and will also be excluded from appearing on the PM-102. For the purposes of CPS, the PA office is measured on SOP only when the office has had at least 75 days to serve.

b. NCP Previously Served

The CPS reports have inappropriately failed IV-D cases for the SOP standard when an NCP was previously served. The original report design excluded a IV-D case when the NCP had been served on a prior IV-D case involving the same children, or when the NCP had been a custodial party (CP) on a IV-D case with the same children. The MiCSES 10.2 Release will correct this.

OCS expects that most offices will see a slight increase in their SOP percentage while a handful of offices will see a decline. The changes should not have any impact on whether or not offices are meeting the 75 percent threshold.

7. Timely Enforcement and Review and Modification

No discernible changes are expected to the Timely Enforcement or Review and Modification standards.

The 2019 fiscal year-end reports OCS uses for the CPS evaluation process will reflect the corrections described above, applied over the entire fiscal year. After September 20, 2019, if a Business Objects user reruns the PM-100 or PM-101 for an earlier period *within FY 2019* (e.g., the “FY through Q1” [Quarter One] option), the report will use the “new” logic to recalculate the values on the report.

CPS reports and data for *previous* fiscal years *do not* include the corrected logic. Users will not be able to regenerate these reports with the corrected logic.

NECESSARY ACTION:

Review Section 1.25 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and exhibits and add them to the manual. Discard the previously published version of Section 1.25 (published September 24, 2018).

With the publication of this memorandum, IV-D Memorandum 2019-001 is obsolete.

REVIEW PARTICIPANTS:

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None

ATTACHMENTS:

Section 1.25: Contracts

Exhibit 1.25E2: Locate CARD

Exhibit 1.25E8: Cooperative Reimbursement Program (CRP) Contract Performance Standards (CPS) – Annual Evaluation Process Timing

Exhibit 1.25E13: *PM-103 Contract Performance Standards Training Measures Report – Annual*

Exhibit 1.25E14: *PM-104 Contract Performance Standards Training Measures Report – Biennial*

Exhibit 1.25E15: *Performance Management Workgroup (PMW) Review Summary Report*

Exhibit 1.25E16: *Response Questionnaire (RQ)*

Exhibit 1.25E17: *Corrective Action Plan (CAP)*

Exhibit 1.25E18: *Corrective Action Plan (CAP) Quarterly Update*

EPF/JJV

IV-D MEMORANDUM 2019-016

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 4, 2019

<p>UPDATE(S):</p> <p><input checked="" type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>
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SUBJECT: Changes to County-Funded Agency Placement Referrals

ACTION DUE: OCS recommends FOC staff review and work all affected IV-D cases by September 30, 2019.

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

Beginning October 1, 2019, the Child Welfare Program will send Child Care Fund (CCF)-funded agency placement referrals as state-funded through the MiSACWIS/MiCSES¹⁵⁴ interface. The Child Welfare Program will no longer send CCF-funded agency placement referrals as county-funded to MiCSES.

OCS has incorporated this change into the following sections of the *Michigan IV-D Child Support Manual*:

- Section 2.85, "Agency Placement – Case Initiation";
- Section 3.85, "Agency Placement – Case Management";
- Section 4.85, "Agency Placement – Establishment";
- Section 5.10, "Debt Types";
- Section 5.15, "Assignment of Support (Certification/Decertification)";
- Section 5.20, "Obligation – Entry, Modification and Adjustments"; and
- Section 5.85, "Agency Placement – Financial."

In addition, OCS has incorporated policy from IV-D Memorandum 2019-007, *Agency Placement Referrals for Relative Unlicensed Providers and Court Action Referrals (CARs) for Unlicensed Providers* into manual sections 2.85, 4.85, and 5.85. With the updates to these manual sections, IV-D Memorandum 2019-007 is obsolete.

OCS has also made minor changes to the following corresponding manual section exhibits:

- Exhibit 5.10E1: Court Case Types: Service Fees (SF) and Processing Fees (PF);
- Exhibit 5.10E2: MiCSES Debt Types and CSES Account Types Conversion Table;
- Exhibit 5.10E3: MiCSES Debt Types and Activities Table; and
- Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820).

¹⁵⁴ MiSACWIS is the Michigan Statewide Automated Child Welfare Information System; MiCSES is the Michigan Child Support Enforcement System.

Finally, in this memorandum, OCS provides an update regarding MiSACWIS referrals for relative unlicensed providers receiving foster care maintenance payments.

Throughout the manual sections and corresponding exhibits, change bars in the right margin indicate significant changes since the previous publication of the policy. Content that has been reorganized or reformatted since its last publication is not identified with a change bar. Policy from IV-D Memorandum 2019-007 is not identified with a change bar.

DISCUSSION

A. Changes to State- and County-Funded Agency Placement Referrals

1. Overview

Changes to state law¹⁵⁵ require the Michigan Department of Health and Human Services (MDHHS) to initially pay child welfare agency placement costs and get reimbursed by counties for a portion of eligible CCF¹⁵⁶ costs. The Child Welfare Program will implement this change for agency placements in MiSACWIS on October 1, 2019.¹⁵⁷

Currently, counties initially pay foster care maintenance payments to providers responsible for the cost and care of a child receiving CCF-funded agency placement services (also known as a county-funded agency placement). The state then reimburses counties for a portion of the CCF costs. The Child Welfare Program refers these agency placements to OCS to pursue a support order and assign child support to the county for reimbursement of the cost of care for a child.

Because the state will now initially pay foster care maintenance payments to providers for CCF-funded child welfare agency placements, the IV-D program will no longer assign current child support collections to the county.¹⁵⁸ Instead, the IV-D program will assign child support to the state¹⁵⁹ on CCF-funded agency placements that MiSACWIS refers to MiCSES.

2. MiSACWIS Referral Updates From County- to State-Funded Placements

On September 28, 2019, the Child Welfare Program will temporarily stop sending the daily referral file to MiCSES to allow for implementation of code changes in MiSACWIS to update funding from county to state on agency placement cases receiving CCF program services. MiSACWIS will resume sending the referral file to MiCSES on or about October 2, 2019.

According to the MiSACWIS team, the referral file will contain updates for approximately 1,890 agency placement IV-D cases in MiCSES that currently have a *Pay To* indicator¹⁶⁰ of COUNTY. After the referral file is received from MiSACWIS, MiCSES will automatically update these cases by adding a *Pay To* indicator of STATE with a *Pay To* effective date of October 1, 2019.

¹⁵⁵ Michigan Compiled Law (MCL) 400.117a(4)(a)

¹⁵⁶ The CCF is a funding source for serving juvenile justice, neglected and/or abused children who are not eligible for Title IV-E federal funds.

¹⁵⁷ Ref: MCL 400.117a(4)(a)

¹⁵⁸ IV-D staff will no longer create new obligations using the County-Funded Placement WF debt type. IV-D staff can continue to create new obligations using Provider Placement WF debt type. Ref: [Section 5.10, "Debt Types," of the Michigan IV-D Child Support Manual](#) for information on debt types.

¹⁵⁹ MCL 552.605d(3)

¹⁶⁰ The *Pay To* indicator provides the name/entity to whom support will be directed and can be found on the *SACWIS Case Information* (SCWS) screen and *Member Address History* (MAHI) screen in MiCSES.

OCS estimates the referral updates represent approximately 21 percent of the total number of active agency placement IV-D cases in MiCSES.¹⁶¹ The estimated referral updates also represent less than 1 percent of the total caseload (809,480 open IV-D cases) in MiCSES.

FOC staff will end current child support obligations assigned to the county and ensure child support is appropriately assigned to the state. Past-due support that accrued on an agency placement IV-D case under assignment to the county before October 1, 2019 will remain assigned and payable to the county.¹⁶²

OCS also estimates 1,260 agency placement IV-D cases in MiCSES have current support obligations assigned to counties. The MiCSES project team will provide a list of these agency placement IV-D cases to the county before MiCSES receives the referral updates from MiSACWIS. IV-D staff will be notified via an email notification when the list is available.

OCS recommends FOC staff review cases on the list and take steps to change the assignment of support on these cases before MiCSES receives the referral updates from MiSACWIS. Doing so will prevent an overpayment of current child support collections to the county after October 1, 2019.

To ensure the correct recipient of support is on the agency placement IV-D case, FOC staff will:

- 1) End the assignment of child support to the county by end-dating the obligation on the County-Funded Placement WF debt type¹⁶³ effective September 30, 2019; and**
- 2) Assign child support to the state by adding or restarting the obligation on the assignable debt types¹⁶⁴ with an effective date of October 1, 2019. Accrual of support in the foster care (IVEF) category will occur after the referral update process is complete.**

If FOC staff wait to change the assignment of support until after MiCSES receives the referral updates from MiSACWIS on or about October 2, 2019, child support collections may incorrectly disburse to the county when they should have been sent to the state. If this happens, FOC staff will request a refund from their county CCF administrator and reapply the refund to the state.

B. State-Funded Agency Placements for Relative Unlicensed Providers¹⁶⁵

In early 2019, the Michigan Child Welfare Program announced¹⁶⁶ that unlicensed relatives who have placement of a child supervised by MDHHS are eligible to receive state-funded foster care maintenance payments. OCS informed IV-D staff of this change in IV-D Memorandum 2019-007. On April 1, 2019,

¹⁶¹ This approximate percentage of referral updates is based upon a total of 9,117 agency placement IV-D cases with an active agency placement record (F or J record on the MAHI screen) in MiCSES as of August 9, 2019.

¹⁶² MiCSES will distribute and disburse past-due support collections to the WF debt type in the never-assigned arrears category to the check recipient ID (OTHP ID).

¹⁶³ Ref: Section 5.10 of the *Michigan IV-D Child Support Manual*.

¹⁶⁴ Assignable debt types for agency placements include Child Care (CC), Child Support (CS), Medical Support (MS), and Payee Bonus (PB). All current, past-due, and future medical support is assigned to the state on the pre-placement relevant case(s) during the child's agency placement.

¹⁶⁵ An unlicensed provider is not currently licensed by the State of Michigan to provide for the care of a child receiving foster care or juvenile justice services.

¹⁶⁶ Ref: MDHHS issued Communication Issuance 19-008, *Payments to Unlicensed Relatives* on January 22, 2019.

MiSACWIS began sending state-funded referrals and referral updates for these relative unlicensed providers to MiCSES.¹⁶⁷ When relative unlicensed providers begin receiving foster care maintenance payments on behalf of a child, they are no longer eligible to receive:

- Redirected child support; or
- Family Independence Program (FIP) assistance.

Child Welfare Program staff confirmed that they are still working to approve foster care maintenance payments in MiSACWIS for eligible relative unlicensed providers who had a child placed with them before April 1, 2019. Therefore, MiCSES will continue to receive referral updates that will have a retroactive *Pay To* effective date of April 1, 2019. Because these referral updates will be retroactive, relative unlicensed providers may receive an overpayment of child support. FOC staff will not attempt to recover any overpayments of support from relative unlicensed providers.

Relative unlicensed providers are responsible for reporting child support and foster care maintenance payments received in the same month(s) to child welfare staff. Child welfare staff will determine any repayment of overlapping benefits.

As mentioned in IV-D Memorandum 2019-007, FOC staff will continue to work their AGP_CHANGE alerts and end the redirection¹⁶⁸ of support to the relative unlicensed provider on the agency placement IV-D case. Otherwise, MiCSES will continue to redirect support to the relative unlicensed provider. FOC staff will also ensure current charges are payable to the state to ensure child support is assigned to the state on the agency placement IV-D case.

Note: According to the Child Welfare Program, not all relative unlicensed providers will receive foster care maintenance payments because some providers are not required to accept funding assistance. Therefore, MiCSES will continue to receive these referrals from MiSACWIS as non-funded placements for unlicensed providers with a *Pay To* of PROVIDER. IV-D staff will refer to the *Pay To* indicator when determining funded or non-funded placements. They will not determine funded or non-funded placements based on whether the unlicensed provider is a relative or non-relative.

C. IV-D Staff Actions When Agency Placement Is With an Unlicensed Provider Receiving FIP Benefits and There Is No Existing Child Support Order

Children in a non-funded agency placement may still receive FIP benefits through MDHHS. In this instance, MiCSES will receive two separate referrals: a referral from MiSACWIS due to the agency placement, and a referral from Bridges due to the unlicensed provider and child receiving FIP. PA staff may receive two court action referrals (CARs) with the same case members – one for the agency placement IV-D case and one for the FIP IV-D case.

OCS has incorporated this policy and the recommended IV-D staff actions from IV-D Memorandum 2019-007 into Sections 2.85 and 4.85 of the *Michigan IV-D Child Support Manual*.

D. Revisions to Manual Sections

1. Policy Updates
 - a. Section 2.85, “Agency Placement – Case Initiation”

¹⁶⁷ These referrals are handled the same as other *Pay To* STATE agency placement referrals.

¹⁶⁸ This occurs through either an administrative or judicial redirection. Ref: [Section 5.85, “Agency Placement – Financial,” of the Michigan IV-D Child Support Manual](#) for more information regarding the redirection of support.

This section has been updated to explain the following:

- Non-funded agency placements include unlicensed providers who can be relatives or non-relatives of a child in their care;
- MiSACWIS referrals will contain a *Pay To* indicator of STATE for foster care maintenance payments paid from the CCF, and MiSACWIS will no longer provide MiCSES with the *Pay To* indicator of COUNTY; and
- The required actions that support specialists will take when agency placement is with an unlicensed provider receiving FIP benefits.

b. Section 3.85, "Agency Placement – Case Management"

In Section 3.85, Subsection 3.1, "Recipient of Support Information," includes a note to explain that MiSACWIS will no longer refer agency placements with a *Pay To* indicator of COUNTY.

c. Section 4.85, "Agency Placement – Establishment"

In this manual section, OCS removed a statement that the support specialist will send a Family Support (DS court case type) referral to the PA when paternity has not been established.

In addition, OCS added Subsection 2.2, "Referral to the PA for Agency Placements With an Unlicensed Provider Receiving FIP Benefits." This new subsection includes recommended actions for PA staff when more than one CAR is received for a child on an agency placement IV-D case and FIP IV-D case, and there is no existing child support order.

d. Section 5.10, "Debt Types"

Section 5.10 discusses changes to the County-Funded Placement WF debt type. It also explains the following:

- IV-D staff will no longer create new obligations with the County-Funded Placement WF debt type; and
- For county-funded agency placements prior to October 1, 2019, the County-Funded Placement WF debt type will remain payable to the county.

The three exhibits for Section 5.10 have been revised to reflect changes to the use of the WF debt type before and after October 1, 2019 for children receiving out-of-home services funded by the CCF.

e. Section 5.15, "Assignment of Support (Certification/Decertification)"

In Section 5.15, Subsection 2.1.3(C), "Assignment – Child Welfare Agency Placement," explains that support for the child from an agency placement case is assigned to the county when maintenance payments for the child were made from the CCF prior to October 1, 2019.

f. Section 5.20, "Obligation – Entry, Modification and Adjustments"

This manual section explains that obligations created with the County-Funded Placement WF debt type will have a check recipient ID in MiCSES. The check recipient ID identifies the county that will receive support collections for arrears that accrued in the never-assigned arrears category.

This section was also updated to clarify that if the child is in a non-funded provider placement, the check recipient ID identifies the provider who will receive child support collections.

g. Section 5.85, "Agency Placement – Financial"

Section 5.85 discusses the following:

- As of April 1, 2019, relative unlicensed providers are eligible to receive state-funded foster care maintenance payments from the general fund (GF);
- A reconciliation of state and county payments occurs on a monthly basis because the state and county share CCF costs;
- Impacts to county-funded agency placement IV-D cases in MiCSES before and after October 1, 2019;
- The state initially pays for the cost and care for a child in an agency placement funded by the CCF; therefore, current support from a CCF-funded agency placement is assigned to the state;
- The state incorporates child support collections received for CCF-funded agency placement cases in determining the appropriate county share of expenses;
- The name of the MDHHS unit to which FOC staff send the DHS-820 for state refunds was changed from the Governmental Benefits Coordination and County Chargeback Unit to the Accounts Receivable Unit, and the mailing address was updated; and
- The DHS-820 requires FOC staff to include the child's Agency Placement ID.

2. Other Updates

The State Court Administrative Office (SCAO) Administrative Memorandum (ADM) 2017-02, *Administrative Abatement or Redirection of Child Support* replaced ADM 2005-04. OCS updated manual sections 2.85, 5.20 and 5.85 with the appropriate ADM reference and hyperlink.

In Section 2.85, OCS replaced references to federal Office of Child Support Enforcement (OCSE) Informational Memorandum (IM) OCSE-IM-07-06 and Administration for Children and Families (ACYF) Children's Bureau (CB) ACYF-CB-IM-07-06 with OCSE-IM-12-02 and ACYF-CB-IM-12-06, *Requests for Locate Services, Referrals, and Electronic Interface between Child Welfare and Child Support Information Systems*.

OCS updated Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820) to include directions for adding the child's Agency Placement ID to the form. OCS also updated the mailing address for sending agency placement recoveries.

NECESSARY ACTION:

Review the updated policy information in Sections 2.85, 3.85, 4.85, 5.10, 5.20, 5.15, and 5.85 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print these sections as well as Exhibits 5.10E1, 5.10E2, 5.10E3, and 5.40E3, and add them to the manual. Discard the previously published versions of these materials.

This policy obsoletes the following IV-D Memorandums:

- IV-D Memorandum 2016-010, *Updates to the Michigan IV-D Child Support Manual related to Child Welfare Referrals From the Michigan Statewide Automated Child Welfare Information System (MiSACWIS)*; and
- IV-D Memorandum 2019-007.

REVIEW PARTICIPANTS:

Financial Work Improvement Team
Program Leadership Group

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SUPPORTING REFERENCES:

Federal

None

State

MCL 400.117a(4)(a)
MCL 552.605d(3)

ATTACHMENTS:

- Section 2.85: Agency Placement – Case Initiation
- Section 3.85: Agency Placement – Case Management
- Section 4.85: Agency Placement – Establishment
- Section 5.10: Debt Types
- Exhibit 5.10E1: Court Case Types: Service Fees (SF) and Processing Fees (PF)
- Exhibit 5.10E2: MiCSES Debt Types and CSES Account Types Conversion Table
- Exhibit 5.10E3: MiCSES Debt Types and Activities Table
- Section 5.15: Assignment of Support (Certification/Decertification)
- Section 5.20: Obligation – Entry, Modification and Adjustments
- Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820)
- Section 5.85: Agency Placement – Financial

EPF/JLA

IV-D MEMORANDUM 2019-017

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 16, 2019

SUBJECT: Terminating Income Withholding and Credit Reporting on Fully Closed MiCSES Cases¹⁶⁹

UPDATE(S): Manual Form(s)**ACTION DUE:** None**POLICY EFFECTIVE DATE:** Upon receipt**PURPOSE:**

This IV-D Memorandum introduces updated policy regarding terminating income withholding notices (IWNs) and credit reporting enforcement activities on fully closed MiCSES cases. OCS has created an IWN batch cleanup process¹⁷⁰ to terminate IWNs on fully closed MiCSES cases. This process will ensure that the Michigan IV-D program properly terminates income withholding enforcement actions on fully closed MiCSES cases.¹⁷¹

Additionally, OCS will modify an existing credit reporting batch process, BATCH_CBTW,¹⁷² to terminate credit reporting on fully closed MiCSES cases. The modified credit reporting batch will ensure that OCS discontinues reporting non-custodial parents (NCPs) to the credit reporting agencies (CRAs) when their MiCSES cases are fully closed.¹⁷³

Both the new IWN batch cleanup process and the modified credit reporting batch will be implemented with the MiCSES 10.2 Release on September 20, 2019.¹⁷⁴ After the release, the IWN batch cleanup process will run weekly, and the modified credit reporting batch will run daily.¹⁷⁵

¹⁶⁹ A "fully closed Michigan Child Support Enforcement System (MiCSES) case" means that both the IV-D case and the FOC case are closed in MiCSES. Ref: [Section 3.50, "Case Closure," of the Michigan IV-D Child Support Manual](#) for more information about case closure.

¹⁷⁰ This batch process is entitled "BATCH_IWN_CLEANUP." It will be referred to in this memorandum as the "IWN batch cleanup process." Ref: the [MiCSES 10.2 Release Notes](#) for more information about the batch process.

¹⁷¹ Ref: [Section 6.03, "Income Withholding," of the Michigan IV-D Child Support Manual](#) for more information about terminating income withholding.

¹⁷² For more information on the BATCH_CBTW process, reference the [MiCSES Customer Information Guide: Credit Referral Updates and Submittal \(BATCH_CBTW\) Process](#).

¹⁷³ Ref: [Section 6.18, "Credit Reporting," of the Michigan IV-D Child Support Manual](#) for more information about credit reporting.

¹⁷⁴ The initial run of both processes will address cases that were fully closed prior to the MiCSES 10.2 Release.

¹⁷⁵ The credit reporting batch ran daily prior to being modified.

OCS has updated Section 3.50, "Case Closure," of the *Michigan IV-D Child Support Manual* with information on the IWN batch cleanup process and the modified credit reporting batch process. Within Section 3.50, updates since the last publication of the policy are indicated by a change bar in the right margin.

DISCUSSION:

Certain case conditions along with the timing of enforcement monitoring and case closure batch processes may lead to the following enforcement activity chains remaining open after a MiCSES case has fully closed:

- *Immediate Income Withholding (IIWO)*;¹⁷⁶
- *Unemployment IWN (UNEM)*;¹⁷⁷ and
- *Credit Reporting (CRAR)*.¹⁷⁸

The new IWN batch cleanup process and the modified credit reporting batch process will ensure that these open enforcement activities on fully closed MiCSES cases are terminated and the appropriate actions are taken. Both processes are explained below.

A. Income Withholding and Closed Cases

Federal law requires the Michigan IV-D program to have procedures for promptly terminating income withholding on IV-D cases when all current obligations and arrears are paid in full.¹⁷⁹ When the NCP has paid all current support and arrears, MiCSES automatically generates the *Income Withholding for Support – Termination of IWO* (FEN58D) to terminate the IWN.¹⁸⁰ However, the existing automated case closure process may appropriately close a IV-D case when there is an existing obligation or existing arrears.¹⁸¹ In this circumstance, the automated case closure process does not close the IIWO or UNEM activity chains and does not generate or queue¹⁸² a FEN58D. Income withholding can continue on the non-IV-D MiCSES case that remains open.¹⁸³

State law requires income withholding to remain in effect for the NCP's source of income (SOI) until further order of the court.¹⁸⁴ This means that an SOI remains liable for withholding until it receives a FEN58D. When a MiCSES case fully closes with open IIWO

¹⁷⁶ Ref: [MiCSES Customer Information Guide: IIWO – Immediate Income Withholding Activity Chain](#).

¹⁷⁷ Ref: [MiCSES Customer Information Guide: UNEM – Unemployment IWN Activity Chain](#).

¹⁷⁸ Ref: [MiCSES Customer Information Guide: CRAR – Credit Reporting Activity Chain](#).

¹⁷⁹ Ref: Social Security Act (SSA), Section 466(b)(10) and 45 Code of Federal Regulations (CFR) 303.100(a)(7). Federal law also requires termination of income withholding under certain circumstances, at the state's option, when the NCP requests termination.

¹⁸⁰ Ref: Subsection 12 of Section 6.03 of the *Michigan IV-D Child Support Manual* for more information on automatic IWN terminations initiated on IIWO activity chains.

¹⁸¹ Ref: Section 3.50 of the *Michigan IV-D Child Support Manual* for information on automatic case closure.

¹⁸² MiCSES queues a form when a county has on-demand print settings. The county has to manually generate and print the form. Ref: Section A(2) of this memorandum for more information about on-demand print settings.

¹⁸³ SSA Section 466(a)(8) and Michigan Compiled Law (MCL) 552.604

¹⁸⁴ Ref: MCL 552.611.

and UNEM activity chains and a FEN58D is not generated, the SOI is legally obligated to continue to submit payments to the Michigan State Disbursement Unit (MiSDU).

The MiSDU cannot post support payments to a fully closed MiCSES case. Therefore, MiCSES automatically places the payments in suspense on unidentified (UNID) hold. MiSDU staff must manually work the UNID holds, causing delays in generating refunds. Federal law requires IV-D programs to have procedures in place for promptly refunding amounts on IV-D cases that have been improperly withheld from the NCP.¹⁸⁵ The IWN batch cleanup process will reduce the number of payments received in error on fully closed MiCSES cases as well as the number of refunds the MiSDU will have to process.

1. Income Withholding Notice (IWN) Batch Cleanup Process

The IWN batch cleanup process will generate a FEN58D and close income withholding activity chains on fully closed MiCSES cases. The IWN batch cleanup process will also monitor wage and unemployment payment activity on fully closed MiCSES cases¹⁸⁶ and generate a FEN58D¹⁸⁷ to notify the SOI that income withholding is terminated.

IV-D workers will continue to send the FEN58D when they manually close income withholding activity chains.

2. Impact to Counties With On-Demand Print Settings for the FEN58D

Each county office has chosen to print the FEN58D on-demand or centrally.¹⁸⁸ The IWN batch cleanup process cannot automatically generate and print the FEN58D for counties with on-demand print settings. MiCSES will queue the FEN58D for the counties with on-demand print settings, and the county will be responsible for generating, printing and mailing the form. As a result, OCS has contacted each county with on-demand print settings and given them the option to switch to central print in anticipation of this system functional change.

On September 23, 2019, after the initial run of the IWN batch cleanup process, OCS will provide a spreadsheet¹⁸⁹ to the counties with on-demand print settings. The spreadsheet will identify all the FEN58Ds that have been queued for local staff to generate and print.¹⁹⁰ OCS will post the spreadsheet to the mi-support Document

¹⁸⁵ 45 CFR 303.100(a)(8)

¹⁸⁶ There are situations in which a case has closed and a FEN58D has been sent to the SOI, but the SOI continues to submit payments to the MiSDU.

¹⁸⁷ MiCSES will not generate a FEN58D if one has been generated within the past 30 days.

¹⁸⁸ Ref: [Introduction to MiCSES: Document Generation Topic Detail](#) for more information on printing documents on-demand and centrally.

¹⁸⁹ The spreadsheet will not contain confidential information and will not be password-protected.

¹⁹⁰ On-demand print counties must print all FEN58Ds associated with fully closed cases from the *Enforcement Forms Matrix* (ENFM) screen in MiCSES.

Distribution Center (DDC)¹⁹¹ and announce its availability in an email notification. After the initial run of the IWN batch cleanup process, counties that have chosen to continue printing the FEN58D on-demand will be responsible for generating and sending FEN58Ds as prompted by the MiSDU when it notifies the county that it received a payment on a fully closed case. OCS anticipates a very low weekly volume of FEN58Ds for the on-demand print counties.

3. Impacts to Counties With Central Print Settings for the FEN58D

After September 23, 2019, IV-D central print offices can expect an increase in the number of FEN58Ds printed for their caseload, which may result in an increased number of phone calls from employers and NCPs.¹⁹² OCS anticipates almost 12,000 FEN58Ds will be generated statewide during the first batch process. This number includes both central print and on-demand print counties. This increase should be temporary.

On September 16, 2019, OCS will provide each IV-D office (central print offices and on-demand print offices) a spreadsheet identifying the number of FEN58D notices expected to generate during the first run of the IWN batch cleanup process. The spreadsheets will be made available on the mi-support DDC and announced in an email notification. OCS will send the password for the spreadsheet to each county's confidential contact.

It is possible some FEN58Ds may not generate due to missing information. IV-D staff in counties with central print settings will need to monitor the *Batch Log* (FLOG)¹⁹³ screen in MiCSES to correct any missing or invalid data that may be preventing the FEN58D from generating.

B. Credit Reporting on Fully Closed Cases

When the IV-D case closes, credit reporting may continue because it is not a IV-D-only enforcement activity. However, when a MiCSES case fully closes, OCS should discontinue reporting the NCP to the CRAs. The automatic case closure process was not designed to discontinue credit reporting when the MiCSES case fully closes. Therefore, an NCP who was being reported to the CRAs prior to his/her MiCSES case fully closing will continue to be reported until the CRAR activity chain is automatically or manually closed, or the arrears are paid in full.

¹⁹¹ Ref: the [MiCSES Customer Information Guide: mi-support Document Distribution Center](#) for more information on the DDC.

¹⁹² On August 1, 2019, OCS emailed the SOIs who are expected to receive an increase in FEN58Ds during the initial batch run.

¹⁹³ Ref: [MiCSES Screen Description: FLOG – Batch Log](#) for more information on form errors.

With the MiCSES 10.2 Release, the modified credit reporting batch process will ensure that MiCSES closes the CRAR activity chain and updates the CRAs when an NCP's MiCSES case fully closes. MiCSES' first run of the modified BATCH_CBTW process is scheduled for September 20, 2019.

C. Policy Revisions

In Section 3.50, OCS:

- Added Subsection 4.6, "Income Withholding Notice (IWN) Batch Cleanup Process," which describes the IWN batch cleanup process;
- Revised Subsection 10, "Credit Reporting," and
- Added references to other manual sections for more information.

NECESSARY ACTION:

Review Section 3.50 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print Section 3.50 and add it to the manual. Discard the previously published version of Section 3.50 (published May 25, 2018).

REVIEW PARTICIPANTS:

Enforcement Work Improvement Team
Case Management Work Improvement Team
Program Leadership Group

CONTACT PERSON:

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CC:

None

SUPPORTING REFERENCES:

Federal
SSA, Section 466(b)(10)
SSA, Section 466(a)(7)
SSA Section 466(a)(8)
45 CFR 302.70(a)(7)
45 CFR 303.100(a)(7)

45 CFR 303.100(a)(8)

State

MCL 552.512

MCL 552.604

MCL 552.611

MCL 552.619

ATTACHMENT:

Section 3.50:

Case Closure

EPF/KRB

IV-D MEMORANDUM 2019-018

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 23, 2019

SUBJECT: Revisions to Customer Contact Letters to Create User-Friendly Communications

UPDATE(S): Manual Form(s)**ACTION DUE:** None**POLICY EFFECTIVE DATE:** Upon receipt**PURPOSE:**

This IV-D Memorandum announces revisions to the following OCS customer contact letters:

- *First Customer Contact Letter* (OCS0015);
- *Final Customer Contact Letter* (OCS0025);
- *Client Contact Letter* (OCSCONT);
- *Client Contact Letter 1* (OCSCONT1);
- *Client Contact Letter 2* (OCSCONT2); and
- *Notice of Continuing Eligibility* (OCS4636).¹⁹⁴

OCS has redesigned the letters to include icons, more white space, and simpler language to make the letters easier for customers to read. The revisions to the OCSCONT, OCSCONT1, and OCSCONT2 also include a new title: *Customer Contact Letter*.

The letters will be available September 27, 2019 with the Michigan Child Support Enforcement System (MiCSES) 10.2.0.1 Release. The MiCSES functionality for these letters remains unchanged. Updates to the *Noncooperation Notice* (OCS1252) and *Cooperation Notice* (OCS1253) are planned for a future release.

DISCUSSION:**A. Background**

¹⁹⁴ The wording on the OCS4636 will vary depending on whether the customer's case has state-owed arrears. Therefore, there are two versions of the form: the OCS4636 for a case with state-owed arrears, and the OCS4636 for a case without state-owed arrears. Both versions are attached to this IV-D Memorandum.

OCS sends customer contact letters to provide information to customers or request information from them. These letters include:

- OCS0015 and OCS0025: MiCSES generates these letters and sends them to customers who must provide information to pursue child support as a condition of receiving public assistance;¹⁹⁵
- OCSCONT, OCSCONT1, and OCSCONT2: Support specialists (SSs) manually generate these letters to customers;¹⁹⁶ and
- OCS4636: MiCSES generates this letter and sends it to customers who currently receive IV-D services but have recently stopped receiving public assistance.¹⁹⁷

Redesigning the customer contact letters to make them user-friendly advances the Michigan Child Support Program's Strategic Plan goal to improve the customer experience. In addition, it will improve the efficiency of the program if customers are better able to understand the letters and take requested actions as a result.

B. Changes to the Customer Contact Letters

1. Emphasis on Concern for Customer Safety

Providing good cause and family violence information to customers as early as possible in the child support process can help individuals determine what is best for their family based on their situation. Educating families on good cause and family violence is the key to helping ensure customer safety.

a. Form Changes to Support Customer Safety

All the revised customer contact letters except the OCSCONT and OCS4636 emphasize the IV-D program's concern for customer safety with a bold text box and an exclamation point graphic. The text box directs customers to call OCS if pursuing child support may result in harm to themselves or their child(ren). The previous versions of the letters directed customers to contact their Michigan Department of Health and Human Services (MDHHS) caseworker and complete a *Claim of Good Cause – Child Support* (DHS-2168) form when this concern existed. OCS instructing customers to contact their MDHHS caseworker and complete a form lacked the helpfulness MDHHS must extend to survivors of family violence.

¹⁹⁵ Ref: [Section 2.05, "Referrals and Applications," of the Michigan IV-D Child Support Manual](#) for more information about the OCS0015 and OCS0025.

¹⁹⁶ Ref: Section 2.05 of the *Michigan IV-D Child Support Manual* for more information about the OCSCONT, OCSCONT1, and OCSCONT2.

¹⁹⁷ Ref: [Section 3.03, "Case Updates and Member Demographics," of the Michigan IV-D Child Support Manual](#) for more information about the OCS4636.

Note: Customers must still contact their MDHHS caseworker to request and file a DHS-2168. The OCS update to the customer contact letters offers customers an additional resource and opportunity for assistance if they have a concern for their safety.

b. Support Specialists (SSs) and Customer Safety

Because of the emphasis on customer safety in the contact letters, SSs can expect an increase in calls requesting assistance. If an SS receives calls from customers who indicate they are concerned for their safety or the safety of their child(ren), the SS will work with the customer to determine if good cause and/or family violence protections are appropriate.

When a customer tells an SS (s)he would like to claim good cause and the reason meets the criteria outlined in [Section 2.15, "Cooperation/Noncooperation/Good Cause,"](#) Subsection 3.1, "When to Consider Good Cause," the SS will:

- Explain the DHS-2168 and direct the customer to contact an MDHHS caseworker to request the form. Currently, the form is only available from an MDHHS caseworker; and
- Set the good cause status on the *Case Member Details* (CASE) screen to "pending." This will suspend paternity and/or order establishment and enforcement activities until a final good cause determination is made. When the status is set to "pending," MiCSES will notify Bridges of the pending good cause status.

When customers tell an SS they are concerned that disclosure of their address or other personally identifying information (PII) may result in harm, the SS will discuss the suppression of PII. The SS will explain what PII is and the ways PII can be suppressed.¹⁹⁸

Note: When good cause is set on a case in MiCSES, it does not automatically set family violence for that case. The SS must set the family violence indicator and reason code separately.

2. Other Changes to the Letters

a. Use of Simpler Language and User-Friendly Features

To make the letters easier to read and more visually appealing for customers, OCS has done the following:

¹⁹⁸ Ref: [Section 1.15, "Family Violence," of the Michigan IV-D Child Support Manual](#) for more information on PII and the suppression of PII.

- 1) **Removed unnecessary text, such as directions for accessing the MiChildSupport website and references to federal and state laws;**
- 2) **Used plain language, fewer words, and simpler, more direct instructions;**
- 3) **Increased white space; and**
- 4) **Drawn attention to important information by:**
 - a) Placing text in boxes;
 - b) Bolding and enlarging text; and
 - c) Using icons such as a laptop computer, telephone receiver, magnifying glass, and checkmarks.

OCS also simplified the heading of the letters by replacing the formal MDHHS letterhead with “Michigan Department of Health and Human Services” and “Office of Child Support” in plain text.

b. Inclusion of Support Specialist (SS) Availability

On all letters except the OCS4636, OCS has included the times that SSs are available to take customer phone calls (weekdays from 8 a.m. to 4:30 p.m.).

c. References to “Client” Replaced With “Customer”

OCS has changed “Client” to “Customer” in the titles of the OCSCONT, OCSCONT1, and OCSCONT2. This is consistent with the use of “Customer” in the titles of the OCS0015 and OCS0025. These titles will be changed in Section 2.05 of the *Michigan IV-D Child Support Manual* in a future revision of the manual section.

d. Addition of an Editable Date Field on the OCSCONT

The OCSCONT letter now contains a field for the SS to add a date by which the customer must provide the missing information.

e. Changes to the OCS4636

Both versions of the previous OCS4636 (for cases with arrears and cases without arrears) have confused recipients, which resulted in numerous customer calls. OCS worked with customers and IV-D workers to identify problem areas of the OCS4636, then devoted a significant amount of time and research on making improvements. OCS replaced the legal and technical language with simpler wording to better explain continued eligibility and inserted a table to highlight the IV-D services available.

Though some IV-D staff have asked OCS to obsolete the form, that isn't possible. Federal regulations require the form because when a family no longer receives public assistance and there are no arrears owed to the state, the customer has the authority to continue or discontinue IV-D services. The OCS4636 notifies the customer of his/her rights in this situation.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Case Management Work Improvement Team
Program Leadership Group

CONTACT PERSON:

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ATTACHMENTS:

OCS0015:	<i>First Customer Contact Letter</i>
OCS0025:	<i>Final Customer Contact Letter</i>
OCS4636 (two versions):	<i>Notice of Continuing Eligibility (case with state-owed arrears)</i> <i>Notice of Continuing Eligibility (case without state-owed arrears)</i>
OCSCONT:	<i>Customer Contact Letter</i>
OCSCONT1:	<i>Customer Contact Letter 1</i>
OCSCONT2:	<i>Customer Contact Letter 2</i>

EPF/AMC

IV-D MEMORANDUM 2019-019

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: October 17, 2019

SUBJECT: Update to the *County IV-D User Remote Access Request* (MDHHS-5454)

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces a minor change to an OCS address listed on the *County IV-D User Remote Access Request* (MDHHS-5454).

DISCUSSION:

On page 2 of the MDHHS-5454, OCS updated the PO box number in the address for returning canceled tokens. The correct PO box number is 30478.

In addition, the MDHHS-5454 has been reformatted as part of efforts to improve Michigan Department of Health and Human Services (MDHHS) forms to better serve customers with disabilities. The most significant change is the enlargement of the text for ease of reading. More information about this effort is found in [IV-D Memorandum 2019-009, OCS Forms With Updated Michigan Department of Health and Human Services \(MDHHS\) Letterhead and Modified Formatting for Customers With Disabilities](#).

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice. IV-D staff should begin using the revised version of the MDHHS-5454 (9/19) and discard any copies of the previous version (5/16).

REVIEW PARTICIPANTS:

Program Leadership Group

CONTACT PERSON:

Shari Martin

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input checked="" type="checkbox"/> Form(s)</p>
--

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CC:

None

ATTACHMENT:

MDHHS-5454: *County IV-D User Remote Access Request*

EPF/SM

IV-D MEMORANDUM 2019-020

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: November 7, 2019

UPDATE(S): Manual Form(s)

SUBJECT: Introduction of Section 3.05, "Locate," of the *Michigan IV-D Child Support Manual* and the *Child Support Confidential Locate Request* (DHS-1445) Form

RESPONSE DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces the publication of Section 3.05, "Locate," of the *Michigan IV-D Child Support Manual*. It also introduces the *Child Support Confidential Locate Request* (DHS-1445) form that should be used to request locate services from OCS Central Operations.¹⁹⁹ Section 3.05 consolidates, clarifies, and reorganizes policy from previously published Action Transmittals (ATs), the *Combined IV-D Policy Manual* (4DM), the *Child Support Manual* (CSM), and the *Friend of the Court (FOC) Manual*.

This IV-D Memorandum also announces an updated table of contents for the *Michigan IV-D Child Support Manual*. Asterisks have been added to the end of the section title 3.05, "Locate," to indicate the availability of this new manual section.

DISCUSSION:

Federal law mandates that OCS assist in locating an adult responsible for a child²⁰⁰ for the purposes of establishing parentage; setting, modifying or enforcing child support obligations; and making or enforcing child custody or parenting time orders.²⁰¹ For all cases referred to the IV-D agency, or for individuals applying for IV-D services, federal law requires the IV-D program to locate all non-custodial parents (NCPs) or their sources of income and/or assets when their location information is needed to take a necessary action on a case.²⁰²

When locate services are needed, federal regulations determine the timeframes in which initial and repeated locate activities must be completed. Section 3.05 discusses the timeframes to complete locate activities for:

- IV-D cases without an established order;
- IV-D cases with an established order; and
- When IV-D staff need to locate a missing payee.

¹⁹⁹ Non-IV-D authorized requesters requesting locate services from OCS Central Operations must use the DHS-1445 form. Use of the DHS-1445 is optional for IV-D staff requesting locate services from OCS Central Operations.

²⁰⁰ Michigan Compiled Laws (MCL) 400.231(d) defines an "adult responsible for a child" as a parent, relative who has physically cared for the child, putative father, or current or former guardian of a child, including an emancipated or adult child.

²⁰¹ Social Security Act sections 453(a)-(c) and 454(8), 45 Code of Federal Regulations (CFR) 303.70(a)

²⁰² 45 CFR 303.3(b)

Section 3.05 defines “locate” and persons authorized to request locate services. Additionally, it discusses OCS’s responsibility to provide locate services.²⁰³

Locate Sources

Section 3.05 discusses the locate sources available to the IV-D program when attempting to locate an NCP, a custodial party (CP), a child or an *Affidavit of Parentage* (AOP). It also discusses the use of Business Objects reports, the Federal Parent Locator Service (FPLS), the State Parent Locator Service (SPLS), the State Verification Exchange System (SVES), the Federal Child Support Portal and other available sources to find locate information.

OCS Central Operations

OCS Central Operations is Michigan’s State Parent Locator Service (SPLS) and provides locate services to authorized requesters²⁰⁴ for authorized purposes.²⁰⁵ OCS created the DHS-1445 for individuals to use when requesting locate services from OCS Central Operations. Section 3.05 explains:

- Who may request locate services and for what purposes;
- How to complete the DHS-1445;
- How to submit a locate request to OCS Central Operations using the DHS-1445 for both IV-D staff and non-IV-D authorized requesters; and
- The information OCS Central Operations may share with authorized requesters.

Locate Functionality in the Michigan Child Support Enforcement System (MiCSES)

Section 3.05 explains how:

- An individual is “identified” in MiCSES;
- MiCSES determines whether an individual is located;
- MiCSES and IV-D staff submit locate requests to the FPLS and SPLS; and
- IV-D staff can view and download locate results.

NECESSARY ACTION:

Review the locate policy in Section 3.05 in its entirety since this is the first publication of consolidated and organized locate policies and procedures previously found in a variety of other documents. For those maintaining a hard copy of the manual, print Section 3.05 and the updated table of contents, and add them to the manual.

With the publication of this manual section, the following policies are obsolete because they have been incorporated into Section 3.05 or the material is now outdated or no longer relevant:

- AT 2002-014, Appendix 3, *Location of Missing Payees*;
- AT 2007-029; *Implementation of the State Verification Exchange System (SVES) Program in the Data Warehouse Business Objects*;
- 4DM 200, *Regulatory and Statutory Location Requirements*;

²⁰³ MCL 400.233(b)

²⁰⁴ “Authorized persons” identified in Social Security Act sections 454(8)(B) and 453(c)(1)-(4) will be referred to as “authorized requesters” for the purposes of this IV-D Memorandum. Ref: Subsection 1.3 of Section 3.05 for more information.

²⁰⁵ 45 CFR 302.35(a)(1), 45 CFR 302.35(c)(1), and 45 CFR 302.35(d)(1)

- 4DM 200-2, *Location Procedures*;
- 4DM 200-2X1, *Local Locating Resources*;
- 4DM 200-2X2, *Administrative Subpoena*;
- 4DM 200-2X3, *Military Contacts*;
- 4DM 200-2X4, *Sister State Driver License Requests*;
- 4DM 200-2X5, *Locate Data Sheet*;
- CSM 420, *State PLS Search Requests*;
- CSM 420X1, *Standard Search Requests*;
- CSM 420X2, *Locating Services Request*;
- CSM 430, *State Location Resources*;
- CSM 430X1, *Michigan Secretary of State*;
- CSM 430X2, *Michigan Department of Treasury – Microfiche Record*;
- CSM 430X3, *Michigan Department of Treasury – Request for Michigan Tax Return Information*;
- CSM 430X4, *Report APC-080, Absent Parent CIS Match*;
- CSM 430X5, *Report APW-050, Workers' Compensation Match*;
- CSM 440, *Absent Parent/Labor Department (APL) File Match System*;
- CSM 440X1, *Report APL-013, Department of Labor Matched Requests*;
- CSM 440X2, *Report APL-027, Department of Labor Mismatched Requests*;
- CSM 440X3, *Report APL-014, Department of Labor Unmatched Requests*;
- CSM 450, *Federal Parent Locator Service*;
- CSM 450X1, *Report APF-201, Federal Parent Locator Results – Address Report*;
- CSM 450X2, *Federal Parent Locator Results SSN Report*;
- CSM 450X3, *Federal PLS Messages*;
- CSM 450X4, *Overseas Military Address Designations*;
- FOC 320, *U.S. Postal Service Address Information Services*;
- FOC 320X1, *U.S. Postal Service Address Information Agency Letterhead*;
- FOC 330, *State PLS Search Requests*;
- FOC 330X1, *Standard Search Requests – Printed List Specifications*;
- FOC 330X2, *Standard Search Requests – Magnetic Tape Specifications*;
- FOC 330X3, *FIA-308, Locating Services Request*;
- FOC 340, *State Location Resources*;
- FOC 340X1, *MI Secretary of State Driver License and Personal ID Report*;
- FOC 340X2, *FIA-3687, Absent Parent Income Tax Record*;
- FOC 340X3, *Report OC-580, Absent Parent CIS Match*;
- FOC 340X4, *Report OC-590, Workers' Compensation Match*;
- FOC 350, *Federal Parent Locator Service*;
- FOC 350X1, *Report OC-240, Federal Parent Locator Results*;
- FOC 350X2, *Federal Parent Locator Results – SSN Report*;
- FOC 350X3, *Federal PLS Messages*; and
- FOC 350X4, *Overseas Military Address Designations*.

Note: The online 4DM, CSM, and FOC manuals are revised only at designated times. Therefore, items from these manuals will be deleted with the next scheduled revision of the manuals, which may not occur for several months.

REVIEW PARTICIPANTS:

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None

SUPPORTING REFERENCES:

Federal

Sections 453(a)-(c) and 454(8) of the Social Security Act
45 CFR 302.35(a)-(d)
45 CFR 303.3(b)
45 CFR 303.70(a)

State

MCL 400.233(b)
MCL 400.231(d)

ATTACHMENTS:

Section 3.05: Locate

DHS-1445: *Child Support Confidential Locate Request*

Michigan IV-D Child Support Manual Introduction and Table of Contents

EPF/KRB

IV-D MEMORANDUM 2019-021

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: December 19, 2019

SUBJECT: Changes to Annual Security Requirements for IV-D Staff and Updates to *Michigan IV-D Child Support Manual* Section 1.10, "Confidentiality/Security"

UPDATE(S):

Manual

Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: January 1, 2020

PURPOSE:

This IV-D Memorandum announces significant changes to OCS's annual security requirements for IV-D staff. OCS has revised Section 1.10, "Confidentiality/Security" to include these changes.

OCS has also revised Section 1.10 to address changes to federal tax information (FTI) safeguarding requirements. Other updates are intended to clarify and refine existing security policy based upon questions and situations that have arisen since the last update of Section 1.10. Specifically, Section 1.10 includes additions or revisions to policy in the following areas:

- Updates to Internal Revenue Service (IRS) safeguarding requirements that include:
 - **Emailing FTI;**
 - **Mailing documents with FTI;**
 - **Multi-functional devices and high-volume printers;**
 - **Social media standards; and**
 - **Paper shred size.**
- Penalties for wrongful disclosure of confidential IV-D information;
- Reporting security incidents to the Michigan Department of Treasury;
- Suspicious email reporting;
- Penalties for wrongful disclosure of information in the Limited Access Death Master File (LADMF);
- Making changes to an office's Authorized Requester/IV-D contact list;
- Disclosing conflicts of interest;
- System access requests for new IV-D workers; and

- Biometric devices for the Central Paternity Registry/Birth Registry System (CPR/BRS).

Within Section 1.10, a change bar in the right margin indicates significant changes since the previous publication of the policy. Some of the content in Section 1.10 has been reorganized, but reorganized subsections are not identified with change bars.

Finally, this IV-D Memorandum introduces revisions to the following forms:

- *IV-D Program Request for Computer Access* (DHS-393);
- *Security Incident Report* (DHS-882); and
- *Verification of Confidentiality Compliance* (Treasury 4092).

DISCUSSION:

A. Changes to the Annual Security Requirements for IV-D Staff

IV-D offices must ensure employees and contractors annually certify their understanding of security policies and safeguarding procedures before receiving access to confidential IV-D information.²⁰⁶ OCS is introducing changes to its annual security requirements; the Confidentiality and Security web-based training will be offered as four training modules throughout the year instead of one training at the beginning of the year. This change will benefit IV-D workers by:

- Educating them about confidentiality and security throughout the year;
- Increasing their retention of confidentiality and security information;
- Providing the most up-to-date information about confidentiality and security; and
- Providing training in shorter, more manageable sessions.

In addition, OCS will provide a single training module for new IV-D staff to complete before they receive access to IV-D systems. This will provide new staff with comprehensive confidentiality and security training that will be essential for them to learn before receiving access to IV-D systems.

1. Confidentiality and Security Requirements for Existing IV-D Staff

Beginning January 2020, the OCS Training team will provide Confidentiality and Security web-based training on the Learning Management System (LMS) each quarter of the calendar year. The training will be offered as four modules – one made available each quarter – and will no longer be offered as one training to be taken in January.

OCS will provide the first module at the beginning of January each year. IV-D staff must complete the training, pass the assessment with a score of 90 percent or above, and submit the appropriate Treasury form by March 31. The FOC/PA director or designee

²⁰⁶ IRS [Publication 1075: Tax Information Security Guidelines for Federal, State and Local Agencies](#), Section 6.3

must report to OCS through EGrAMS²⁰⁷ their staff's completion of the training and the appropriate Treasury form within five business days following March 31.

In the three remaining quarters, IV-D staff will be assigned a Confidentiality and Security training module at the beginning of the quarter. OCS recommends that IV-D staff complete the training by the end of the quarter. However, training modules 2, 3 and 4 must be completed no later than the end of the calendar year. By December 31, supervisors must verify that every IV-D worker they supervise has completed modules 2, 3, and 4 of the training and passed the assessment with a score of 90 percent or above.

2. Confidentiality and Security Requirements for New IV-D Staff

For newly hired IV-D staff, completion of *Confidentiality and Security Training for New Child Support Workers* on the LMS and completion of the appropriate Treasury form will meet the annual security training requirements for the IRS, Treasury, and OCS within the calendar year that it was taken. Newly hired IV-D staff will begin taking the quarterly Confidentiality and Security training modules at the beginning of the next calendar year. Section 1.10 explains the process that new IV-D workers must follow to complete the training and get access to IV-D systems.

Beginning January 1, 2020, new IV-D workers must use the current version of the DHS-393 when requesting access to the LMS and other IV-D systems. If a previous version of the form is submitted, the MiCSES Help Desk will reject it. OCS has updated Section 1.10 with this information.

DHS-393 forms that the Help Desk receives through December 31, 2019 will be processed without the requirement that new IV-D workers take the *Confidentiality and Security Training for New Child Support Workers*. However, IV-D staff will still need to meet the conditions in the User Agreement on the DHS-393, which include compliance with the training requirements in Section 1.10.

B. Policy Updates to Section 1.10, “Confidentiality/Security”

In addition to the changes to the annual security training, Section 1.10 includes the following new and revised policy.

1. Updates to IRS Safeguarding Requirements

The IRS published a revision of its IRS *Publication 1075* on September 30, 2016.²⁰⁸ The IRS *Publication 1075* contains tax information security guidelines for federal, state and

²⁰⁷ EGrAMS is OCS's web-based contract and billing system used by FOC and PA staff.

²⁰⁸ Ref: IRS *Publication 1075*.

local agencies. As a condition of receiving FTI from the IRS, agencies must comply with the safeguarding requirements in the IRS *Publication 1075*.

OCS has revised Section 1.10 to reflect many of the new IRS safeguarding requirements. These revisions are as follows:

a. Emailing FTI

OCS has updated Subsection 7.1 to clarify labeling and logging requirements when IV-D staff include FTI in an email. If IV-D staff opt to send an email that contains FTI, the subject of the email must indicate that the email contains FTI.²⁰⁹ Additionally, IV-D staff must meet electronic audit logging requirements for emails that contain FTI.²¹⁰

b. Mailing Documents With FTI

In Subsection 7.5, OCS has included the IRS requirement that if FTI is to be sent via the U.S. Postal Service, it needs to be sent in a sealed envelope within another sealed envelope. The inner envelope needs to be marked “Confidential.”

c. Multi-Functional Devices and High-Volume Printers

OCS has added Subsection 7.8, “Multi-Functional Devices and High-Volume Printers,”²¹¹ in accordance with IRS requirements. OCS received a finding from the IRS for a lack of audit logs for multi-functional devices used to transmit FTI. This subsection explains the requirements IV-D offices must follow when using multi-functional devices to transmit FTI or make copies of documents with FTI.

d. Social Media Standards

OCS has added Subsection 3.12, “Social Media Standards,” in accordance with IRS requirements. The IRS prohibits the sharing of FTI on any social media/networking sites.²¹² State of Michigan IV-D staff must follow Department of Technology, Management & Budget (DTMB) policy²¹³ in the creation, use and management of State of Michigan social media and social networking accounts. This DTMB policy does not apply to county social media and social networking accounts.

e. Paper Shred Size

²⁰⁹ IRS *Publication 1075*, Section 9.4.3

²¹⁰ IRS *Publication 1075*, Section 9.4.3

²¹¹ IRS *Publication 1075*, Section 9.4.9

²¹² IRS *Publication 1075*, Section 9.3.12.3

²¹³ DTMB Standard 1340.00.130.03, *Social Media Standard*

When disposing of paper documents containing confidential information, the IRS requires that the paper be shredded to the 3/32 shred size instead of the previous 5/16 shred size.²¹⁴ OCS has updated Subsection 8.1.3 with this information. Offices are required to comply with this new shred-size requirement as soon as possible.

2. Other Policy Updates and Clarifications

a. Penalties for Wrongful Disclosure of Confidential IV-D Information

Subsection 1.3 has been updated to include information about laws, policies and regulations that allow OCS to remove a IV-D worker's access to IV-D information as a consequence of inappropriate disclosure of IV-D data. OCS also added information regarding other penalties for wrongful disclosure of confidential IV-D information. Since the last Section 1.10 revision, there have been several incidents where IV-D staff have inappropriately disclosed IV-D data for purposes outside of the administration of the IV-D program and IV-D-related activities.

b. Reporting Security Incidents to the Michigan Department of Treasury

OCS receives state tax information from the Michigan Department of Treasury (Treasury). Therefore, OCS is subject to Treasury's audit to ensure OCS is meeting the requirements for receiving and safeguarding state tax information. The 2019 Treasury audit found that Section 1.10 of the *Michigan IV-D Child Support Manual* did not include information on reporting security incidents involving state tax information provided by Treasury. To address this, OCS added Subsection 11.3.7 to Section 1.10. If it is determined that Michigan tax return information was inappropriately disclosed, this subsection states that the MDDHS Privacy and Compliance staff will report incidents to Treasury using the *Incident Report* (Treasury 4000).

c. Suspicious Email Reporting

The new Subsection 10 includes procedures for state-managed and county-managed offices to report the receipt of suspicious emails.

d. Penalties for Wrongful Disclosure of Information in the Limited Access Death Master File (LADMF)

As the recipient of death records for the purpose of confirming the death of a party on a case, OCS is required to safeguard Limited Access Death Master File (LADMF) information. Subsection 1.4.3 was updated to discuss the penalties for wrongful disclosure or use of information from the LADMF.

²¹⁴ IRS *Publication 1075*, Section 8.3

e. Changes to an Office's Authorized Requester/IV-D Contacts List

OCS has updated Subsection 3.5 to clarify that IV-D office directors must specifically state any changes, deletions or additions made to the Authorized Requester/IV-D Contacts List when informing OCS Financial Management and the MiCSES Help Desk about any changes to the list.

f. Disclosing Conflict of Interests

OCS has updated Subsection 3.3 to clarify what information IV-D system users must provide on the *Michigan Child Support Enforcement System (MiCSES) Child Support Case Disclosure Form* (DHS-428). This subsection provides direction to Authorized Requesters/IV-D Contacts in the completion of the DHS-428 before submitting it to the Help Desk. Additionally, this subsection provides direction on the process for submitting a DHS-428 when there has been no change since a IV-D worker's last disclosure of his/her conflicts of interest.

g. System Access Requests for New IV-D Workers

OCS has updated policy to provide clarification on processes for LMS access for new IV-D workers. This information is in Subsections 4.2.3 and 4.4 of the manual section.

h. Biometric Devices for the Central Paternity Registry/Birth Registry System (CPR/BRS)

Information concerning requests for biometric devices has been removed from Section 1.10 because MDHHS Vital Records switched to a new multi-factor authentication system for CPR/BRS on October 15, 2019. Therefore, IV-D staff will no longer use the fingerprint scanners to access the CPR/BRS.²¹⁵

C. Updates to Forms

1. IV-D Program Request for Computer Access (DHS-393)

OCS added a *New IV-D Worker* checkbox on the DHS-393 along with a note to inform new IV-D workers that they must complete the *Confidentiality and Security Training for New Child Support Workers* on the LMS before receiving access to IV-D systems.

OCS also removed the checkbox to request a biometric device from the DHS-393.

²¹⁵ For more information, refer to the email notification [Action Required: CPR/BRS Multi-factor Authentication Effective 10/15; Return Fingerprint Scanners by 11/15](#) on mi-support.

2. *Security Incident Report (DHS-882)*

The *Security Incident Report (DHS-882)* was updated with a new OCS phone number and fax number for reporting security incidents. The DHS-882 was also reformatted with larger text as part of MDHHS's ongoing effort to improve the readability of forms for people with disabilities.²¹⁶

3. *Verification of Confidentiality Compliance (Michigan Department of Treasury Form 4092)*

The Michigan Department of Treasury updated the *Verification of Confidentiality Compliance (Treasury 4092)* in July 2016. Treasury updated the signature field on the form. Additionally, Treasury updated the form to include a section where the agency that receives Michigan state tax information can disclose updates to its information since its last reporting.

NECESSARY ACTION:

Review Section 1.10 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the section and add it to the manual. With the publication of this policy, the previous versions of the following items are obsolete:

- Section 1.10 (published December 18, 2018);
- The DHS-393 (Rev. 8/18), published with IV-D Memorandum 2018-013;
- The DHS-882 (Rev. 9/17), published with IV-D Memorandum 2017-021; and
- The Treasury 4092 (Rev. 2/12), published with IV-D Memorandum 2014-035.

REVIEW PARTICIPANTS:

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²¹⁶ For more information, reference [IV-D Memorandum 2019-009, OCS Forms With Updated Michigan Department of Health and Human Services \(MDHHS\) Letterhead and Modified Formatting for Customers With Disabilities](#).

None

SUPPORTING REFERENCES:

Federal
15 CFR 1110.200
IRS Publication 1075

ATTACHMENTS:

Section 1.10: Confidentiality/Security

DHS-393: *IV-D Program Request for Computer Access*

DHS-882: *Security Incident Report*

Michigan Department
of Treasury 4092: *Verification of Confidentiality Compliance*

EPF/TAM

IV-D MEMORANDUM 2019-022

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: December 3, 2019

SUBJECT: State Law and *Uniform Child Support Order* (USO) Revisions
Regarding Health Care Coverage

UPDATE(S): Manual Form(s)**ACTION DUE:** None**POLICY EFFECTIVE DATE:** Upon receipt**PURPOSE:**

This IV-D Memorandum announces revisions to health care coverage provisions in the Friend of the Court Act and the Support and Parenting Time Enforcement Act (SPTEA).²¹⁷ Many of the revisions implement a revised federal regulation²¹⁸ that broadened the definition of health care coverage to include public health care coverage. The federal regulation and state law revisions allow parents to fulfill their obligation to provide health care coverage for their child(ren) by obtaining and maintaining public health care coverage. The state law revisions also update other medical support provisions.

OCS will implement the policy, system and form changes required by the revised health care coverage provisions at a future date.²¹⁹

This IV-D Memorandum also announces a temporary revision to the *Uniform Child Support Order* (USO) forms in the Michigan Child Support Enforcement System (MiCSES):

- *Uniform Child Support Recommendation and Order* (MiCSES FOC10); and
- *Establishment Uniform Support Order* (5085).

Text that incorporates the revised state and federal law will be inserted in paragraph 13 and will replace the standard insurance provision in the USO. This text will appear in the USO starting December 6, 2019 with the MiCSES 10.2.2 Release.

DISCUSSION:

The revised state law provisions are the first step toward implementing the federal requirement to allow parents to fulfill their health care coverage obligation with public health care coverage. The revised state laws define "health

²¹⁷ The Friend of the Court Act and SPTEA were amended by House Bills 4304 and 4305 effective June 20, 2019.

²¹⁸ Ref: 45 Code of Federal Regulations (CFR) 303.31(a)(2). This federal regulation was amended by the final rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs, which was published on December 20, 2016.

²¹⁹ These updates are scheduled for June 2020.

care coverage” and update provisions governing the establishment, enforcement and review of health care coverage provisions in child support orders. The state law revisions also:

- Add the requirement that obligated health care coverage is accessible; and
- Require that the Michigan Child Support Formula (MCSF) include guidance on accessibility and selecting which parent will provide coverage.

The revised federal regulation requires the IV-D program to allocate the cost of health care coverage between both parents. A process for allocating the cost of coverage between parents was in the MCSF before the federal regulation was revised. Therefore, no state law revisions were made to implement this federal allocation requirement.

A. Defining Health Care Coverage

Revisions to state law expand the definition of health care coverage to include public health care coverage as well as private health care coverage. Public health care coverage includes government benefit programs such as Medicaid, Healthy Michigan Plan, and MiChild (Children’s Health Insurance Program [CHIP]). Federal regulation requires state IV-D programs to allow parents to meet their health care coverage obligations by obtaining either private or public health care coverage for their children.

In its Notice of Proposed Rulemaking,²²⁰ the federal Office of Child Support Enforcement (OCSE) explained the reasons for revising its regulations involving establishing and enforcing health care coverage for children. It states that:

The child support program has long been involved with securing health care coverage for children, but previously, the program has focused narrowly on *private* coverage available through a noncustodial parent’s employer rather than taking full advantage of the many coverage options available to children that have evolved over the years. In general, families in the child support program have limited or no access to employer-sponsored private insurance and are disproportionately eligible for Medicaid and the Children’s Health Insurance Program (CHIP). Even when it is available, the average cost of private family coverage has nearly tripled since 1999 according to OCSE and is not affordable. Therefore, to make sure that children get the coverage they need for their well-being, the child support system needs to be in a position to take advantage of the full range of coverage options, including the expanse of coverage available through government programs²²¹ and the Affordable Care Act’s Marketplace.²²²

²²⁰ Federal Register (FR) 68562

²²¹ While employer-sponsored and other private insurance is important for children who have access to it, most uninsured children in custodial families (79 percent) are eligible for Medicaid or CHIP.

²²² FR 68562

The revisions to the Friend of the Court Act²²³ and SPTEA²²⁴ include a definition for health care coverage that includes both public health care coverage (e.g., Medicaid) and private health care coverage. Prior to the state law revisions, courts were limited to ordering private health care coverage. The state law revisions remove this limitation from both acts.

B. Accessibility and Reasonable Cost

Federal regulation requires IV-D programs to seek health care coverage that is accessible to the child(ren) on the IV-D case.²²⁵ In addition to the existing requirement that health care coverage be reasonable in cost, revisions to the Friend of the Court Act and SPTEA also require coverage to be accessible to the child(ren).

Health care coverage is accessible when the child can attain or benefit from the health care coverage. Accessibility is usually defined by the distance a parent must travel to obtain health care services for his/her child. Both the Friend of the Court Act and SPTEA were updated to direct the FOC and the court to reference the MCSF to determine if health care coverage is accessible and reasonable in cost.²²⁶ Ref: Subsection F in this IV-D Memorandum for more information about the requirement for the MCSF to provide guidance on determining when health care coverage is accessible.

C. Obligating One or Both Parents

Ordering one rather than both parents to provide health care coverage eliminates unnecessary enforcement actions and reduces the medical coverage expenses for both households. The state law revisions added limitations on when the court will order²²⁷ or the FOC will recommend²²⁸ that both parents provide health care coverage. Both parents should be ordered to provide or recommended to provide health care coverage only when:

- Both parents already provide health care coverage; or
- Both parents agree to provide health care coverage.

However, this limitation does not prohibit the court from using its discretion to order both parents to provide health care coverage based on the child's needs and the parents' resources.

²²³ Michigan Compiled Law (MCL) 552.502(p) and MCL 552.502a(e) and (f)

²²⁴ MCL 552.602(n), (aa) and (bb)

²²⁵ 45 CFR 303.31(b)(1)

²²⁶ MCL 552.517(1)(f)(iii) and MCL 552.605(a)(2)

²²⁷ MCL 552.605a(2)

²²⁸ Prior to the change in the state law, the MCSF advised against ordering both parents to provide coverage. Ref: Section 3.04(A) of the 2017 MCSF.

D. Enforcing Medical Support

1. *National Medical Support Notice (NMSN)*

The Friend of the Court Act was revised to eliminate unnecessary enforcement when the parent has already obtained health care coverage or the employer's coverage is not accessible to the child or reasonable in cost.

This change prevents enforcement against parents who are meeting their health care coverage obligations with coverage that is not employer-based. Sending a NMSN often does not result in a child being enrolled in employer health care coverage.²²⁹

The FOC is not required to send the NMSN when the order for health care coverage does not specify whether the coverage must be private or public **and** one of the following:

- The parent who is required to obtain health care coverage provides proof that the employer coverage is not accessible to the child or not available at a reasonable cost.

OR

- The parent who is required to obtain health care coverage has obtained and maintained health care coverage (which can include public health care coverage) that is accessible to the child and available to the parent at a reasonable cost.²³⁰

2. **Notice of Noncompliance**

State law revisions require that additional information be added to the notice of noncompliance sent to parents for failing to obtain or maintain health care coverage as required by their child support order.²³¹ The notice must advise parents that they might be able to obtain public health care coverage for their child(ren). It must also provide parents with resources they can use to obtain information about public health care coverage.

If the order for health care coverage does not specify whether health care coverage must be private or public health care coverage, the notice of noncompliance must include both of the following:

²²⁹ Research has shown that issuing a NMSN to the non-custodial parent's employer results in the child being enrolled in a health plan only 10 to 23 percent of the time. Therefore, medical support is actually provided as ordered in only 30 percent of cases. Ref: Center for Policy Research, Medical Child Support: Strategies Implemented by States, Prepared under Office of Child Support Enforcement Grant #08-C0067 to Texas Office of the Assistant Attorney Division of Child Support (2009).

²³⁰ MCL 552.626(2)(a) and (b)

²³¹ MCL 552.626(4)

- A statement that the parent can obtain private or public health care coverage; **and**
- Contact information for local, state or federal agencies that administer public health care coverage.

OCS will update the *Notice of Noncompliance* (FEN304) when it makes the other system and form changes required to implement the state law revisions.

E. Review and Modification Changes

Revised grounds for an FOC-initiated review of health care coverage give the FOC additional flexibility to initiate a review to address health care coverage changes. Reasonable grounds to initiate a review of a child support order now include the following:

- A parent has probable access to health care coverage that is reasonable in cost and accessible to the child(ren). The parent is no longer under the limitation that the health care coverage be employer-based or private self-coverage;²³² and
- The cost of health care coverage has changed since the prior order.²³³

F. Michigan Child Support Formula (MCSF) Requirements

Revised state law requires that the State Court Administrative Office (SCAO) Friend of the Court Bureau (FOCB) include in the MCSF a presumption for determining whether health care coverage is accessible and whether it is reasonable in cost.²³⁴ Although the requirement to include reasonable cost in the MCSF is newly added to state law, the definition of reasonable cost has already been included in the MCSF for many years. The presumption for determining accessibility and reasonable cost will assist IV-D workers and the court when evaluating health care coverage options available to the parents.

State law revisions also include a requirement that the MCSF provide guidance on determining which parent should be ordered to provide health care coverage. The MCSF included this guidance prior to the state law changes; however, SCAO FOCB will revise the guidance to incorporate other state law changes discussed in this IV-D Memorandum.

The MCSF updates will be implemented on January 1, 2021 along with the other changes recommended during the four-year review of the 2017 MCSF.

G. Revisions to the *Uniform Child Support Order* (USO) in MiCSES

1. Health Care Coverage Language in Paragraph 13

²³² MCL 552.517(1)(f)(iii)

²³³ MCL 552.517(1)(f)(iv)

²³⁴ MCL 552.519(3)(a)(vi)

Working with SCAO and other program partners, OCS will implement temporary revisions to the USO forms in MiCSES:

- *Uniform Child Support Recommendation and Order* (MiCSES FOC10); and
- *Establishment Uniform Support Order* (5085).²³⁵

OCS will insert text incorporating the revised state and federal law in paragraph 13 of the FOC10 and 5085. This text will appear beginning December 6, 2019 with the MiCSES 10.2.2 Release²³⁶ and will remain until SCAO FOCB updates the USO following its usual timeframe and procedure. When SCAO FOCB updates the USO, OCS will make the same updates to the FOC10 and 5085.

The following text will be inserted in paragraph 13:

Health Care Coverage. For the benefit of the children, the plaintiff defendant shall maintain health-care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is accessible to the child and available at a reasonable cost [*and one or more of the phrases below*]:

up to a maximum of \$_____ for plaintiff.

up to a maximum of \$_____ for defendant.

not to exceed 6% of the plaintiff's/defendant's gross income.

Paragraph 13 will be similar to the existing paragraph 2, except for the following differences:

- No options will be selected in paragraph 2. Instead, MiCSES will populate paragraph 13 with the selections from the *Order Preparation and Entry* (OPRE) screen²³⁷ that would have appeared in paragraph 2. The instruction “See paragraph 13” will be added to the end of paragraph 2;

Note: Moving the health care coverage selections from paragraph 2 to paragraph 13 will not affect a county’s Medical Support Contract Performance Standard (CPS) measure.²³⁸ The Medical Support measure is tracked from data on the OPRE screen.

²³⁵ The USO form that is available on the SCAO website will not be revised at this time.

²³⁶ OCS will issue an email notification when this occurs.

²³⁷ Ref: [MiCSES Screen Description: OPRE – Order Preparation and Entry](#).

²³⁸ Ref: [Section 1.25, “Contracts,” of the Michigan IV-D Child Support Manual](#) for more information about CPS measures.

- The term “insurance” in paragraph 2 will be replaced with “health care coverage” in paragraph 13; and
- The definition of “health care coverage” referenced in paragraph 13 will include private as well as public health care coverage.

IV-D workers will be able to edit the text in paragraph 13. However, IV-D workers will only edit or delete this text when necessary to make the language consistent with the court’s order.

2. County Impacts

The revised language in paragraph 13 allows parents to meet their obligation to provide health care coverage for their child by obtaining and maintaining public coverage. However, MiCSES modifications that will address when the system will or will not generate a NMSN will not be implemented until June 2020. Therefore, MiCSES may generate a NMSN for a parent’s employer who should not receive a NMSN because the parent has complied with the order to provide health care coverage by obtaining and maintaining public coverage. In this circumstance, the parent may contact the FOC to object to issuance of the NMSN, and the FOC will terminate the NMSN.

OCS will provide a report of cases entered between the MiCSES 10.2.2 Release on December 6, 2019 (publication of the USO with the revised paragraph 13) and the implementation of the system and form changes scheduled for June 2020. OCS will publish more information about what will be included in the report prior to its distribution. The report will be provided for informational purposes only. Each county will determine whether and how to use the report.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Case Management Work Improvement Team
Intergovernmental Work Improvement Team
Enforcement Work Improvement Team
Program Leadership Group

CONTACT PERSON:

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OCS Policy Analyst
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CC:

None

SUPPORTING REFERENCES:

Federal

45 CFR 303.31(a)(2)

45 CFR 303.31(b)(1)

State

MCL 552.502(p)

MCL 552.502a(e) and (f)

MCL 552.517(1)(f)(iii) and (iv)

MCL 552.517(8)

MCL 552.519(3)(a)(vi)

MCL 552.602(n), (aa) and (bb)

MCL 552.605(a)(2)

MCL 552.626(2)(a) and(b)

MCL 552.626(4)

ATTACHMENT(S):

None

EPF/CJF

IV-D MEMORANDUM 2019-023

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: December 23, 2019

SUBJECT: Reinstatement of the Client Participation Payment (CPP) Beginning in
January 2020

ACTION DUE: None

POLICY EFFECTIVE DATE: January 1, 2020

PURPOSE:

This IV-D Memorandum discusses the State of Michigan's reinstatement of the CPP (also known as the "pass-through payment"). Beginning in January 2020, OCS will pass through current child support collections to families that currently receive Family Independence Program (FIP) cash assistance as follows:²³⁹

- Families with one child will be eligible to receive up to \$100 a month; and
- Families with two or more children will be eligible to receive up to \$200 a month.

This IV-D Memorandum also discusses the benefits of the pass-through payment for families. In addition, it explains MDHHS's and OCS's communication strategies for notifying families that may be eligible for pass-through payments.

OCS has revised policy in the following sections of the *Michigan IV-D Child Support Manual* to reflect the reinstatement of CPP:

- Section 5.35, "Allocation/Distribution"; and
- Section 5.40, "Public Assistance Impacts: Unreimbursed Grant, Linking, and Pass-Through (Client Participation Payment)."

In addition, OCS has made the following changes to the exhibits for Section 5.40:

- Updated Exhibit 5.40E1, IV-D/IV-A Translation and Collections Matrix, to reflect changes to the CPP;
- Obsoleted Exhibit 5.40E2, Client Participation Payment Frequently Asked Questions, because the content is no longer relevant; and

²³⁹ The Michigan Department of Health and Human Services (MDHHS) will not consider pass-through as income when determining ongoing eligibility for FIP and Child Development and Care (CDC) assistance.

<p>UPDATE(S):</p> <p><input checked="" type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>
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- Renumbered Exhibit 5.40E3, Instructions for Completing the *Support Collection Payment Request* (DHS-820), as Exhibit 5.40E2. The new Exhibit 5.40E2 is being published with this memorandum, but it has no content changes.

Significant changes in content since the last publication of Section 5.35, Section 5.40, and Exhibit 5.40E1 are indicated by a change bar in the right margin.

DISCUSSION:

A. Reinstatement of the Client Participation Payment (CPP)

MDHHS retains child support payments on behalf of families receiving FIP assistance to reimburse the state and federal government for Temporary Assistance for Needy Families (TANF)-funded benefits. Federal law²⁴⁰ permits states to “pass through” some of the child support payments to the family currently receiving FIP assistance. The State of Michigan historically provided a pass-through of \$50 to families that received FIP and called it the “Client Participation Payment” or “CPP.” The CPP was discontinued in fiscal year 2012 due to changes in the MDHHS budget.

In April 2019, MDHHS submitted a proposal to the State Budget Office to pass through child support for families receiving FIP assistance. In response, the MDHHS pass-through proposal was included in the fiscal year 2020 executive budget.²⁴¹

Beginning on January 1, 2020, the Michigan Child Support Enforcement System (MiCSES) will begin to automatically issue the CPP to custodial parties. MiCSES will disburse a CPP when the custodial party receives FIP on behalf of a child, and the payer of support (non-custodial parent [NCP]) makes a current child support payment in the same month.²⁴²

1. Benefits of CPP

MDHHS expects that the reinstatement of the CPP will benefit Michigan’s most vulnerable families. Michigan will give more child support to families that receive FIP rather than use that support to reimburse FIP expenditures. Additional benefits may include:

- Improved cooperation from custodial parties when they know they will be receiving child support;
- An increase in families making the transition to self-sufficiency;
- More NCPs feeling encouraged to pay child support because more money is sent directly to the family; and

²⁴⁰ Ref: Section 457(a)(6)(B)(i)-(ii) of the Social Security Act.

²⁴¹ The MDHHS budget includes funding to cover MDHHS program expenditures that would have otherwise been covered by assigned child support collections paid to the state.

²⁴² Because MiCSES already has functionality to issue CPPs, no design changes to the system are necessary. The MiCSES Project Team tested MiCSES to ensure that it would process CPPs as expected.

- Increased family income that may be spent in Michigan communities.

OCS encourages IV-D staff, including support specialists, to share these benefits with parents and parties on the case during the normal course of business to encourage cooperation and payments.²⁴³

2. Communication of CPP

a. Press Release

OCS staff worked with MDHHS Communications to issue a press release to announce that Michigan residents who receive child support and FIP assistance will soon receive CPP.

b. CPP Customer Letter and Questions and Answers Regarding CPP

In January 2020, OCS will send a one-time letter (CPP Customer Letter) to child support recipients who meet the following criteria:²⁴⁴

- **Currently receive FIP; and**
- **The NCP has made a current child support payment in the past six months.**

MiCSES will generate the letter and mail it to approximately 2,700 child support recipients. The letter explains eligibility criteria and informs custodial parties they may receive a pass-through payment. The back of the letter includes questions and answers about CPP. OCS will send local offices an email notification when a list of the custodial parties who will receive this letter is available in the mi-support Document Distribution Center. IV-D staff can view or print copies of the letter from the *Historical Reprints* (FHST) screen in MiCSES.²⁴⁵

²⁴³ For more information on the benefits of child support pass-through, reference the [Policy Brief: More Child Support Dollars to Kids: Using New State Flexibility in Child Support Pass-Through and Distribution Rules to Benefit Government and Families](#), written by the Center for Law and Social Policy (CLASP) and Policy Studies, Inc. (PSI), July 2006.

²⁴⁴ OCS will use MiCSES data to identify custodial parties whom OCS believes may qualify for CPP in January 2020.

²⁴⁵ Ref: [MiCSES Screen Description: FHST – Historical Reprints](#).

As stated above, the CPP issuance will begin January 1. However, OCS will send the CPP Customer Letter later in January, after some custodial parties have received their first CPP. In an effort to quickly use the funding the state has granted for issuing the CPP and to benefit families, the issuing of support payments will occur before the letter is sent.

c. Public Websites and Social Media

OCS will add CPP questions and answers to the MDHHS public website, social media platforms, and the Frequently Asked Questions (FAQ) section on the MiChildSupport website.

d. IV-D Staff Communication

OCS will send an email notification to IV-D staff before the one-time CPP Customer Letter is distributed to families and the MDHHS and MiChildSupport websites are updated. In this notification, OCS will provide IV-D staff with access to the CPP Customer Letter so IV-D staff may use it in local offices and share it with families.

e. OCS Documents and Publications

MDHHS and OCS will include CPP information in future revisions to the following documents and publications:

- *Understanding Child Support: A Handbook for Parents* (DHS-Pub-748); and
- *MDHHS Assistance Application* (DHS-1171).

B. Policy Updates

1. Section 5.35, “Allocation/Distribution”

Section 5.35 has been revised to include the reinstatement of CPP. It explains that:

- CPP is a portion of the current month’s obligation sent to the family rather than retained by the state; and
- CPP will follow the current assistance allocation and distribution rules.

2. Section 5.40, “Public Assistance Impacts: Unreimbursed Grant, Linking, and Pass-Through (Client Participation Payment)”

To reflect the reinstatement of CPP, Subsection 7 of Section 5.40 explains the following:

- **CPP amounts and eligible families;**
- **CPP frequency within a month;**
- **Distribution and disbursement of the \$100/\$200 maximum CPP amounts;**
- **Reduction of the family’s unreimbursed grant (URG) amount by the CPP disbursement amount for that month;**
- **That the CPP is disbursed only if the NCP makes a current support payment;**
- **That IV-D staff can view CPP financial information on the *Financial Event Diary* (ELOG) and *Unreimbursed Grant Details* (URGD) screens in MiCSES;²⁴⁶ and**
- That CPP is one of the types of support which FIP recipients may keep.

Also in Section 5.40, OCS removed a reference to Michigan IV-D Action Transmittal (AT) 2005-033²⁴⁷ because it contains outdated IV-A policy and procedures. OCS policy staff will work with IV-A program staff to develop an updated process for requesting a certified audit of FIP grant payments. OCS noted in Section 5.40 that Subsection 8, “Requesting a Certified Accounting Audit of FIP Grant Payments,” will be updated in a future publication of the manual section.

3. Exhibit 5.40E1: IV-D/IV-A Translation and Collections Matrix

OCS has updated this exhibit to include a description of the CPP and how Bridges will use the CPP information in the collections file for eligibility budgeting and Grant in Jeopardy²⁴⁸ determinations.

NECESSARY ACTION:

Review Sections 5.35 and 5.40 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual sections and exhibits and add them to the manual. Discard the previously published versions of Section 5.35 (December 5, 2011), Section 5.40 (June 7, 2017), and Exhibits 5.40E1, 5.40E2, and 5.40E3.

With the publication of this policy, the following are obsolete:

- Exhibit 5.40E2: Client Participation Payment Frequently Asked Questions;
- IV-D Memorandum 2011-025, *Client Participation Payments (CPPs), IV-A Recipient-Returned Support, and Family Independence Program (FIP) Negative Offset Updates*; and

²⁴⁶ Ref: [MiCSES Screen Description: ELOG – Financial Event Diary](#) and [MiCSES Screen Description: URGD – Unreimbursed Grant Details](#).

²⁴⁷ AT 2005-033 is titled *Requesting a Certified Accounting or Audit of Family Independence Program (FIP) Grant Payments*.

²⁴⁸ “Grant in Jeopardy” is the calculation of child support the family would receive if they were not receiving FIP, compared to the ongoing cash grant. The assistance programs use Grant in Jeopardy to help determine if the family would be better off financially if they were on assistance or off assistance. (Ref: Subsection 3.2.1 of Section 5.40 for more information.)

- IV-D Action Transmittal 2005-033, *Requesting a Certified Accounting or Audit of Family Independence Program (FIP) Grant Payments.*

REVIEW PARTICIPANTS:

Financials Work Improvement Team
Program Leadership Group

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CC:

None

SUPPORTING REFERENCES:

Federal
Section 457(a)(6)(B)(i)-(ii) of the Social Security Act

State
None

ATTACHMENTS:

Section 5.35:	Allocation and Distribution
Section 5.40:	Public Assistance Impacts: Unreimbursed Grant, Linking, and Pass-Through
Exhibit 5.40E1:	IV-D/IV-A Translation and Collections Matrix
Exhibit 5.40E2:	Instructions for Completing the <i>Support Collection Payment Request</i> (DHS-820)

EPF/JLA

ADMINISTRATIVE POLICY

**APB 2019-037
EFFECTIVE**

October 1, 2019.

Subject(s)

All Michigan Department of Health and Human Services (MDHHS) employees and contractors who are in work status for at least six months of the calendar year, irrespective of administration, bureau, office, division, section, or unit, must complete the following on-line training each calendar year:

1. Introduction to Health Equity.
 2. Systemic Racism.
- Current workforce must complete on-line training modules by the end of each fiscal year, starting with fiscal year 2020.
 - New workforce must complete on-line training modules within 90 days of hire date or by the end of the fiscal year, whichever is later.

Reason: 2007 PA 653.

**APB 2019-038
EFFECTIVE**

October 1, 2019.

Subject(s)

**1) Neglect
Definition**

APR 200, Mandated Reporter - Child

MCL 722.622 altered neglect definition to include that negligent treatment includes failure to provide food, clothing, shelter or medical care though financially able to do so, or by failure to seek financial or other reasonable means to provide adequate food, clothing, shelter, or medical care. Previous statutory definition did not consider financial ability or resource accessibility.

**2) Online
Reporting
Capabilities****APR 200, Mandated Reporter - Child**

MCL 722.623 provides for allowance of online reporting of alleged child abuse and/or neglect. Michigan has developed an online reporting system in which employees and other individuals identified as mandated reporters may use in order to make reports of alleged child abuse and/or neglect. Direction on use and access was added to policy.

Reason: Michigan Child Protection Law, 1975 PA 238.

ADULT SERVICES**ASB 2019-004
EFFECTIVE**

March 1, 2019.

Subject(s)**ASM 138, County Rates**

Per Public Act 368 of 2018, the minimum wage will increase to \$9.45 effective March 29, 2019. Michigan Department of Health and Human Services (MDHHS) has decided to begin the minimum wage increase for Home Help individual caregivers on March 1, 2019, to simplify the coding and make for a smoother transition.

Reason: Public Act 368 of 2018.

**ASB 2019-006
EFFECTIVE**

September 1, 2019.

Subject(s)**ASM 205, Mandatory Reporters**

A referral from any source must be documented and reviewed to determine if it meets requirements for investigation. Certain persons, however, are required by 1982 P.A. 519 to make an oral report regarding suspected abuse, neglect or exploitation of adults to the Michigan Department of Health and Human Services

(MDHHS), Centralized Intake for Abuse and Neglect (CI) toll-free hotline at 855-444-3911. Those required persons are:

Individuals employed, licensed, registered, certified to provide or an employee of an agency licensed to provide:

Note: Attorneys, members of the clergy and long-term care ombudsmen are not mandatory reporters to APS.

Certain individuals are required to report to the Department of Licensing and Regulatory Affairs (LARA) when there are allegations of abuse, neglect or exploitation of vulnerable adults residing in facilities licensed by LARA (see ASM 210 for a list of these facilities). As provided in the Public Health Code, P.A. 368 of 1978 (MCL 333.21771), those individuals are:

- Nursing home employee, nursing home administrator, nursing director.
- Physician or other licensed health care personnel of a health care facility to which a patient is transferred.

These individuals are not required to also make a report to adult protective services.

Exception: If the alleged perpetrator is not an employee of the facility, a report to adult protective services is required in addition to a report to LARA.

After Hour Emergencies in LARA Licensed Facilities/Nursing Homes

MDHHS on-call staff must provide assistance with LARA licensed facilities for emergency and life threatening situations that occur after business hours. MDHHS staff must provide services to resolve the immediate emergency and inform LARA of the referral the next working day.

If a licensed nursing home requires immediate evacuation due to a natural disaster, such as a flood or fire, MDHHS is responsible to ensure the safe relocation of each resident as provided in the Public Health Code, P.A. 368 of 1978 (MCL 333.21786).

**ASB 2019-010
EFFECTIVE**

November 1, 2019.

Subject(s)**ASM 138, County Rates**

Per Public Act 67 of 2019, Home Help agency providers will receive a rate increase for dates of services on and after October 1, 2019. The increased funding for fiscal year 2020 allows the Michigan Department of Health and Human Services (MDHHS) to move to one statewide rate for all Home Help agency providers. The new statewide rate is \$16.08 an hour. The rate increase will be reflected in payment for October services issued in November 2019.

Reason: Public Act 67 of 2019.

BRIDGES**BPB 2019-001
EFFECTIVE**

January 1, 2019.

Subject(s)**Medicaid****BEM 137, BAM 402**

Removed references to MI Marketplace Option.

Reason: 2018 PA 397.

**BPB 2019-005
EFFECTIVE**

March 1, 2019.

Subject(s)**Child Development and Care****BEM 706**

Block reimbursement rate is the reimbursement amount for child care hours billed that has been rounded up and multiplied by the applicable hourly rate.

Child care centers, group homes and family homes are eligible to receive block payments. License exempt-related and license exempt-unrelated providers are not eligible for block payment rates.

Reason: 2019, PA 0063.

**BPB 2019-011
EFFECTIVE**

August 1, 2019.

Subject(s)

Children's Clothing Allowance

Family Independence Program (FIP)

The 2019 Fiscal Appropriations Act included funding for the children's clothing allowance. The allowance is intended to assist FIP families to purchase school clothing for their children.

The children's clothing allowance for the 2019 fiscal year is \$277 per child and is excluded as income for all programs.

**ELIGIBILITY
CRITERIA**

The FIP eligibility determination group (EDG) must have an eligible dependent child on an active FIP EDG.

All eligible children on the FIP EDG will receive the clothing allowance. The eligible child(ren) must be eligible for FIP during August 2019. This includes children receiving SSI in the FIP EDG. Disqualified children will not receive the clothing allowance supplement.

Exception: Children disqualified for not having a social security number will receive the clothing allowance supplement.

Definition

For purposes of the children's clothing allowance, an eligible child is defined as a FIP mandatory group member that is a dependent child. These individuals may be indicated on the active FIP EDG as *eligible child or other child*.

PAYMENTS

Bridges will automatically issue supplements for the children's clothing allowance to FIP EDGs with qualifying children who are eligible for August FIP payments in Bridges as of the single deadline date of July 31, 2019. The children's clothing allowance supplement is deposited into the client's EBT cash account.

The supplement amount will include \$277 for each eligible child. The supplement will be automatically issued if the FIP EDG is active on July 31, 2019 for August benefits. A supplement will be deposited into the client's EBT cash account at the same time as the FIP payment is issued, but will appear as a separate payment, with an availability date of August 1, 2019. The supplement will be viewable in Bridges under *benefit issuance* and *view benefits*.

Any request for new FIP EDG openings or member adds for August 2019 that are processed after the initial clothing allowance monthly payroll run for August will require an exception. Please contact Bridges resource center in order to request a supplement for the FIP EDG.

Note: Once the funding for the children's clothing allowance is depleted, there will be no additional funds allocated, regardless of the eligibility of the FIP EDG.

A letter from the Michigan Department of Health and Human Services director will be mailed to eligible clothing allowance supplemental households in July. This letter advises eligible families of the allowance coming in August to help with the cost of children's clothing.

For questions regarding this bulletin please contact the FIP policy mailbox: Policy-FIP-SDA-RAP@michigan.gov.

Reason: PA 67 of 2019.

**BPB 2019-013
EFFECTIVE**

October 1, 2019.

Subject(s)

Flint Emergency Declaration Child Development and Care (CDC).

**Date Restrictions
at Application and
Review**

BEM 709

A child for whom CDC is requested on an application or review document received **on or after October 1, 2019**, is not eligible for Flint Emergency Declaration CDC.

Reason: 2016, PA 268 expired.

CHILDREN'S FOSTER CARE

NONE

CHILDREN'S PROTECTIVE SERVICES

NONE

**JUVENILE JUSTICE FIELD SERVICES
JUVENILE JUSTICE RESIDENTIAL****JRB 2009-003
EFFECTIVE**

October 1, 2019.

Subject(s)**JR2 200, Juvenile Justice Assignment Unit and Admissions**

This item was updated to include the requirement to provide the youth's parent(s)/legal guardian(s) and referral sources the facility's policies and procedures regarding restraint upon a youth's admission to a state run and private, contracted juvenile justice residential treatment facility.

1973 PA 116.**SERVICES REQUIREMENTS****EFFECTIVE**

October 1, 2019.

Subject(s)**Child Care Fund Handbook Published Policies and Procedures
Effective State Fiscal Year 2020**

This document comprises the Child Care Fund Handbook and is the published policies and procedures authority referred to in the Michigan administrative rules, Mich Admin Code 400.2001(m).

This Child Care Fund (CCF) Handbook is a reflection of Michigan statute, administrative rules, Michigan Department of Health and Human Services policy, Michigan Supreme Court's Juvenile Court Standards and Administrative Guidelines, Michigan Department of Treasury's Accounting Procedures for Local Units of Government, and Michigan case law, which provide the program authority for administering the CCF program.

Updates include:

- Added new in-home care (IHC) criteria specifically for Court Appointment Special Advocate (CASA) programs.

-
- Removed language prohibiting payment to unlicensed relatives.
 - Added information related to documenting personnel time and expenditures.
 - Updated information related to on-site monitoring reviews.
 - Updated forms/documents required to submit a completed Annual Plan & Budget.
 - Clarified language in advance of State Pays First (SPF), effective 10/01/2019.

Reason: Pa 280, 1939.

GRETCHEN WHITMER
GOVERNORSTATE OF MICHIGAN
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LANSINGROBERT GORDON
DIRECTOR**IV-D MEMORANDUM 2019-003**

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff
All Michigan State Disbursement Unit (MiSDU) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: March 11, 2019

SUBJECT: U.S. Bank ReliaCard Pre-Acquisition Disclosure and Fee Schedule

ACTION DUE: None

POLICY EFFECTIVE DATE: April 1, 2019

PURPOSE:

New federal regulations require the provision of comprehensive disclosure information to custodial parties (CPs) prior to acquiring the U.S. Bank ReliaCard prepaid debit card.¹ Effective April 1, 2019,² the Michigan IV-D program will:

- Provide two separate disclosure documents to CPs at the same time;
- Provide the disclosure documents before CPs acquire a U.S. Bank ReliaCard; and
- Provide a statement that the CP does not have to accept the U.S. Bank ReliaCard and has options for receiving child support payments.

UPDATE(S): Manual Form(s)

¹ Ref: [Michigan IV-D Action Transmittal \(AT\) 2009-008, Michigan's Electronic Disbursement Process](#), for information on electronic child support payments.

² The Bureau of Consumer Financial Protection extended the overall effective date of the federal requirements from April 1, 2018 to April 1, 2019. Ref: The Bureau of Consumer Financial Protection Final Rule, [Rules Concerning Prepaid Accounts Under the Electronic Fund Transfer Act \(Regulation E\) and the Truth in Lending Act \(Regulation Z\)](#).

DISCUSSION:

On October 5, 2016, the federal Bureau of Consumer Financial Protection issued a new federal regulation for prepaid accounts under Regulation E: The Electronic Fund Transfer Act.³ The new federal regulation, which is commonly referred to as the Prepaid Rule, extends Regulation E coverage to prepaid accounts.⁴ Prepaid accounts include the U.S. Bank ReliaCard debit card that Michigan's IV-D program uses to electronically disburse child support payments to families. The Prepaid Rule requires the financial institution⁵ to provide customers comprehensive information regarding prepaid account terms and conditions before they open the account. Therefore, the Michigan IV-D program is required to provide CPs complete disclosure information for the U.S. Bank ReliaCard before they receive the card. This information includes fee schedules, credit protection rights, and instructions for CPs to choose the method in which they will receive child support payments.⁶

Note: Sending disclosure information before CPs receive the ReliaCard will not affect disbursements to CPs who currently receive payments on the ReliaCard.

U.S. Bank ReliaCard Disclosure Documents⁷

The Michigan IV-D program will provide CPs with two disclosure documents prepared by U.S. Bank:⁸

- The Short Form (Pre-Acquisition Disclosure) contains a brief summary of U.S. Bank ReliaCard fees. It also notifies recipients they have two direct deposit options: their personal bank account or the **prepaid** debit card account; and
- The Long Form (Fee Schedule) provides comprehensive fee information and consumer financial protection information.

Delivery of Disclosure Documents

Beginning March 25, 2019, the Michigan IV-D program will provide U.S. Bank ReliaCard disclosure information to CPs *before* they acquire a U.S. Bank ReliaCard. Previously, this

³ Ref: [15 United State Code \(USC\) 1693](#).

⁴ 12 Code of Federal Regulations (CFR) 1005.15 is published on [page 84326, Volume 81, Number 225 of the Federal Register](#).

⁵ A government agency is considered a financial institution under Regulation E of the Electronic Funds Transfers Act. Ref: 12 CFR 1005.15(a) for more information.

⁶ Ref: 12 CFR 1005.15 and 12 CFR 1005.18 for specific language that must be included on the disclosures.

⁷ The content in the disclosure documents is owned by U.S. Bank.

⁸ There are instances under the Prepaid Rule that allow only the Short Form to be provided; however, because the U.S. Bank ReliaCard is not available for purchase in retail locations, both disclosures must be provided at the same time.

information was provided to CPs when they acquired the card. Providing this information in advance will help the CP make an informed financial decision *before* choosing the debit card.

The MiSDU will print the Pre-Acquisition Disclosure and Fee Schedule as a two-sided insert and mail the insert to new customers with their first support payment check. Reference Exhibit 2019-003E1 for a sample of the insert.

Acquiring the U.S. Bank ReliaCard

Michigan's IV-D program offers two ways for a CP to acquire a U.S. Bank ReliaCard:

- The MiSDU mails CPs their first support payment by paper check. Included in that mailing is the *Direct Deposit Authorization Form* (DHS-1377) along with instructions indicating that recipients must choose either direct deposit or a debit card for future support payments.⁹ The MiSDU will also include the disclosure insert in this mailing. To select direct deposit to their checking or savings account, CPs must complete and return the DHS-1377 within 21 days. If customers do not return the DHS-1377, they will automatically receive a U.S. Bank ReliaCard. IV-D staff should encourage new CPs to wait for their first paper check from the MiSDU to ensure they receive the disclosure.
- CPs who currently receive child support funds electronically disbursed to their personal bank account have the option to switch to a U.S. Bank ReliaCard by completing and returning the *Debit Card Authorization* form (DHS-1371). When CPs request the DHS-1371, MiSDU staff will attach the disclosure document to the form. The disclosure will also be available on the MiSDU website at misdu.com.

Note: If the DHS-1371 is available for public access in local offices, IV-D staff **must** print the disclosure document and attach it to the DHS-1371.

The DHS-1377 and DHS-1371 disclosure forms are not stored in MiCSES.

Additional Information

IV-D staff and CPs may direct their disclosure-related questions to the MiSDU. Additional financial questions may need to be referred to U.S. Bank.

Current ReliaCard customers can visit www.USBankReliaCard.com or call U.S. Bank Customer Service at 855-233-8374 for specific account questions.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

⁹ Ref: Michigan Compiled Law (MCL) 400.236 for more information on requirements about changing child support payments from paper checks to electronic disbursement.

REVIEW PARTICIPANTS:

Financials Work Improvement Team
Program Leadership Group
MiSDU

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CC:

None

SUPPORTING REFERENCES:

Federal
12 CFR 1005.15
12 CFR 1005.18
15 USC 1693

State
MCL 400.236

ATTACHMENT:

Exhibit 2019-003E1: U.S. Bank ReliaCard Disclosure Insert

EPF/KLU

IV-D MEMORANDUM 2019-004

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff

FROM: Erin P. Frisch, Director
Office of Child Support (OCS)

DATE: March 4, 2019

SUBJECT: Review and Modification of Orders for Incarcerated Non-Custodial Parents (NCPs) and Updated Federal Guidelines for Order Establishment and Modification

UPDATE(S):

Manual

Form(s)

RESPONSE DUE: None

POLICY EFFECTIVE DATE: March 11, 2019

PURPOSE:

This IV-D Memorandum announces policy required to comply with a federal regulation¹⁰ regarding the review and modification of child support orders for incarcerated NCPs. Effective March 11, 2019, IV-D workers¹¹ will be required to initiate a full review¹² within 44 days¹³ of the IV-D program learning that an NCP has been or will be incarcerated for more than 180 days. OCS has revised policy in Section 3.45, "Review and Modification," of the *Michigan IV-D Child Support Manual* to include this requirement.

OCS created the policy in cooperation with the State Court Administrative Office (SCAO) and program partners. IV-D workers will follow the policy introduced in this memorandum and will also follow the guidance in [SCAO Administrative Memorandum \(ADM\) 2018-01, Adjusting Current Support Due to Incapacitation](#)¹⁴ on initiating reviews for NCPs who will be incarcerated for more than 180 days.

This IV-D Memorandum also introduces a new Business Objects report, the *Review and Modification – Incarcerated NCPs Report (RV-200)*,¹⁵ which will be implemented with the Michigan Child Support Enforcement System (MiCSES) 10.0.3 Interim Release on March 8, 2019. OCS developed the RV-200 to assist IV-D workers in identifying NCPs who require a review. It includes incarceration dates, statuses, case information, and whether a review needs to be initiated or completed. OCS has incorporated information about this report into Section 3.45 of the *Michigan IV-D Child Support Manual*.

¹⁰ 45 Code of Federal Regulations (CFR) 303.8(b)(2)

¹¹ Although FOC staff are generally responsible for review and modification of child support orders, the term "IV-D worker" is used in this memorandum because this responsibility is part of a federal IV-D requirement.

¹² Ref: Subsection 7 of [Section 3.45, "Review and Modification" of the Michigan IV-D Child Support Manual](#) for information on conducting a full review.

¹³ Ref: Section B(2) of this memorandum for information on how the 44 days is calculated.

¹⁴ SCAO intends to update this policy in the future to complement this memorandum.

¹⁵ Ref: [Business Objects Report Description: Review and Modification – Incarcerated NCPs \(RV-200\)](#).

Lastly, this IV-D Memorandum announces updates to a federal regulation¹⁶ to include additional requirements for IV-D agencies when establishing or modifying child support orders. OCS policy does not require additional revisions because Michigan is in compliance with these federal requirements.

Within Section 3.45, significant changes to the policy since its last publication are indicated by a change bar in the right margin. Content that has been reorganized or reformatted since its last publication is not identified with a change bar.

DISCUSSION:

45 CFR 303.8 requires states to initiate a review of a child support order when the IV-D program learns that an NCP will be incarcerated for more than 180 days. This federal regulation was amended by the final rule: *Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs*.¹⁷ The Michigan IV-D program will implement policy to comply with this regulation on March 11, 2019.

Federal regulation¹⁸ provides states three options for responding when the IV-D program learns that an NCP will be incarcerated for more than 180 days:

- **Option 1:** Initiating a review and modifying the order, if appropriate;
- **Option 2:** Providing notice to the parties of the right to request a review; or
- **Option 3:** Having a law or rule that requires the IV-D program to modify a child support obligation upon an NCP's incarceration by operation of law.¹⁹

A. Options Selected

After considering the three options, OCS and the Program Leadership Group (PLG) decided on a long-term solution and an interim solution.

1. Long-Term Solution

The PLG chose Option 3, which involves abating a child support order by operation of law upon an NCP's incarceration. This long-term solution is optimal; however, it will require Michigan to pass legislation and make substantial system updates. The time required to accomplish this would not allow the IV-D program to meet the regulation

¹⁶ 45 CFR 303.4(b)

¹⁷ The final rule is published on [page 93492, Volume 81, Number 244 of the Federal Register](#). The federal Office of Child Support Enforcement (OCSE) announced the final rule in [Action Transmittal \(AT\)-16-06](#) on December 20, 2016.

¹⁸ 45 CFR 303.8(b)(2) and (b)(7)(ii)

¹⁹ "By operation of law" in this context means that the law will authorize the IV-D program to abate an NCP's support obligation upon specific conditions being met. The monthly support payment will be adjusted to zero without the need for a request by a party or the initiation of a review.

effective date of April 1, 2019. Therefore, until OCS can implement the long-term solution, it will apply an interim solution.

2. Interim Solution

The PLG chose Option 1: Initiating a review after learning that an NCP will be incarcerated for more than 180 days and modifying the order, if appropriate. The interim solution will not require significant system updates. Reviews will be initiated manually rather than automatically. In addition, the interim solution will have the following advantages:

- It will prevent MiCSES rework when the long-term solution is implemented;
- The cost to implement it will be minimal;
- It will ensure that Michigan is complying with its State Plan;²⁰ and
- It will be consistent with current practice since many FOCs currently initiate reviews for incarcerated NCPs.

The PLG did not choose Option 2 because research has shown that parties are not likely to respond to a notice.²¹ Therefore, not many reviews would result from sending notices, and arrearages would continue to accrue while the NCP is incarcerated with no ability to pay.

B. Initiating Reviews for Incarcerated NCPs

1. Benefits of Initiating Reviews

Initiating reviews soon after the IV-D program learns that an NCP will be incarcerated for more than 180 days will assist the IV-D program in meeting its strategic goal of improving customer service. Often, incarcerated NCPs have no assets and little or no income to pay child support. When incarcerated for an extended period, an NCP may accumulate significant child support debt if the child support obligation continues charging. The NCP will not likely be able to pay the accumulated arrears upon release.

Reviewing the NCP's order(s) and, if appropriate, modifying the order(s) for the duration of the incarceration will reduce the amount of arrears the NCP will have to pay upon release. This may result in a more manageable child support payment, and it may also increase collections.

2. Timeframe for Initiating Reviews

²⁰ States are required to submit State Plans confirming that they are complying with federal IV-D program requirements. The requirement for submission of a State Plan and plan amendments for the child support program is found in sections 452, 454, and 466 of the Social Security Act.

²¹ This was one of the lessons learned during the Michigan Prisoner Support Adjustment Project. For more information, reference the project's [final report](#) published in June 2006.

The federal regulation requires that the IV-D program initiate a review after learning that an NCP will be incarcerated for more than 180 days. The regulation does not specify how soon a review must be initiated after learning of the NCP's incarceration. Federal and state law prohibit retroactive modification of an order.²² Therefore, initiating and completing a review as soon as possible will reduce the accumulation of arrears.

After consulting program partners, OCS determined that within 14 days of generating the RV-200 report, IV-D workers will be required to initiate a review²³ for those NCPs who meet the criteria.²⁴ IV-D workers will be required to generate the RV-200 at least once every 30 days effective March 11, 2019. This ensures that all required reviews will be initiated within 44 days of the IV-D program learning²⁵ of the NCP's incarceration. The 44-day timeframe includes 30 days to generate the RV-200 and 14 days to initiate the reviews that appear on the report. This timeframe takes into consideration the FOC's existing review and modification workload and the importance of initiating a review as soon as possible.

C. *Review and Modification – Incarcerated NCPs Report (RV-200)*

1. Overview

The RV-200 compiles incarceration data from the MDOC, SVES²⁶ and the MiCSES DEMO screen. The report logic uses the incarceration data as well as information from the *Review and Modification* (REVMOD) activity chain and other MiCSES screens to determine whether a review is required. The information considered when determining whether a review is required includes:

- Length of incarceration and incarceration release dates;
- Case status and support order amount;
- Child(ren)'s emancipation date(s); and
- Whether a review has been initiated or completed during the NCP's incarceration.

2. Generating the RV-200

²² 45 CFR 302.70(9); Michigan Compiled Law (MCL) 552.603(2)

²³ The IV-D worker will complete a full review of the order as described in Section 3.45 of the *Michigan IV-D Child Support Manual*.

²⁴ IV-D workers will learn of an NCP's incarceration from the RV-200. The RV-200 will compile incarceration data from the Michigan Department of Corrections (MDOC), the State Verification Exchange System (SVES), and the MiCSES *Member Demographics* (DEMO) screen. Ref: Section C of this memorandum for more information about the RV-200.

²⁵ The IV-D program learns of the NCP's incarceration when MiCSES receives the incarceration data.

²⁶ Ref: [MiCSES Report Description: SVES – State Verification Exchange System Reports](#) for more information about SVES reports.

IV-D workers are required to generate the RV-200 for incarceration records received on and after March 11, 2019. Therefore, when a IV-D worker generates the RV-200 for the first time, (s)he will enter March 11, 2019 as the “From” date and the date the report is being generated for the “To” date. More detailed information about generating the RV-200 is included in Section 3.45 of the *Michigan IV-D Child Support Manual*. System documentation will provide IV-D workers with information on how to retrieve and read data from the RV-200.²⁷

3. Using the RV-200 to Identify the Need for Reviews

A IV-D worker will know that MiCSES has received data about an NCP’s incarceration if it appears on the RV-200. The code (“Y,” “C,” or “N”) in the report’s Required Review column indicates whether a review of the NCP’s order is required. This column will identify:

- NCPs with orders that require a review (“Y”);
- Orders with open reviews that require completion (“C”);²⁸ and
- NCPs who are currently incarcerated but for whom there is not enough information to determine whether a review is required (“N”).

“N” records on the RV-200 identify NCPs who are or were incarcerated but do not meet all the conditions for a required review, or whose incarceration data is insufficient to determine the length of incarceration. The IV-D worker may evaluate these records and investigate further but is not required to do so. After doing research, the IV-D worker may determine that a review is necessary and may initiate a review and modification when appropriate.

Currently, Michigan law requires the FOC to initiate a review within 14 days of receiving information that an NCP has been incarcerated or has been released from incarceration after being sentenced to a term of more than one year. The RV-200 will identify NCPs who were incarcerated for 365 days or more and who were released or will be released within 90 days of the date MiCSES received the incarceration record. These NCPs will appear on the RV-200 report as requiring reviews.

Note: A small number of NCPs who should appear on the RV-200 will not appear on the report because of the way MDOC sends information on release dates.²⁹ OCS has entered a Help Desk ticket³⁰ to address this issue and display these NCPs on the RV-200. IV-D workers may see incarceration data on other Business Objects

²⁷ Ref: *Business Objects Report Description: Review and Modification – Incarcerated NCPs (RV-200)*.

²⁸ IV-D workers may have already initiated a review based on incarceration information received from sources other than the RV-200 report.

²⁹ MDOC sends both a minimum release date and a released date. Currently, the RV-200 does not consider the released date when determining whether the NCP is entitled to a review.

³⁰ Help Desk ticket 544955

reports³¹ that indicates an NCP is entitled to a review pursuant to the federal regulation or under state law. If a IV-D worker learns that an NCP meets the criteria for a review under the federal regulation or state law, (s)he must initiate a review.

4. Incarceration Records Received Prior to March 11, 2019

IV-D workers may generate the RV-200 to retrieve and evaluate all the incarceration records MiCSES has ever received³² to determine whether reviews are required under the federal regulation. It is not required that IV-D workers generate this historical data.

Information about incarcerated NCPs that MiCSES received prior to March 11, 2019 will not appear in the RV-200 unless the report is generated with a “From” date that is prior to March 11, 2019. However, these NCPs may benefit from a review and modification since this historical data may include records for NCPs who have been incarcerated more than 365 days. IV-D workers are required under Michigan law to initiate a review for these NCPs.³³

To help IV-D workers determine the amount of historical data that may be generated if they run the report, spreadsheets will be available on mi-support’s [Document Distribution Center](#)³⁴ on March 11, 2019. The spreadsheets will include the total number of “Y” (required review), “C” (complete review), and “N” (IV-D worker may determine if a review is appropriate) records by county for each year prior to March 2019. IV-D workers can manage the number of historical records generated by selecting “To” and “From” dates that cover a specific period of time.

D. Policy Updates to Section 3.45, “Review and Modification”

OCS updated Section 3.45 to include the federal requirement to initiate reviews for NCPs incarcerated for more than 180 days, information about the RV-200, and the actions required to comply with the federal regulation. The revisions to Section 3.45 also include:

- A clarification that zero support orders with no medical or childcare expenses are deviations from the Michigan Child Support Formula;
- A reference to intergovernmental policy for how to determine Continuing, Exclusive Jurisdiction (CEJ) and the requirement for IV-D workers to determine the appropriate state to conduct the review;
- Added and updated legal citations and subsection references;

³¹ Ref: [Business Objects Report Description: Proactive Locate – Incarceration \(LC-011\)](#); [Business Objects Report Description: Member Income and Location Report \(LC-001\) \(MILR\)](#); and [Business Objects Report Description: Income and Location Report \(LC-002\) \(ILR\)](#).

³² MiCSES has MDOC data dating back to 1999 and SVES data since 2004.

³³ Ref: MCL 552.517(1)(f)(iv)(B).

³⁴ Ref: [MiCSES Customer Information Guide: mi-support Document Distribution Center](#).

- Changing the term “IV-D worker” to “FOC worker” where applicable;
- Minor wording changes;
- Removal of outdated material; and
- Updated footnotes and policy references.

E. Added Federal Requirements for Establishing and Modifying Child Support Orders

Federal regulation³⁵ has been revised to include additional requirements for IV-D agencies when establishing or modifying child support orders. The regulation requires IV-D programs to establish and modify child support orders using laws, processes and legal procedures that include, at a minimum, all of the following:

- Using interviews, investigations, case conferences, parent interviews and other investigative procedures to develop a factual basis for the support obligation;
- *Gathering information* about the earnings and income of the NCP and, when actual data is not available or insufficient, gather information about the NCP’s specific circumstances and factors, including employment and earnings history, job skills, criminal records, etc.³⁶
- *Basing the support obligation* or recommended obligation on the earnings and income of the NCP, and if actual data is not available or insufficient, then basing support on available information about the specific circumstances of the NCP; and
- Documenting the basis for the support obligation or recommendation in the case record.

Michigan IV-D policy already addresses these requirements in *Michigan IV-D Child Support Manual* Section 4.20, “Support Recommendations and Order Entry,” and Section 3.45, “Review and Modification,” and in the 2017 MCSF Manual. Therefore, these revisions to the federal regulations do not require additional updates to the *Michigan IV-D Child Support Manual*.

NECESSARY ACTION:

Review Section 3.45 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual. Discard the previously published version of Section 3.45 (published March 6, 2017).

Begin generating and taking appropriate action on the RV-200 at least once every 30 days effective March 11, 2019.

³⁵ 45 CFR 303.4(b)

³⁶ 2017 *Michigan Child Support Formula (MCSF) Manual* Section 2.01(G)(2) provides relevant factors to consider when imputing an income.

REVIEW PARTICIPANTS:

Enforcement Work Improvement Team
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CC:

All OCS staff

SUPPORTING REFERENCES:

Federal

Sections 452, 454, and 466 of the Social Security Act
45 CFR 302.56(c)(iii)
45 CFR 302.70(9)
45 CFR 303.4(b)
45 CFR 303.8(b)(2) and (b)(7)(ii)

OCSE AT-16-06

State

MCL 552.517(1)(f)(iv)(B)
MCL 552.603(2)

SCAO ADM 2018-01

ATTACHMENT:

Section 3.45: Review and Modification

EPF/VPW

IV-D MEMORANDUM 2019-010

TO: All Friend of the Court (FOC) Staff

FROM: Erin P. Frisch, Director
Office of Child Support (OCS)

DATE: June 10, 2019

<p>UPDATE(S):</p> <p><input checked="" type="checkbox"/> Manual</p> <p><input checked="" type="checkbox"/> Form(s)</p>

SUBJECT: Introduction of *Michigan IV-D Child Support Manual* Section 6.39, “Civil Contempt (Show Cause),” and Improvements to the Civil Contempt (Show Cause) Processes

ACTION DUE: Define County Form Options on June 17, 2019³⁷

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum introduces Section 6.39, “Civil Contempt (Show Cause),” of the *Michigan IV-D Child Support Manual*. Section 6.39 incorporates policy from the recently published IV-D Memorandum 2019-006, *Federal Regulations Regarding Civil Contempt (Show Cause)*, as well as new policy. It provides guidance about civil contempt as an enforcement remedy for non-compliant non-custodial parents (NCPs). Section 6.39 is intended to:

- Assist IV-D staff in civil contempt processes;
- Improve successful outcomes for families served by the Michigan Child Support Program; and
- Explain systematic tools that will help IV-D staff screen cases and gather information about the NCP’s ability to pay.

With the Michigan Child Support Enforcement System (MiCSES) 10.1 Release (June 14, 2019), OCS will implement system support for screening cases through the new *Civil Contempt Ability to Pay Screening* (CAPS) screen.³⁸ IV-D staff will use the CAPS screen to screen a case when contemplating a civil contempt action. In addition, OCS will implement the new *Ability to Pay Worksheet* (FEN14X and FEN14Y) to help IV-D staff gather information from NCPs about their ability to pay support.

Information about the CAPS screen and the *Ability to Pay Worksheet* is included in Section 6.39. Change bars in the right margin of the manual section identify this information and any new or updated policy since the publication of IV-D Memorandum 2019-006. Policy from IV-D Memorandum 2019-006 is not identified with a change bar.

With the publication of this policy, IV-D Memorandum 2019-006 is obsolete. Also, this policy obsoletes IV-D Memorandum 2010-003, **REVISED:** *Repeal of the Child Support Bench Warrant Enforcement Fund (BWEF) and Completion of Requirements Under the BWEF Memorandums of Understanding (MOUs)* because it is no longer applicable.

³⁷ Ref: Section C(2) of this memorandum for information on setting county form options.

³⁸ Ref: [CAPS screen documentation](#) on mi-support.

Finally, this IV-D Memorandum announces an updated table of contents for the *Michigan IV-D Child Support Manual*. The title of Section 6.39 has been changed to “Civil Contempt (Show Cause),” and asterisks have been added to the end of the section title to indicate the availability of this new manual section. Additionally, the sections in Chapter 8, “Reports” have been revised in preparation for upcoming changes to reports organization on mi-support. These changes, which will make it easier to find report information on mi-support, will be announced in the near future.

DISCUSSION:

A. Overview and Background

As previously announced in IV-D Memorandum 2019-006, federal regulation³⁹ requires the state IV-D agency (OCS) to provide guidance to IV-D staff for using civil contempt to enforce child support orders.⁴⁰ Specifically, the regulation requires the IV-D agency to include guidance that IV-D staff will:

- “Screen the case for information regarding the noncustodial parent’s ability to pay or otherwise comply with the order;
- Provide the court with such information regarding the noncustodial parent’s ability to pay, or otherwise comply with the order, which may assist the court in making a factual determination regarding the noncustodial parent’s ability to pay the purge amount or comply with the purge conditions;⁴¹ and
- Provide clear notice to the noncustodial parent that his or her ability to pay constitutes the critical question in the civil contempt action.”⁴²

The MiCSES 10.1 Release will provide the first phase of system support for Michigan’s policy to comply with the federal regulation and improve its civil contempt processes. OCS developed the CAPS screen and the *Ability to Pay Worksheet* to provide the following benefits:

- Improved efficiency for IV-D staff performing case screening;
- More accurate evaluation of an NCP’s ability to pay – IV-D staff are more likely to find relevant information from data gathered in one location rather than several locations;

³⁹ 45 Code of Federal Regulations (CFR) 303.6

⁴⁰ Ref: federal [Office of Child Support Enforcement \(OCSE\) Action Transmittal \(AT\)-16-06, Final Rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs; OCSE AT-12-01, Turner v. Rogers Guidance; and OCSE Information Memorandum \(IM\)-12-01, Alternatives to Incarceration.](#)

⁴¹ Purge conditions are the conditions the individual must meet to avoid the sentence of a finding of contempt. A purge condition may be an amount that must be paid.

⁴² Ref: Section 6.39, Subsection 2 for more information about the federal regulation and Michigan law related to enforcement and civil contempt.

- Improved communication to encourage the NCP and custodial party (CP) to provide “ability to pay” information; and
- Improved data collection/recording for future analysis, program development, policy revisions, system enhancements, and planning.

OCS intends to provide policy for additional phased-in system support in future releases.

B. CAPS Screen and Screening Cases

The CAPS screen will provide a single source of aggregated MiCSES and Data Warehouse information that is relevant for civil contempt screening. At the request of the Program Leadership Group (PLG), the Enforcement Work Improvement Team (ENF WIT) identified and recommended a list of factors IV-D staff will review when screening cases. The Civil Contempt Workgroup then agreed upon six screening factors. The CAPS screen will display the screening factors at the top of the *Tiles Pane* by default.⁴³ IV-D staff will, at a minimum, review the six factors when screening cases for the NCP’s ability to pay. These factors are:

- The NCP’s payment history;
- Income withholding activity;
- Review and modification activity;
- The NCP’s receipt of Supplemental Security Income or Social Security Disability;
- The NCP’s incarceration status; and
- The NCP’s receipt of workers’ compensation.

The NCP’s receipt of public assistance is a recommended screening factor, and IV-D staff will screen this factor when it becomes available on the CAPS screen.⁴⁴ IV-D staff will use the public assistance data on the CAPS screen only for the purpose of screening cases. This data will not be intended to replace, supplement, or be used as a comparison with the assistance information found on the *Member Assistance History* (MAHI) screen, Data Warehouse, and/or Business Objects reports.

With the MiCSES 10.1 Release (June 14, 2019), IV-D staff will follow the screening policy when they consider pursuing civil contempt (show cause) for a case in which a *Show Cause/Bench Warrant* (SCBW) activity has **not** already been started. IV-D staff will not be required to screen cases for which an SCBW activity was started before the MiCSES 10.1 Release.

This policy and the implementation of the CAPS screen reflect the PLG’s support of the solution suggested by the Friend of the Court Association (FOCA) to translate the Kent

⁴³ Ref: CAPS screen documentation on mi-support

⁴⁴ The NCP’s public assistance information will be added to the CAPS screen in a future release. OCS will notify IV-D staff via a Help Desk notification when this occurs.

County FOC's Case Tracker II system into a MiCSES screen to be used by IV-D staff for case screening. The translation into MiCSES does not include all the features of the Case Tracker II system and is limited to data available in MiCSES and the MiCSES Data Warehouse.⁴⁵

C. Ability to Pay Worksheet

The Civil Contempt Workgroup developed the new *Ability to Pay Worksheet* as a tool with flexible options⁴⁶ to help IV-D staff gather information about the NCP's ability to pay.

The worksheet has two versions – one for the CP (FEN14X) and one for the NCP (FEN14Y). It includes questions pertaining to the relevant screening factors as well as additional questions intended to uncover an NCP's resources and barriers.

1. Inclusion With the FEN140

The *Ability to Pay Worksheet* obsoletes and replaces Attachment A of:

- The *Notice of Contempt Hearing for Failure to Pay Support* (FEN14L/FEN140/FOC2b); and
- The *Motion and Order to Show Cause for Contempt – Support* (FEN14L/FEN140/FOC2).⁴⁷

While Attachment A was included with the local copy (FEN14L) of the FEN140, the *Ability to Pay Worksheet* will not be included with the FEN14L.

FOC offices will have the option to include the worksheet with the NCP's and/or CP's copy of the FEN140 (Ref: Section C[2], below). FOC offices also may generate the worksheet by itself for the NCP and/or CP from the *Enforcement Forms Matrix* (ENFM) screen.

2. Required FOC Action: Define Worksheet Options in MiCSES

On **Monday, June 17, 2019**, immediately after the MiCSES 10.1 Release weekend, each FOC office will define its options for the payer/NCP (FEN14Y) and payee/CP (FEN14X) versions of the *Ability to Pay Worksheet* through the *County Profile Editor* (FCPE) screen. The FOC office will set the following options:

⁴⁵ NCP public assistance information will be taken from the Bridges Data Warehouse when it is added to the CAPS screen.

⁴⁶ Ref: Section C(2) in this memorandum for details about setting the form options.

⁴⁷ Language regarding an NCP's ability to pay being a critical issue for the civil contempt proceeding was added to the FEN14L/FEN140 in MiCSES on August 23, 2018. Ref: the [August 16, 2018 email notification: Updated Enforcement Templates Releasing to Production 8/23/2018](#) and [State Court Administrative Office \(SCAO\) Friend of the Court Bureau \(FOCB\) Memorandum MCR 3.208 – Initiating Show Cause by Friend of the Court Notice](#).

- The language to include on the FEN14Y to instruct the payer how to return the worksheet;
- The language to include on the FEN14X to instruct the payee how to return the worksheet;
- Whether the FEN14Y will be included with the payer's copy of the FEN140; and
- Whether the FEN14X will be included with the payee's copy of the FEN140.

If the FOC office leaves the FEN14X and FEN14Y set to the MiCSES 10.1 Release default options, the following will occur:

- Neither version will be automatically included with the FEN140; and
- Neither version will have specific return instructions selected if the form is manually generated. Instead, the form will include both sets of return instructions. It will state: "Please complete this form and bring it to your hearing. Return it to the Friend of the Court within 14 days." This wording may be confusing to the form recipient.

After an FOC office initially sets these options following the MiCSES 10.1 Release, it will have the ability to change the choices for these options later, as needed.

D. Policy in Section 6.39

In addition to policy introduced in IV-D Memorandum 2019-006, Section 6.39 includes the following new and revised policy:

1. New Policy

- IV-D staff will use the CAPS screen to screen cases for the NCP's ability to pay;**
- IV-D staff may use the new FEN14X and FEN14Y forms to gather information from the NCP and the CP regarding the NCP's ability to pay;**
- IV-D staff will note on the CAPS screen whether an NCP/docket has been screened and whether they intend to proceed with a civil contempt action;**
- There are new procedures for starting and proceeding with a civil contempt action. IV-D staff cannot start the SCBW activity on the *Enforcement Processor (ENFP)* screen if the case has not been marked on the CAPS screen as screened with the intent to proceed; and**

- e. IV-D staff will rescreen the NCP/docket if the SCBW activity has not been started within 180 days of screening or after the SCBW activity has been concluded and closed.**

2. Revised Policy

IV-D Memorandum 2019-006 **recommended** that IV-D staff review six factors when screening cases for the NCP's ability to pay. However, with the publication of Section 6.39 and the implementation of the CAPS screen, IV-D staff will now review these factors.⁴⁸ The extensive, robust functionality of the CAPS screen will make it easier for FOC staff to review the factors because it will aggregate the screening information in a single location.

E. Contract Performance Standards⁴⁹

At this time, completing case screening will not be counted as timely enforcement for Contract Performance Standards – regardless of whether there is an intent to proceed with a civil contempt action. Joint Application Design (JAD) participants requested the completion of screening to be counted as a timely enforcement action, and OCS has entered a MiCSES Help Desk ticket to determine how this action may be counted.⁵⁰ The SCBW activity is counted as a resolution to the Timely Enforcement standard when the activity chain has been started on the ENFP screen.

NECESSARY ACTION:

Define your county's options for the FEN14X and FEN14Y on the FCPE screen.

Review Section 6.39 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual.

This IV-D Memorandum replaces and obsoletes the following:

- IV-D Memorandum 2019-006; and
- IV-D Memorandum 2010-003 and its attached exhibits:
 - Exhibit 2010-003E1, Child Support Bench Warrant Enforcement Fund Data Collection – Schedule A;
 - Exhibit 2010-003E2, Examples of How the Bench Warrant Enforcement Fund (BWEF) May and May Not Be Used;
 - Exhibit 2010-003E3, PIQ-81-02, Fee for Service in Sheriff's Agreements; and

⁴⁸ Ref: Section B of this memorandum for a list of the factors.

⁴⁹ Ref: [Section 1.25, "Contracts," of the Michigan IV-D Child Support Manual](#) for more information about Contract Performance Standards.

⁵⁰ Ref: Help Desk ticket 541361.

- Exhibit 2010-003E4, PIQ-81-13, Eligibility for FFP – Inclusion of Deputy Sheriff in the Unit Cost Rate Computation in South Carolina.

REVIEW PARTICIPANTS:

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All Prosecuting Attorney Staff
All OCS Staff

SUPPORTING REFERENCES:

Federal
45 CFR 303.6

OCSE AT-16-06
OCSE AT-12-01
OCSE IM-12-01

State
None

ATTACHMENTS:

Section 6.39: Civil Contempt (Show Cause)
FEN14X: *Ability to Pay Worksheet – Payee*
FEN14Y: *Ability to Pay Worksheet – Payer*

Michigan IV-D Child Support Manual: Introduction and Table of Contents

EPF/CPT**IV-D MEMORANDUM 2019-014**

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: August 19, 2019

SUBJECT: Increases in the Federal Annual Fee (FED Fee) and the
Disbursement Threshold for Fee Assessment

UPDATE(S): Manual Form(s)

ACTION DUE: None

POLICY EFFECTIVE DATE: FED fee increases are retroactive to October 1, 2018.

PURPOSE:

This IV-D Memorandum announces revisions to Section 5.70, "Fees (SF/PF, OSR and FFEE)," of the *Michigan IV-D Child Support Manual*. This manual section has been updated to discuss the amendment to Title IV-D of the Social Security Act, Section 454(6)(B)(ii), effective October 1, 2018,⁵¹ which includes:

- An increase in the federal annual fee (FED fee) to \$35; and
- An increase in the disbursement threshold for fee assessment to \$550.

OCS has updated Section 5.70 to clarify FED fee payment requirements on Food Assistance Program (FAP)-only IV-D cases. OCS has also added clarification about federal reporting of the Attorney General portion of the statutory fee.

Significant changes since the last publication of the manual section are indicated by a change bar in the right margin. Content that has been moved or reformatted since its last publication is not indicated by a change bar.

The changes to the FED fee and disbursement threshold will be implemented in the Michigan Child Support Enforcement System (MICSES) with the 10.1.3 release on August 23, 2019.

DISCUSSION:**A. Federal Annual Fee (FED Fee) History**

The Deficit Reduction Act of 2005⁵² amended Title IV-D of the Social Security Act, Section 454(6)(B)(ii), to mandate a federal annual fee (FED fee). The federal regulation⁵³ requires

⁵¹ Ref: [Bipartisan Budget Act of 2018, SEC. 53117. Modernizing Child Support Enforcement Fees.](#)

⁵² Ref: [Deficit Reduction Act of 2005.](#)

⁵³ 45 Code of Federal Regulations (CFR) 302.33(e)

state IV-D programs to assess the FED fee in every fiscal year for **each** IV-D case that meets the assessment criteria.⁵⁴ At the time the law was passed, the FED fee was \$25.

The Michigan Legislature implemented the \$25 annual fee through the passing of Public Act 113 of 2008, Section 461.⁵⁵ This, together with federal direction regarding the FED fee, provided for the assessment of the fee and retention from custodial parties (CPs) who had received at least \$500 in child support in the fiscal year.

On April 30, 2008, MiCSES began assessing⁵⁶ the FED fee on IV-D cases based on disbursements dating from April 1, 2008 (the FED fee effective date). Then, beginning in September 2008, through fiscal year 2010, the Michigan child support program retained the FED fee from the individual who received a child support collection (the CP).

As of October 1, 2010, Michigan has not had the authority to retain the FED fee from the CP. The Michigan IV-D program continues to assess the FED fee on all eligible IV-D cases but no longer *collects* the FED fee from the CP. Beginning with fiscal year 2011, the budget for the Michigan Department of Health and Human Services (MDHHS) has included money for payment of assessed FED fees. Therefore, Michigan has been paying the FED fee out of state funds since fiscal year 2011.

B. Increase in the FED Fee and Child Support Disbursement Threshold

1. Legal Background

The Bipartisan Budget Act of 2018 (Public Law [P.L.] 155-123) amended Title IV-D of the Social Security Act, Section 454(6)(B)(ii), with the following changes:

- Increased the FED fee from \$25 to \$35 on IV-D case(s) in which the CP has never received Temporary Assistance for Needy Families (TANF); and
- Increased the annual amount of child support disbursed to the CP during a fiscal year from \$500 to \$550 for fee assessment. This amount is referred to as the “child support disbursement threshold.”

These changes were effective October 1, 2018; however, federal direction allowed a delay for states to determine if legislation was needed to assess and retain the increased fee. MDHHS considered seeking legislation to retain the fee from the CP but

⁵⁴ Ref: [Subsection 4.1, “FED Fee Assessment and Disbursement,” of Section 5.70 of the Michigan IV-D Child Support Manual](#) for specific assessment criteria.

⁵⁵ This Public Act was the budget appropriations for fiscal year 2008.

⁵⁶ Assessing the fee is not the same as retaining or collecting the fee; assessment is the act of imposing or charging the fee to a case. Michigan did not begin retaining the fee from the CP until September 2008; however, the Michigan IV-D program retained fees for all of fiscal year 2008 (October 1, 2007 to September 30, 2008) as well as fiscal years 2009 and 2010.

opted not to; the state will continue paying the fee. Therefore, the increased fee is retroactive to October 1, 2018.

2. MiCSES Updates

OCS will update MiCSES to increase the fee and disbursement threshold amounts in the MiCSES 10.1.3 Release (August 23, 2019).

Because MiCSES is currently assessing the \$25 FED fee amount, fees already assessed for fiscal year 2019⁵⁷ will need to be corrected in the system. With the MiCSES release:

- The previously assessed \$25 fees for fiscal year 2019 will be changed to \$35;
- MiCSES will begin assessing the increased fee for the remainder of FY19 and subsequent fiscal years; and
- The disbursement threshold in MiCSES will be changed to \$550.

After the release, existing MiCSES functionality will re-evaluate each IV-D case and determine if the FED fee should remain given the increased disbursement threshold of \$550. For example, if a fee was previously assessed when child support disbursements to the CP reached \$500, yet the disbursement did not reach \$550, MiCSES will remove the FED fee.

Currently there are no forms sent to the CP or non-custodial parent with FED fee information. Additionally, these changes will not affect disbursements to the CP.

C. Updates to Section 5.70

In addition to making appropriate revisions based on the above discussion, OCS has made additional updates to Section 5.70.

1. Assessment of Food Assistance Program (FAP)-Only Cases

Federal regulations require assessment of the FED fee on IV-D cases in which the family is receiving FAP only. However, because Michigan requires current FAP recipients to cooperate with obtaining an order for child support as part of FAP eligibility, the IV-D program must not collect the fee from the CP on these cases. Michigan assesses the fee on FAP-only cases and pays the fee out of state funds. OCS updated Section 5.70 to clarify federal options and added references to federal regulations for assessing and retaining the FED fee on IV-D cases with FAP-only assistance.

⁵⁷ The 2019 federal fiscal year began on October 1, 2018.

2. Attorney General Portion of the Statutory Fee

OCS has updated Section 5.70 to clarify that the Attorney General portion of the statutory fee is considered IV-D program income regardless of how the Department of the Attorney General uses the funds.

D. Manual Adjustments to the FED Fee Assessment

In some circumstances, IV-D workers must complete manual FED fee adjustments and recoupments in MiCSES. These processes remain unchanged with the policy revisions. IV-D staff are encouraged to review Subsection 4.3, "Manual Adjustments to the FED Fee Assessment," and Subsection 4.7, "FED Fee Recoupment," in Section 5.70 of the *Michigan IV-D Child Support Manual*. Because Michigan's IV-D program must share fee assessment proceeds with the federal government, incorrect assessment of the fee can result in Michigan inappropriately sending funds to the federal government. For further instructions on this process in MiCSES, IV-D staff may refer to the [MiCSES Quick Reference Guide: FFEE – Manually Assess or Remove a Federal IV-D Fee](#).

NECESSARY ACTION:

Review Section 5.70 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print the manual section and add it to the manual. Discard the previously published version of Section 5.70 (published August 16, 2011).

REVIEW PARTICIPANTS:

Financial Work Improvement Team
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CC:

None

SUPPORTING REFERENCES:

Federal
45 CFR 302.33(e)
Bipartisan Budget Act of 2018 (P.L. 155-123)

State

Public Act 113 of 2008, Section 461

ATTACHMENT:

Section 5.70: Fees (SF/PF, OSR and FFEE)

EPF/KLU

IV-D MEMORANDUM 2019-016

TO: All Friend of the Court (FOC) Staff
All Prosecuting Attorney (PA) Staff
All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
Office of Child Support

DATE: September 4, 2019

<p>UPDATE(S):</p> <p><input checked="" type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>
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SUBJECT: Changes to County-Funded Agency Placement Referrals

ACTION DUE: OCS recommends FOC staff review and work all affected IV-D cases by September 30, 2019.

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

Beginning October 1, 2019, the Child Welfare Program will send Child Care Fund (CCF)-funded agency placement referrals as state-funded through the MiSACWIS/MiCSES⁵⁸ interface. The Child Welfare Program will no longer send CCF-funded agency placement referrals as county-funded to MiCSES.

OCS has incorporated this change into the following sections of the *Michigan IV-D Child Support Manual*:

- Section 2.85, "Agency Placement – Case Initiation";
- Section 3.85, "Agency Placement – Case Management";
- Section 4.85, "Agency Placement – Establishment";
- Section 5.10, "Debt Types";
- Section 5.15, "Assignment of Support (Certification/Decertification)";
- Section 5.20, "Obligation – Entry, Modification and Adjustments"; and
- Section 5.85, "Agency Placement – Financial."

In addition, OCS has incorporated policy from IV-D Memorandum 2019-007, *Agency Placement Referrals for Relative Unlicensed Providers and Court Action Referrals (CARs) for Unlicensed Providers* into manual sections 2.85, 4.85, and 5.85. With the updates to these manual sections, IV-D Memorandum 2019-007 is obsolete.

OCS has also made minor changes to the following corresponding manual section exhibits:

- Exhibit 5.10E1: Court Case Types: Service Fees (SF) and Processing Fees (PF);
- Exhibit 5.10E2: MiCSES Debt Types and CSES Account Types Conversion Table;
- Exhibit 5.10E3: MiCSES Debt Types and Activities Table; and
- Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820).

⁵⁸ MiSACWIS is the Michigan Statewide Automated Child Welfare Information System; MiCSES is the Michigan Child Support Enforcement System.

Finally, in this memorandum, OCS provides an update regarding MiSACWIS referrals for relative unlicensed providers receiving foster care maintenance payments.

Throughout the manual sections and corresponding exhibits, change bars in the right margin indicate significant changes since the previous publication of the policy. Content that has been reorganized or reformatted since its last publication is not identified with a change bar. Policy from IV-D Memorandum 2019-007 is not identified with a change bar.

DISCUSSION

A. Changes to State- and County-Funded Agency Placement Referrals

1. Overview

Changes to state law⁵⁹ require the Michigan Department of Health and Human Services (MDHHS) to initially pay child welfare agency placement costs and get reimbursed by counties for a portion of eligible CCF⁶⁰ costs. The Child Welfare Program will implement this change for agency placements in MiSACWIS on October 1, 2019.⁶¹

Currently, counties initially pay foster care maintenance payments to providers responsible for the cost and care of a child receiving CCF-funded agency placement services (also known as a county-funded agency placement). The state then reimburses counties for a portion of the CCF costs. The Child Welfare Program refers these agency placements to OCS to pursue a support order and assign child support to the county for reimbursement of the cost of care for a child.

Because the state will now initially pay foster care maintenance payments to providers for CCF-funded child welfare agency placements, the IV-D program will no longer assign current child support collections to the county.⁶² Instead, the IV-D program will assign child support to the state⁶³ on CCF-funded agency placements that MiSACWIS refers to MiCSES.

2. MiSACWIS Referral Updates From County- to State-Funded Placements

On September 28, 2019, the Child Welfare Program will temporarily stop sending the daily referral file to MiCSES to allow for implementation of code changes in MiSACWIS to update funding from county to state on agency placement cases receiving CCF program services. MiSACWIS will resume sending the referral file to MiCSES on or about October 2, 2019.

According to the MiSACWIS team, the referral file will contain updates for approximately 1,890 agency placement IV-D cases in MiCSES that currently have a *Pay To* indicator⁶⁴ of COUNTY. After the referral file is received from MiSACWIS, MiCSES will automatically update these cases by adding a *Pay To* indicator of STATE with a *Pay To* effective date of October 1, 2019.

⁵⁹ Michigan Compiled Law (MCL) 400.117a(4)(a)

⁶⁰ The CCF is a funding source for serving juvenile justice, neglected and/or abused children who are not eligible for Title IV-E federal funds.

⁶¹ Ref: MCL 400.117a(4)(a)

⁶² IV-D staff will no longer create new obligations using the County-Funded Placement WF debt type. IV-D staff can continue to create new obligations using Provider Placement WF debt type. Ref: [Section 5.10, "Debt Types," of the Michigan IV-D Child Support Manual](#) for information on debt types.

⁶³ MCL 552.605d(3)

⁶⁴ The *Pay To* indicator provides the name/entity to whom support will be directed and can be found on the *SACWIS Case Information* (SCWS) screen and *Member Address History* (MAHI) screen in MiCSES.

OCS estimates the referral updates represent approximately 21 percent of the total number of active agency placement IV-D cases in MiCSES.⁶⁵ The estimated referral updates also represent less than 1 percent of the total caseload (809,480 open IV-D cases) in MiCSES.

FOC staff will end current child support obligations assigned to the county and ensure child support is appropriately assigned to the state. Past-due support that accrued on an agency placement IV-D case under assignment to the county before October 1, 2019 will remain assigned and payable to the county.⁶⁶

OCS also estimates 1,260 agency placement IV-D cases in MiCSES have current support obligations assigned to counties. The MiCSES project team will provide a list of these agency placement IV-D cases to the county before MiCSES receives the referral updates from MiSACWIS. IV-D staff will be notified via an email notification when the list is available.

OCS recommends FOC staff review cases on the list and take steps to change the assignment of support on these cases before MiCSES receives the referral updates from MiSACWIS. Doing so will prevent an overpayment of current child support collections to the county after October 1, 2019.

To ensure the correct recipient of support is on the agency placement IV-D case, FOC staff will:

- 1) End the assignment of child support to the county by end-dating the obligation on the County-Funded Placement WF debt type⁶⁷ effective September 30, 2019; and**
- 2) Assign child support to the state by adding or restarting the obligation on the assignable debt types⁶⁸ with an effective date of October 1, 2019. Accrual of support in the foster care (IVEF) category will occur after the referral update process is complete.**

If FOC staff wait to change the assignment of support until after MiCSES receives the referral updates from MiSACWIS on or about October 2, 2019, child support collections may incorrectly disburse to the county when they should have been sent to the state. If this happens, FOC staff will request a refund from their county CCF administrator and reapply the refund to the state.

B. State-Funded Agency Placements for Relative Unlicensed Providers⁶⁹

In early 2019, the Michigan Child Welfare Program announced⁷⁰ that unlicensed relatives who have placement of a child supervised by MDHHS are eligible to receive state-funded foster care maintenance payments. OCS informed IV-D staff of this change in IV-D Memorandum 2019-007. On April 1, 2019, MiSACWIS began sending state-funded referrals and referral updates for these relative unlicensed providers

⁶⁵ This approximate percentage of referral updates is based upon a total of 9,117 agency placement IV-D cases with an active agency placement record (F or J record on the MAHI screen) in MiCSES as of August 9, 2019.

⁶⁶ MiCSES will distribute and disburse past-due support collections to the WF debt type in the never-assigned arrears category to the check recipient ID (OTHP ID).

⁶⁷ Ref: Section 5.10 of the *Michigan IV-D Child Support Manual*.

⁶⁸ Assignable debt types for agency placements include Child Care (CC), Child Support (CS), Medical Support (MS), and Payee Bonus (PB). All current, past-due, and future medical support is assigned to the state on the pre-placement relevant case(s) during the child's agency placement.

⁶⁹ An unlicensed provider is not currently licensed by the State of Michigan to provide for the care of a child receiving foster care or juvenile justice services.

⁷⁰ Ref: MDHHS issued Communication Issuance 19-008, *Payments to Unlicensed Relatives* on January 22, 2019.

to MiCSES.⁷¹ When relative unlicensed providers begin receiving foster care maintenance payments on behalf of a child, they are no longer eligible to receive:

- Redirected child support; or
- Family Independence Program (FIP) assistance.

Child Welfare Program staff confirmed that they are still working to approve foster care maintenance payments in MiSACWIS for eligible relative unlicensed providers who had a child placed with them before April 1, 2019. Therefore, MiCSES will continue to receive referral updates that will have a retroactive *Pay To* effective date of April 1, 2019. Because these referral updates will be retroactive, relative unlicensed providers may receive an overpayment of child support. FOC staff will not attempt to recover any overpayments of support from relative unlicensed providers.

Relative unlicensed providers are responsible for reporting child support and foster care maintenance payments received in the same month(s) to child welfare staff. Child welfare staff will determine any repayment of overlapping benefits.

As mentioned in IV-D Memorandum 2019-007, FOC staff will continue to work their AGP_CHANGE alerts and end the redirection⁷² of support to the relative unlicensed provider on the agency placement IV-D case. Otherwise, MiCSES will continue to redirect support to the relative unlicensed provider. FOC staff will also ensure current charges are payable to the state to ensure child support is assigned to the state on the agency placement IV-D case.

Note: According to the Child Welfare Program, not all relative unlicensed providers will receive foster care maintenance payments because some providers are not required to accept funding assistance. Therefore, MiCSES will continue to receive these referrals from MiSACWIS as non-funded placements for unlicensed providers with a *Pay To* of PROVIDER. IV-D staff will refer to the *Pay To* indicator when determining funded or non-funded placements. They will not determine funded or non-funded placements based on whether the unlicensed provider is a relative or non-relative.

C. IV-D Staff Actions When Agency Placement Is With an Unlicensed Provider Receiving FIP Benefits and There Is No Existing Child Support Order

Children in a non-funded agency placement may still receive FIP benefits through MDHHS. In this instance, MiCSES will receive two separate referrals: a referral from MiSACWIS due to the agency placement, and a referral from Bridges due to the unlicensed provider and child receiving FIP. PA staff may receive two court action referrals (CARs) with the same case members – one for the agency placement IV-D case and one for the FIP IV-D case.

OCS has incorporated this policy and the recommended IV-D staff actions from IV-D Memorandum 2019-007 into Sections 2.85 and 4.85 of the *Michigan IV-D Child Support Manual*.

D. Revisions to Manual Sections

1. Policy Updates
 - a. Section 2.85, “Agency Placement – Case Initiation”

This section has been updated to explain the following:

⁷¹ These referrals are handled the same as other *Pay To* STATE agency placement referrals.

⁷² This occurs through either an administrative or judicial redirection. Ref: [Section 5.85, “Agency Placement – Financial,” of the Michigan IV-D Child Support Manual](#) for more information regarding the redirection of support.

- Non-funded agency placements include unlicensed providers who can be relatives or non-relatives of a child in their care;
- MiSACWIS referrals will contain a *Pay To* indicator of STATE for foster care maintenance payments paid from the CCF, and MiSACWIS will no longer provide MiCSES with the *Pay To* indicator of COUNTY; and
- The required actions that support specialists will take when agency placement is with an unlicensed provider receiving FIP benefits.

b. Section 3.85, "Agency Placement – Case Management"

In Section 3.85, Subsection 3.1, "Recipient of Support Information," includes a note to explain that MiSACWIS will no longer refer agency placements with a *Pay To* indicator of COUNTY.

c. Section 4.85, "Agency Placement – Establishment"

In this manual section, OCS removed a statement that the support specialist will send a Family Support (DS court case type) referral to the PA when paternity has not been established.

In addition, OCS added Subsection 2.2, "Referral to the PA for Agency Placements With an Unlicensed Provider Receiving FIP Benefits." This new subsection includes recommended actions for PA staff when more than one CAR is received for a child on an agency placement IV-D case and FIP IV-D case, and there is no existing child support order.

d. Section 5.10, "Debt Types"

Section 5.10 discusses changes to the County-Funded Placement WF debt type. It also explains the following:

- IV-D staff will no longer create new obligations with the County-Funded Placement WF debt type; and
- For county-funded agency placements prior to October 1, 2019, the County-Funded Placement WF debt type will remain payable to the county.

The three exhibits for Section 5.10 have been revised to reflect changes to the use of the WF debt type before and after October 1, 2019 for children receiving out-of-home services funded by the CCF.

e. Section 5.15, "Assignment of Support (Certification/Decertification)"

In Section 5.15, Subsection 2.1.3(C), "Assignment – Child Welfare Agency Placement," explains that support for the child from an agency placement case is assigned to the county when maintenance payments for the child were made from the CCF prior to October 1, 2019.

f. Section 5.20, "Obligation – Entry, Modification and Adjustments"

This manual section explains that obligations created with the County-Funded Placement WF debt type will have a check recipient ID in MiCSES. The check recipient ID identifies the county that will receive support collections for arrears that accrued in the never-assigned arrears category.

This section was also updated to clarify that if the child is in a non-funded provider placement, the check recipient ID identifies the provider who will receive child support collections.

g. Section 5.85, "Agency Placement – Financial"

Section 5.85 discusses the following:

- As of April 1, 2019, relative unlicensed providers are eligible to receive state-funded foster care maintenance payments from the general fund (GF);
- A reconciliation of state and county payments occurs on a monthly basis because the state and county share CCF costs;
- Impacts to county-funded agency placement IV-D cases in MiCSES before and after October 1, 2019;
- The state initially pays for the cost and care for a child in an agency placement funded by the CCF; therefore, current support from a CCF-funded agency placement is assigned to the state;
- The state incorporates child support collections received for CCF-funded agency placement cases in determining the appropriate county share of expenses;
- The name of the MDHHS unit to which FOC staff send the DHS-820 for state refunds was changed from the Governmental Benefits Coordination and County Chargeback Unit to the Accounts Receivable Unit, and the mailing address was updated; and
- The DHS-820 requires FOC staff to include the child's Agency Placement ID.

2. Other Updates

The State Court Administrative Office (SCAO) Administrative Memorandum (ADM) 2017-02, *Administrative Abatement or Redirection of Child Support* replaced ADM 2005-04. OCS updated manual sections 2.85, 5.20 and 5.85 with the appropriate ADM reference and hyperlink.

In Section 2.85, OCS replaced references to federal Office of Child Support Enforcement (OCSE) Informational Memorandum (IM) OCSE-IM-07-06 and Administration for Children and Families (ACYF) Children's Bureau (CB) ACYF-CB-IM-07-06 with OCSE-IM-12-02 and ACYF-CB-IM-12-06, *Requests for Locate Services, Referrals, and Electronic Interface between Child Welfare and Child Support Information Systems*.

OCS updated Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820) to include directions for adding the child's Agency Placement ID to the form. OCS also updated the mailing address for sending agency placement recoveries.

NECESSARY ACTION:

Review the updated policy information in Sections 2.85, 3.85, 4.85, 5.10, 5.20, 5.15, and 5.85 of the *Michigan IV-D Child Support Manual*. For those maintaining a hard copy of the manual, print these sections as well as Exhibits 5.10E1, 5.10E2, 5.10E3, and 5.40E3, and add them to the manual. Discard the previously published versions of these materials.

This policy obsoletes the following IV-D Memorandums:

- IV-D Memorandum 2016-010, *Updates to the Michigan IV-D Child Support Manual related to Child Welfare Referrals From the Michigan Statewide Automated Child Welfare Information System (MiSACWIS)*; and
- IV-D Memorandum 2019-007.

REVIEW PARTICIPANTS:

Financial Work Improvement Team
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SUPPORTING REFERENCES:

Federal

None

State

MCL 400.117a(4)(a)

MCL 552.605d(3)

ATTACHMENTS:

- Section 2.85: Agency Placement – Case Initiation
- Section 3.85: Agency Placement – Case Management
- Section 4.85: Agency Placement – Establishment
- Section 5.10: Debt Types
- Exhibit 5.10E1: Court Case Types: Service Fees (SF) and Processing Fees (PF)
- Exhibit 5.10E2: MiCSES Debt Types and CSES Account Types Conversion Table
- Exhibit 5.10E3: MiCSES Debt Types and Activities Table
- Section 5.15: Assignment of Support (Certification/Decertification)
- Section 5.20: Obligation – Entry, Modification and Adjustments
- Exhibit 5.40E3: Instructions for Completing the *Support Collection Payment Request* (DHS-820)
- Section 5.85: Agency Placement – Financial

EPF/JLA

IV-D MEMORANDUM 2019-022

TO: All Friend of the Court (FOC) Staff
 All Prosecuting Attorney (PA) Staff
 All Office of Child Support (OCS) Staff

FROM: Erin P. Frisch, Director
 Office of Child Support

DATE: December 3, 2019

SUBJECT: State Law and *Uniform Child Support Order* (USO) Revisions
 Regarding Health Care Coverage

<p>UPDATE(S):</p> <p><input type="checkbox"/> Manual</p> <p><input type="checkbox"/> Form(s)</p>

ACTION DUE: None

POLICY EFFECTIVE DATE: Upon receipt

PURPOSE:

This IV-D Memorandum announces revisions to health care coverage provisions in the Friend of the Court Act and the Support and Parenting Time Enforcement Act (SPTEA).⁷³ Many of the revisions implement a revised federal regulation⁷⁴ that broadened the definition of health care coverage to include public health care coverage. The federal regulation and state law revisions allow parents to fulfill their obligation to provide health care coverage for their child(ren) by obtaining and maintaining public health care coverage. The state law revisions also update other medical support provisions.

OCS will implement the policy, system and form changes required by the revised health care coverage provisions at a future date.⁷⁵

This IV-D Memorandum also announces a temporary revision to the *Uniform Child Support Order* (USO) forms in the Michigan Child Support Enforcement System (MiCSES):

- *Uniform Child Support Recommendation and Order* (MiCSES FOC10); and
- *Establishment Uniform Support Order* (5085).

Text that incorporates the revised state and federal law will be inserted in paragraph 13 and will replace the standard insurance provision in the USO. This text will appear in the USO starting December 6, 2019 with the MiCSES 10.2.2 Release.

DISCUSSION:

⁷³ The Friend of the Court Act and SPTEA were amended by House Bills 4304 and 4305 effective June 20, 2019.
⁷⁴ Ref: 45 Code of Federal Regulations (CFR) 303.31(a)(2). This federal regulation was amended by the final rule: Flexibility, Efficiency, and Modernization in Child Support Enforcement Programs, which was published on December 20, 2016.
⁷⁵ These updates are scheduled for June 2020.

The revised state law provisions are the first step toward implementing the federal requirement to allow parents to fulfill their health care coverage obligation with public health care coverage. The revised state laws define “health care coverage” and update provisions governing the establishment, enforcement and review of health care coverage provisions in child support orders. The state law revisions also:

- Add the requirement that obligated health care coverage is accessible; and
- Require that the Michigan Child Support Formula (MCSF) include guidance on accessibility and selecting which parent will provide coverage.

The revised federal regulation requires the IV-D program to allocate the cost of health care coverage between both parents. A process for allocating the cost of coverage between parents was in the MCSF before the federal regulation was revised. Therefore, no state law revisions were made to implement this federal allocation requirement.

A. Defining Health Care Coverage

Revisions to state law expand the definition of health care coverage to include public health care coverage as well as private health care coverage. Public health care coverage includes government benefit programs such as Medicaid, Healthy Michigan Plan, and MiChild (Children’s Health Insurance Program [CHIP]). Federal regulation requires state IV-D programs to allow parents to meet their health care coverage obligations by obtaining either private or public health care coverage for their children.

In its Notice of Proposed Rulemaking,⁷⁶ the federal Office of Child Support Enforcement (OCSE) explained the reasons for revising its regulations involving establishing and enforcing health care coverage for children. It states that:

The child support program has long been involved with securing health care coverage for children, but previously, the program has focused narrowly on *private* coverage available through a noncustodial parent’s employer rather than taking full advantage of the many coverage options available to children that have evolved over the years. In general, families in the child support program have limited or no access to employer-sponsored private insurance and are disproportionately eligible for Medicaid and the Children’s Health Insurance Program (CHIP). Even when it is available, the average cost of private family coverage has nearly tripled since 1999 according to OCSE and is not affordable. Therefore, to make sure that children get the coverage they need for their well-being, the child support system needs to be in a position to take advantage of the full range of coverage options, including the expanse of coverage

⁷⁶ Federal Register (FR) 68562

available through government programs⁷⁷ and the Affordable Care Act's Marketplace.⁷⁸

The revisions to the Friend of the Court Act⁷⁹ and SPTEA⁸⁰ include a definition for health care coverage that includes both public health care coverage (e.g., Medicaid) and private health care coverage. Prior to the state law revisions, courts were limited to ordering private health care coverage. The state law revisions remove this limitation from both acts.

B. Accessibility and Reasonable Cost

Federal regulation requires IV-D programs to seek health care coverage that is accessible to the child(ren) on the IV-D case.⁸¹ In addition to the existing requirement that health care coverage be reasonable in cost, revisions to the Friend of the Court Act and SPTEA also require coverage to be accessible to the child(ren).

Health care coverage is accessible when the child can attain or benefit from the health care coverage. Accessibility is usually defined by the distance a parent must travel to obtain health care services for his/her child. Both the Friend of the Court Act and SPTEA were updated to direct the FOC and the court to reference the MCSF to determine if health care coverage is accessible and reasonable in cost.⁸² Ref: Subsection F in this IV-D Memorandum for more information about the requirement for the MCSF to provide guidance on determining when health care coverage is accessible.

C. Obligating One or Both Parents

Ordering one rather than both parents to provide health care coverage eliminates unnecessary enforcement actions and reduces the medical coverage expenses for both households. The state law revisions added limitations on when the court will order⁸³ or the FOC will recommend⁸⁴ that both parents provide health care coverage. Both parents should be ordered to provide or recommended to provide health care coverage only when:

- Both parents already provide health care coverage; or
- Both parents agree to provide health care coverage.

⁷⁷ While employer-sponsored and other private insurance is important for children who have access to it, most uninsured children in custodial families (79 percent) are eligible for Medicaid or CHIP.

⁷⁸ FR 68562

⁷⁹ Michigan Compiled Law (MCL) 552.502(p) and MCL 552.502a(e) and (f)

⁸⁰ MCL 552.602(n), (aa) and (bb)

⁸¹ 45 CFR 303.31(b)(1)

⁸² MCL 552.517(1)(f)(iii) and MCL 552.605(a)(2)

⁸³ MCL 552.605a(2)

⁸⁴ Prior to the change in the state law, the MCSF advised against ordering both parents to provide coverage. Ref: Section 3.04(A) of the 2017 MCSF.

However, this limitation does not prohibit the court from using its discretion to order both parents to provide health care coverage based on the child's needs and the parents' resources.

D. Enforcing Medical Support

1. *National Medical Support Notice (NMSN)*

The Friend of the Court Act was revised to eliminate unnecessary enforcement when the parent has already obtained health care coverage or the employer's coverage is not accessible to the child or reasonable in cost.

This change prevents enforcement against parents who are meeting their health care coverage obligations with coverage that is not employer-based. Sending a NMSN often does not result in a child being enrolled in employer health care coverage.⁸⁵

The FOC is not required to send the NMSN when the order for health care coverage does not specify whether the coverage must be private or public **and** one of the following:

- The parent who is required to obtain health care coverage provides proof that the employer coverage is not accessible to the child or not available at a reasonable cost.

OR

- The parent who is required to obtain health care coverage has obtained and maintained health care coverage (which can include public health care coverage) that is accessible to the child and available to the parent at a reasonable cost.⁸⁶

2. **Notice of Noncompliance**

State law revisions require that additional information be added to the notice of noncompliance sent to parents for failing to obtain or maintain health care coverage as required by their child support order.⁸⁷ The notice must advise parents that they might be able to obtain public health care coverage for their child(ren). It must also provide parents with resources they can use to obtain information about public health care coverage.

⁸⁵ Research has shown that issuing a NMSN to the non-custodial parent's employer results in the child being enrolled in a health plan only 10 to 23 percent of the time. Therefore, medical support is actually provided as ordered in only 30 percent of cases. Ref: Center for Policy Research, Medical Child Support: Strategies Implemented by States, Prepared under Office of Child Support Enforcement Grant #08-C0067 to Texas Office of the Assistant Attorney Division of Child Support (2009).

⁸⁶ MCL 552.626(2)(a) and (b)

⁸⁷ MCL 552.626(4)

If the order for health care coverage does not specify whether health care coverage must be private or public health care coverage, the notice of noncompliance must include both of the following:

- A statement that the parent can obtain private or public health care coverage; **and**
- Contact information for local, state or federal agencies that administer public health care coverage.

OCS will update the *Notice of Noncompliance* (FEN304) when it makes the other system and form changes required to implement the state law revisions.

E. Review and Modification Changes

Revised grounds for an FOC-initiated review of health care coverage give the FOC additional flexibility to initiate a review to address health care coverage changes. Reasonable grounds to initiate a review of a child support order now include the following:

- A parent has probable access to health care coverage that is reasonable in cost and accessible to the child(ren). The parent is no longer under the limitation that the health care coverage be employer-based or private self-coverage,⁸⁸ and
- The cost of health care coverage has changed since the prior order.⁸⁹

F. Michigan Child Support Formula (MCSF) Requirements

Revised state law requires that the State Court Administrative Office (SCAO) Friend of the Court Bureau (FOCB) include in the MCSF a presumption for determining whether health care coverage is accessible and whether it is reasonable in cost.⁹⁰ Although the requirement to include reasonable cost in the MCSF is newly added to state law, the definition of reasonable cost has already been included in the MCSF for many years. The presumption for determining accessibility and reasonable cost will assist IV-D workers and the court when evaluating health care coverage options available to the parents.

State law revisions also include a requirement that the MCSF provide guidance on determining which parent should be ordered to provide health care coverage. The MCSF included this guidance prior to the state law changes; however, SCAO FOCB will revise the guidance to incorporate other state law changes discussed in this IV-D Memorandum.

The MCSF updates will be implemented on January 1, 2021 along with the other changes recommended during the four-year review of the 2017 MCSF.

⁸⁸ MCL 552.517(1)(f)(iii)

⁸⁹ MCL 552.517(1)(f)(iv)

⁹⁰ MCL 552.519(3)(a)(vi)

G. Revisions to the *Uniform Child Support Order (USO)* in MiCSES

1. Health Care Coverage Language in Paragraph 13

Working with SCAO and other program partners, OCS will implement temporary revisions to the USO forms in MiCSES:

- *Uniform Child Support Recommendation and Order* (MiCSES FOC10); and
- *Establishment Uniform Support Order* (5085).⁹¹

OCS will insert text incorporating the revised state and federal law in paragraph 13 of the FOC10 and 5085. This text will appear beginning December 6, 2019 with the MiCSES 10.2.2 Release⁹² and will remain until SCAO FOCP updates the USO following its usual timeframe and procedure. When SCAO FOCP updates the USO, OCS will make the same updates to the FOC10 and 5085.

The following text will be inserted in paragraph 13:

Health Care Coverage. For the benefit of the children, the plaintiff defendant shall maintain health-care coverage (as defined in MCL 552.602) that includes payment for hospital, dental, optical, and other health-care expenses when that coverage is accessible to the child and available at a reasonable cost [*and one or more of the phrases below*]:

up to a maximum of \$_____ for plaintiff.

up to a maximum of \$_____ for defendant.

not to exceed 6% of the plaintiff's/defendant's gross income.

Paragraph 13 will be similar to the existing paragraph 2, except for the following differences:

- No options will be selected in paragraph 2. Instead, MiCSES will populate paragraph 13 with the selections from the *Order Preparation and Entry* (OPRE) screen⁹³ that would have appeared in paragraph 2. The instruction “See paragraph 13” will be added to the end of paragraph 2;

Note: Moving the health care coverage selections from paragraph 2 to paragraph 13 will not affect a county’s Medical Support Contract Performance Standard

⁹¹ The USO form that is available on the SCAO website will not be revised at this time.

⁹² OCS will issue an email notification when this occurs.

⁹³ Ref: [MiCSES Screen Description: OPRE – Order Preparation and Entry](#).

(CPS) measure.⁹⁴ The Medical Support measure is tracked from data on the OPRE screen.

- The term “insurance” in paragraph 2 will be replaced with “health care coverage” in paragraph 13; and
- The definition of “health care coverage” referenced in paragraph 13 will include private as well as public health care coverage.

IV-D workers will be able to edit the text in paragraph 13. However, IV-D workers will only edit or delete this text when necessary to make the language consistent with the court’s order.

2. County Impacts

The revised language in paragraph 13 allows parents to meet their obligation to provide health care coverage for their child by obtaining and maintaining public coverage. However, MiCSES modifications that will address when the system will or will not generate a NMSN will not be implemented until June 2020. Therefore, MiCSES may generate a NMSN for a parent’s employer who should not receive a NMSN because the parent has complied with the order to provide health care coverage by obtaining and maintaining public coverage. In this circumstance, the parent may contact the FOC to object to issuance of the NMSN, and the FOC will terminate the NMSN.

OCS will provide a report of cases entered between the MiCSES 10.2.2 Release on December 6, 2019 (publication of the USO with the revised paragraph 13) and the implementation of the system and form changes scheduled for June 2020. OCS will publish more information about what will be included in the report prior to its distribution. The report will be provided for informational purposes only. Each county will determine whether and how to use the report.

NECESSARY ACTION:

Retain this IV-D Memorandum until further notice.

REVIEW PARTICIPANTS:

Case Management Work Improvement Team
Intergovernmental Work Improvement Team
Enforcement Work Improvement Team
Program Leadership Group

CONTACT PERSON:

⁹⁴ Ref: [Section 1.25, “Contracts,” of the Michigan IV-D Child Support Manual](#) for more information about CPS measures.

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CC:

None

SUPPORTING REFERENCES:

Federal

45 CFR 303.31(a)(2)

45 CFR 303.31(b)(1)

State

MCL 552.502(p)

MCL 552.502a(e) and (f)

MCL 552.517(1)(f)(iii) and (iv)

MCL 552.517(8)

MCL 552.519(3)(a)(vi)

MCL 552.602(n), (aa) and (bb)

MCL 552.605(a)(2)

MCL 552.626(2)(a) and(b)

MCL 552.626(4)

ATTACHMENT(S):

None

EPF/CJF